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The NPT BRIEFING BOOK (2022 Edition)

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Editorial Preface

This new edition of the NPT Briefing Book presents key documents related to the tenth review cycle of the NPT, as well as capturing important nuclear developments since the last edition of the Briefing Book in 2019. Its aim is to provide a reference guide for diplomats, academics and members of civil society engaged in the workings of the NPT and its review process.

The first edition of the NPT Briefing Book was produced in 1990 by Professor John Simpson at Southampton University. Since then, it has been regularly updated with new documents and sources before every session of the NPT review process. The publication has grown to become a regular fixture at such meetings. It is compiled with a diverse audience in mind; both seasoned followers of the NPT review process and newcomers to the topic should be able to engage with the content.

This edition of the Briefing Book is divided into two parts. Part I opens with an updated introductory guide to nuclear energy and nuclear weapons. It then provides a summary of the evolution of the NPT and its review process. In separate sections, a factual summary account of the proceedings and outcomes of preceding NPT Conferences is provided. This summary provides a brief snapshot of the evolution of the treaty and its review process.

Part II contains reference documents old and new, organised in thematic chapters. Each chapter is given a separate alphabetic code. The documents come from a variety of sources, although priority is given to official documents from international organisations and governments. In cases where a document belongs to two sections, it is kept only in one, and a reference to its location is inserted in the other. Not all documents are included in full. Some editorial judgement was applied, in the case of long documents, to include only relevant parts. When this is the case, the prompter '*[Eds . . .]'* has been used to show where the editorial scissors have been applied.

The content of the chapters is organised as follows:

Chapter A – The Nuclear Non-Proliferation Treaty (NPT)
This chapter contains the full text of the treaty and the status of signatures and ratifications. The treaty has 191 state parties, with the latest accession being that of the State of Palestine, in 2015.

Chapter B – Materials related to the Tenth NPT Review Conference
This chapter starts with documents addressing the procedural elements related to the RevCon that were agreed in the 2019 PrepCom. This includes the provisional agenda, the allocation of items to the RevCon Committees, and a list of background documentation requested. It also includes the 2019 PrepCom decision on the election of the president of the conference, which addressed the nomination of the Argentinian Ambassador Rafael Mariano Grossi (who was later replaced by Ambassador Gustavo Zlauvinen) and other conference officers, as well as the draft rules of procedure for the conference. The remainder of the chapter includes some key reports and working papers produced during the PrepCom. This includes the final report of the PrepCom, adopted in its third session (for reports of the first and second sessions, check earlier editions of the NPT Briefing Book). It also includes an 'Inter-Chair' working paper by the chairs of the first and second sessions of the review cycle, jointly submitted by Poland and the Netherlands. The chapter also includes the 'reflections' documents produced by each of the chairs of the three PrepComs, as well as the recommendations of the chair of the third session, issued as a working paper under the chair's responsibility due to lack of consensus.

Chapter C – Materials from previous Review Conferences

This chapter collects some of the key outcome documents from previous Review Conferences. In addition to excerpts from the Final Documents of the 2000 and 2010 Review Conferences, it includes the three decisions and the resolution on the Middle East agreed in the 1995 Review and Extension Conference as part of the indefinite extension package. As the last Review Conference in 2015 did not produce an outcome document, a short excerpt from the procedural report has been included.

Chapter D – Materials related to the establishment of a Zone Free of Weapons of Mass Destruction in the Middle East

This chapter contains several documents reflecting some historical and more recent developments on the WMD Free Zone in the Middle East issue. It is divided into three sections. Section 1 contains press releases related to the postponement of the 2012 Middle East Conference (mandated by the 2010 NPT Review Conference). The section also contains NPT working papers that carry the views of some regional states, including a working paper presented by Israel in the last RevCon, and Arab and Iranian working papers presented during the 2019 PrepCom. Section 2 addresses the new Conference on the establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction. The conference held two session in New York: one in 2019 and another in 2021. The section includes the General Assembly decision that provided the mandate for the Conference. It also includes the final report of the first session (including the agenda and the programme of work) and the political declaration issued by the participating states. The second session of the Conference was held (after postponement related to Covid-19) from 29 November to 3 December 2021 and the chapter includes the final report that it produced. The section also includes the two First Committee resolutions related to the region, adopted in November 2021. The resolution titled 'Establishment of a nuclear-weapon-free zone in the region of the Middle East' is notable, as it has been subjected to a vote since 2018, and this year the US changed its vote from against to abstention.

Chapter E – P5 Conferences

The NPT-recognized nuclear weapons states (referred to as the P5) have held regular meetings since 2009 (with a two-year hiatus in 2017 and 2018) dedicated to discussing confidence- building and nuclear disarmament. In December 2021, the P5 states met in Paris for their tenth conference. This chapter contains joint statements (and sometimes briefings, where no joint statement was agreed) from all conferences, charting the evolution of this process. France is the current coordinator of the group.

Chapter F – Declared Nuclear Policies by NPT-recognized NWSs

This chapter includes a selection of public announcements on nuclear policy and doctrine by the five NPT nuclear weapons states (China, France, Russia, the UK and the US). For China, the section includes nuclear-related excerpts from the White Paper titled 'China's National Defense in the New Era' that was released in 2019. For France, it includes excerpts of President Macron's speech to the École de Guerre in Paris in February 2020, which he dedicated almost entirely to nuclear policy. The chapter also includes excerpts from the most recent French Defence and National Security Review, published in 2017. For Russia, the section includes 'Basic Principles of State Policy of the Russian Federation on Nuclear Deterrence', which outlines Russia's nuclear posture and was released as an Executive Order by President Putin in June 2020. For the UK, the section includes the nuclear section from the 'Integrated Review of Security, Defence, Development and Foreign Policy' report released in March 2021, which has introduced some changes to UK nuclear policy. It also includes excerpts from a statement by the UK to the Conference on Disarmament, addressing these changes. For the US, the section

includes the bullet point summary of the latest US Nuclear Posture Review, released in February 2018 (under the Tump administration), and nuclear-related sections from the US Interim National Security Guidance issued by the Biden administration.

Chapter G – Treaty on the Prohibition of Nuclear Weapons
This chapter is divided into multiple sections. Section 1 includes the Treaty, which entered into force in 2021, and information on its signatures and ratifications. Section 2 includes relevant UN resolutions reflecting the Treaty's journey: in 2016 on launching the negotiations; in 2017 following conclusion of treaty negotiations; and the most recent First Committee resolution on the TPNW, adopted in 2021 (with 123 states in favour, 16 abstentions and 42 against). Section 3 contains some statements reflecting the different positions on the new instrument, by various groups including the five NPT nuclear states, NATO, the initial sponsors of UN Resolution 73/48, and a 2020 open letter by several former world leaders in support of the Treaty. Section 4 includes information on the first meeting of state parties, scheduled for 2022.

Chapter H – Documents related to the Conference on the Humanitarian Impact of Nuclear Weapons
This chapter contains some of the documents produced in the three Humanitarian Impact Conferences. It also includes some of statements reflecting positions on the humanitarian debate, most notably by Austria and Australia, each on behalf of different groups of states, in the 2015 RevCon. The chapter includes an excerpt from a 2019 NPT working paper on the humanitarian issue by supportive states, carrying recommendations on how the 2020 RevCon could address the issue. Finally, it also includes the operative paragraphs of the last UN First Committee resolution on the humanitarian consequences of nuclear weapons.

Chapter I – Bilateral Measures: Russia–United States
This chapter captures aspects of the nuclear relations between Russia and the United States, particularly as these relate to their mutual arms control agreements, and is divided into a number of sections. Section 1 addresses New START and includes the text of the treaty, which entered into force in 2011. In 2021, the agreement was extended, and the section includes statements released by the US and Russia on the extension, in addition to a fact sheet providing an update on the status of the implementation of the treaty. Section 2 addresses the INF Treaty. In August 2019, the six-month notice of US withdrawal from the Intermediate Nuclear Forces (INF) took effect, and the section includes statements by US and Russia explaining their respective national positions on the demise of the treaty. Section 3 addresses the Open Skies Treaty. It includes documents from both the US and Russian governments related to the status of the Open Skies Treaty following US withdrawal (which took effect in November 2020), and Russia subsequently announcing its intention to withdraw. Section 4 addresses the Bilateral Strategic Stability Dialogue between Russia and the US. Since the historic Reagan–Gorbachev statement on nuclear weapons has featured prominently, it was included for reference in the section. On 16 June 2021, the Russian and US presidents, following their Geneva summit, produced a joint statement on strategic stability, which is included here. The section also includes a joint statement released after the second session of the bilateral Strategic Stability Dialogue. The statement outlines the creation of two interagency expert working groups: the Working Group on Principles and Objectives for Future Arms Control, and the Working Group on Capabilities and Actions with Strategic Effects.

Chapter J – Resolutions Adopted by the 76th Session of the UN General Assembly
This chapter includes a selection of some of the UN resolutions adopted during the First Committee for the 76th ordinary session of the General Assembly. The section includes updated nuclear disarmament resolutions that represent different priorities and emphases on the issue,

led by Japan, the New Agenda Coalition (NAC), and the Non-aligned Movement (NAM). The polarisation over disarmament was particularly evident in the discussions over the Japan-led resolution titled 'Joint courses of action and future-oriented dialogue towards a world without nuclear weapons' that was adopted after separate votes on eighteen of its paragraphs. The resolutions on the humanitarian consequences of nuclear weapons, TPNW, and Comprehensive Test Ban Treaty (CTBT), as well as the Middle East, stirred considerable debate despite having only technical updates from previous years, and are included in the relevant sections of this briefing book. The section also includes a resolution adopted on the Fissile Material Cutoff Treaty (FMCT), proposed by Canada (in the previous two years only a decision was proposed), as well as a decision on nuclear disarmament verification. The chapter also includes a US-proposed resolution on compliance (last tabled in 2017), as well as a Chinese-proposed resolution (the first in arms control in thirty years) titled 'Promoting International Cooperation on Peaceful Uses in the Context of International Security'.

Chapter K – UN Security Council Resolutions
This chapter contains the texts of four relevant UN Security Council resolutions: 1540, 1887, 1977 and 2310. The chapter also includes a Security Council Resolution that extends the work of the 1540 Committee until 28 February 2022. The German and Belgian presidencies of the Security Council held briefings on the NPT in the Council during their terms in 2019 and 2020, respectively, and each was followed by a statement in support of the treaty, also included in this section.

Chapter L – Nuclear Weapons Testing
This chapter presents some of the relevant developments relating to the CTBT, which is yet to enter into force. Cuba and Comoros ratified the treaty in 2021, bringing the number of state parties to 170. The chapter includes the 'Final Declaration and Measures to Promote the Entry into Force' document produced by the last Article XIV Conference in 2021. The 'Friends of the CTBT' Group was not able to hold its biennial meeting in person, but foreign ministers of the group issued a joint video in support of the entry into force of the treaty. Some of the quotes from the video message are included in this chapter. The chapter also includes a joint statement by the foreign minister of Kazakhstan and CTBTO executive secretary on the occasion of the International Day against Nuclear Tests. Finally, the chapter also includes the operative text of the First Committee resolution on the CTBT, notable for the US shift from voting against it in the 75th session to endorsing it in the 76th session.

Section M – Nuclear-Weapons-Free Zone Treaties
This chapter shows the status of the treaties establishing the various Nuclear-Weapon Free-Zones (NWFZs). The Fourth Conference of Nuclear-Weapon-Free Zones and Mongolia, initially scheduled for 24 April 2020, was postponed to 2021 (to be decided by 75th Session of the General Assembly), due to the Covid-19 pandemic.

Chapter N – The International Atomic Energy Agency: Statutes, Resolutions and Decisions
This chapter contains an update on some of the key resolutions and decisions adopted in the 65th Session of the IAEA General Conference, including those on nuclear security, technical cooperation, strengthening the effectiveness and improving the efficiency of Agency safeguards, implementation of NPT safeguards in the DPRK, and the application of IAEA safeguards in the Middle East.

Chapter O – Safeguards Agreements with the International Atomic Energy Agency
This chapter provides an update on the status of the Comprehensive Safeguards Agreement and the Additional Protocol. Since the last edition of the Briefing Book, Benin, Eretria and Ethiopia have had their Additional Protocol enter into force.

Chapter P – Conference on Disarmament
This chapter covers the Conference on Disarmament (CD), which continues to be deadlocked without reaching a viable programme of work. The progress made through setting up subsidiary bodies in 2018 has, unfortunately, been rolled back in 2019. The chapter provides a snapshot of CD dynamics in 2019 through to 2021. It includes excerpts of CD's 2019 report. It also includes the draft decision submitted by the UK that tried to build on the 2018 structure to set up four subsidiary bodies and appoint two 'special coordinators'. While it received support from many delegations, ultimately the proposal could not reach consensus, and thus was not adopted by the conference. The section also includes an interesting Dutch working paper presented to the CD in 2019 under the title 'Back to basics – the Programme of Work', which proposes that the CD should return to working on the basis of the programme of work as intended in the Rules of Procedure, as used in the first decade-and-a-half from 1979 onwards. This proposal entails the de-linking of the CD's programme of work from the establishment of its subsidiary bodies. The chapter also includes the last iteration (three were submitted in total) of the package proposal by the six presidents of the 2020 session of the CD. These proposals were not adopted. The section also includes a proposal by Australian delegation to render the language of the Rules of Procedure gender-neutral. The chapter ends with an excerpt from the CD's 2021 final report.

Chapter Q – Security Assurances
This chapter contains the texts of two Security Council resolutions on the issue, as well as the texts of some unilateral security assurances provided by the nuclear weapon states. Due to their renewed significance, a subsection within the chapter covers key documents on security assurances to three of the former Soviet republics: Belarus, Ukraine and Kazakhstan.

Chapter R – Export Controls
This chapter includes documents related to the Zangger Committee and the Nuclear Suppliers Group. The statements issued at the last plenary meetings of the Nuclear Suppliers Group, held in Latvia and Kazakhstan, have been added to the section. No plenary meetings have been held since, due to the Covid-19 pandemic.

Chapter S – Nuclear Security
This chapter includes updates on the status of the Convention on the Physical Protection of Nuclear Material, as well as on the status of its amendment, which took effect in 2016. The chapter also includes the communiqué from the last Nuclear Security Summit in 2016, as well as the Ministerial Declaration of the International Conference on Nuclear Security (ICONS), organised at the IAEA in Vienna in 2020.

Chapter T – NPT Anniversary
This is a new chapter for this edition, and collects documents related to the fiftieth anniversary of the NPT, including documents marking the occasions of it being opened for signature (in 2018) and its entry into force (in 2020). This includes a 2018 joint statement by the foreign ministers of the three treaty depositories: Russia, the UK and the US. It also includes a series of national and joint statements and communiqués made in 2020 to mark the entry into force of the treaty.

Chapter U – New Multilateral Initiatives
This is another new chapter. It contains documents related to some of the new multilateral initiatives on nuclear policy that are of relevance to the NPT. The first section of this chapter includes documents that give a background on the origins and development of what started as the 'Stepping Stones Initiative', and is now called the 'Stockholm Initiative'. These include the NPT working paper presented by Sweden to the 2019 PrepCom, as well as a number of joint

ministerial statements/press statements made following meetings of the Initiative in Stockholm (2019), Berlin (2020), Amman (2021) and Madrid (2021). The second section of the chapter includes documents related to the US-led CEND initiative, including the 2019 NPT PrepCom working paper (which also includes a summary of earlier 2017 and 2018 working papers on the topic) that charts the evolution of the thinking behind the initiative. It also includes the press statements produced after its first two meetings, and the concept notes for each of the substantive subgroups established under the initiative.

The third section includes documents related to nuclear disarmament verification. The UN Group of Governmental Experts on disarmament verification released their report in 2019. The section includes excerpts from this final report, particularly a section on 'possible areas of convergence' that suggests a set of nuclear disarmament verification 'principles', and the conclusion and the recommendations of the report. The section also includes the programme of work of Phase III of the International Partnership for Nuclear Disarmament Verification (IPNDV). The last section of this chapter includes the 2019 Kyoto Appeal produced by the Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament organized by Japan, which includes recommendations to the 2020 Review Conference. The section also includes the conclusion and recommendations of the report by the High-level Fissile Material Cut-off Treaty Expert Preparatory Group. The Group met in 2017 and 2018, and its report was presented to the CD in January 2019. It also includes a statement by ninety civil society organisations outlining priorities for the review of the treaty. Finally, the section includes the joint ministerial statement by five European states on the occasion of the conference '2020. Capturing Technology. Rethinking Arms Control' to promote new and effective approaches to arms control that can contribute to international security and stability in the twenty-first century.

In editing this edition of the Briefing Book I have accumulated many debts of gratitude. I am very grateful to John Simpson, who laid the foundations of the Briefing Book in the 1990s, and his insights and advice continue to guide its production to this day. My thanks also go to our partners the James Martin Center for Nonproliferation Studies, in particular Bill Potter, Jean du Preez and Gaukhar Mukhatzhanova. I would like to thank the excellent research team at the Centre for Science and Security Studies, who played a key role in the production of this edition. This includes Amelie Stoetzel, Jannis Kappelmann, Artur Honich, Kayla Matteucci, Morgan Simpson, Luisa Fonteny, Felicia Yuwono, Daniel Salisbury and Ross Peel. Against the backdrop of a challenging pandemic situation and multiple delays to the conference, the production of this edition would not have been possible without the support of Olaf Poeschke, Robert Siegfried, Jana Eggers-Dymarski, Isabel Lucio, Kieran Bird and Madeleine Ryan.

Hassan Elbahtimy

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Section 1
Nuclear Energy and Nuclear Weapons: An Introductory Guide

Nuclear Materials

All matter is comprised of basic building blocks, called atoms, which themselves contain 'sub-atomic' particles. These particles are of three types: protons, neutrons and electrons. Protons (positively charged particles), together with neutrons (uncharged particles) make up an atom's core or nucleus. Electrons (negatively charged particles) are usually identical in number to the protons but are found outside of the nucleus of the atom. All chemical elements are defined and distinguished from each other by the number of protons their atoms contain, termed their atomic number. Examples of atomic numbers are 1 for an atom of hydrogen and 94 for an atom of plutonium. The addition or removal of electrons from atoms is the fundamental process behind chemical reactions. However, the number of protons and neutrons in the nucleus cannot be altered by chemical processes.

Protons and neutrons have much greater mass than electrons, and the total number of protons and neutrons gives elements a property known as their mass number. While all atoms of an element must have the same number of protons, they may contain differing numbers of neutrons. These variants are called isotopes of the element. Each isotope has different nuclear properties and mass numbers, but their chemical properties are effectively identical: thus, they can only be separated by making use of their differing masses, and not by chemical means.

Isotopes are normally identified by their mass number – the total number of their protons and neutrons. Thus, 'uranium 235', often shortened to the notation '^{235}U' (or 'U-235') indicates the isotope of uranium that contains 235 protons (92) and neutrons (143) in the nucleus of each atom. 'Plutonium 239', or '^{239}Pu' (or 'Pu-239') indicates the isotope of plutonium that contains 239 (94+145) protons and neutrons in the nucleus of each atom. The total number of protons and neutrons and the ratio between them determine whether the isotope is stable. When the mass number gets too large, or the ratio of protons and neutrons strays from a stable range, the isotope becomes unstable and will undergo various processes to move towards stability. Many of these processes involve the emission of sub-atomic particles and/or energy, known as radiation. Unstable isotopes are thus radioactive, and the more unstable they are, the more rapidly they will emit radiation, through a process known as radioactive decay.

There are several definitions for nuclear materials according to the context in which the term is used. In general, the term nuclear material refers to materials which may be used in a nuclear reaction to achieve some desirable outcome, such as energy generation or an explosion. This contrasts with radioactive materials, which emit radiation but are not normally useful in nuclear reactions as defined below. Both types of materials have both peaceful and military applications, and thus must be suitably managed.

Nuclear Reactions

Fission

Nuclear fission is the splitting of the nucleus of an isotope into two or more parts. This is a process which normally only occurs when heavy elements, such as uranium and plutonium, are bombarded by neutrons under favourable conditions. Not all isotopes of these elements fission under such circumstances; those that do are called fissile materials. The most frequently used fissile materials are the isotopes uranium 235 (U-235) and plutonium 239 (Pu-239). Some isotopes are not fissile but can be converted to a fissile form under neutron bombardment. These isotopes are called fertile materials and include isotopes such as thorium 232 (Th-232), which, following the absorption of a neutron, will undergo radioactive decay to become the fissile isotope uranium 233 (U-233).

Fissile isotopes are not found in their pure form in nature. U-235 forms only 0.7 per cent of the uranium in natural ore, with the remainder being mostly made up of fertile U-238. Plutonium does not exist at all in nature and must be manufactured from uranium. This is done by placing it inside a reactor, where some U-238 nuclei will capture slow moving neutrons to form fissile Pu-239.

When a fissile material is bombarded with neutrons, it splits into atoms of lighter elements. This process releases large quantities of energy and neutrons. If these neutrons hit and split additional fissile nuclei, more neutrons are released to continue the reaction. If there is a sufficient concentration of atoms of fissile isotopes within a given space this reaction will be self-sustaining. This is a 'chain reaction'.

The smallest amount of material required for a chain reaction is known as a critical mass. This may be affected by variables such as the concentration of the fissile isotopes in the material; the purity of the material — the presence of other isotopes will increase the critical mass by reducing neutron re-absorption; its density — if it is compressed the critical mass is reduced; its physical configuration — a sphere or some other shape; and neutron leakage — this can be reduced if steps are taken to reflect escaping neutrons back into the mass.

Fusion

Fusion takes place when two nuclei of light elements such as hydrogen fuse together to make a heavier nucleus. While this process releases much larger quantities of energy than the fission process, it also requires large amounts of energy to initiate it. Nuclei have overall positive electrical charges due to their being composed of positively charged protons and uncharged neutrons. For fusion to occur, the electrical repulsion forces that arise between the positively charged protons in the two nuclei must be overcome, and temperatures of over 100 million degrees Celsius are normally required for this to occur. The most frequently used materials to generate fusion reactions are gaseous tritium (H-3), deuterium (H-2) and the solid Lithium-6 Deuteride (^{6}Li^{2}H), which when heated to the temperature of the fusion reaction breaks down into tritium and deuterium.

Nuclear Reactors

Fission Reactors

There are several features common to all fission reactors, which are more commonly known by the general term nuclear reactors.

The first of these is that they contain a core or mass of fissile material (the fuel) which may weigh from a few kilograms to tens of tons, within which energy is produced by sustaining a regulated chain reaction. The fissile material used varies between reactor types, but it may be natural uranium (which contains 0.7 per cent fissile U-235) or uranium which has been enriched to increase the percentage of U-235 to around 3-5 per cent. Commonly, this is in the chemical form of uranium dioxide (UO_2), rather than pure uranium, as this gives several advantages. Alternatively, plutonium 239 produced by the irradiation of U-238 in a reactor, or uranium 233 (U-233) produced from thorium 232 (Th-232) may be used, or a combination of these mixed with uranium (mixed oxide fuels or MOX). This fuel is usually in the form of small cylindrical pellets which are assembled into rods or pins and clad in a gastight containment material such as stainless steel or a zirconium-based alloy. Commonly, a number of these rods will be then manufactured into a larger fuel assembly or bundle, which will then be inserted into the reactor.

A second related feature is the presence of a means of regulating the chain reaction. This normally takes the form of control rods comprised of a material which absorbs neutrons, and which can be inserted into the core to reduce the rate of fission or to shut down the reactor. They are often manufactured from isotopes of boron, cadmium, hafnium or silver. Other methods of regulating the chain reaction include chemical shim control, where low concentrations of neutron absorbing elements are flowed through the reactor in liquid form, and liquid zone control, where tubes within the reactor can be filled or emptied or neutron absorbing liquid.

The fissile material of a reactor is usually surrounded by a third common feature, a moderator. This material is chosen for its ability to slow down faster neutrons so that these can more easily interact with fissile nuclei and initiate fission, and thus maintain the chain reaction. Common moderator materials include ordinary (or light) water, heavy water (deuterium oxide) and graphite. Moderators are used in almost

all operating reactors today, but a few so-called fast reactors have operated without moderation and these reactors have the potential to offer benefits in the future.

A fourth common feature is a means of removing the heat produced by the chain reaction from the core of the reactor. This cooling system can also provide the heat and steam to drive turbines and thus generate electricity. Common coolant materials include light water, heavy water and carbon dioxide gas, although some advanced reactor designs propose the use of helium gas, liquid metals and liquid salts.

Finally, there is a containment pressure vessel which serves to hold the radioactive core and other materials and contain the radiation emitted by the core, shielding personnel and equipment from the strong radiation field. Lining this vessel is a reflector which increases the efficiency of the fission process. In addition, a reactor will itself normally be surrounded by a further thick containment structure, often manufactured from several metre-thick reinforced concrete, whose purpose is to contain any release of radioactivity and prevent it escaping into the surrounding environment.

Reactors have been built to serve four broad purposes. First, a significant proportion of the reactors in the world are large units designed to produce steam to drive turbo-generators, and thus to generate electricity for civil uses. Second, there are smaller units of a similar type which are used in naval vessels, especially submarines and icebreakers, to generate electricity for propulsion purposes or to drive turbines. Third, there are many small materials testing and research reactors, which usually have no turbo-generators attached and are used mainly for experimental purposes. For many years these used small kilogram quantities of highly enriched uranium as fuel, but the proliferation potential of this material has led to a global attempt to replace it with fuel of lower enrichment. Finally, there are large units used by the nuclear-weapon states to produce plutonium for military explosive purposes, some of which do not have turbo-generators attached to them.

There exist five different major nuclear reactor technology categories, which are outlined below. These categories are not exhaustive, and some reactor designs are not captured here.

Light Water Reactors (LWRs)

This is the most widespread power reactor type found in the world today. It uses low enriched (3-5%) uranium as fuel, which enhances its efficiency as an electricity generator by enabling the fuel to remain in the reactor for a greater duration. It uses ordinary (light) water as both a moderator and coolant. There are two variants of this reactor type, Pressurized Water Reactors (PWRs) and Boiling Water Reactors (BWRs), the chief difference between them being in their method of producing steam to make electricity. Small LWRs are also used to power submarines and other naval vessels. LWRs are a costly and inefficient way of producing Pu-239.

Heavy Water Reactors (HWRs)

In these type of reactors, heavy water is used as both the moderator and coolant. Heavy water is differentiated from ordinary water in that it is formed from deuterium oxide (^2H_2O) rather than hydrogen oxide (H_2O). Heavy water absorbs so few neutrons that it permits the use of natural uranium as fuel. The most common family of HWRs are the Canadian CANDU reactors. Being unenriched, the fuel only remains in the reactor for a relatively short time before being discharged, and thus relatively large quantities of highly radioactive used fuel are produced. It is a good producer of plutonium, and this type of reactor has been used in the United States without any turbo-generators attached to produce materials for weapon purposes. When seeking to produce Pu-239, rather than to minimize electricity generation costs, fuel re-loading takes place more frequently, producing a product with greater isotopic purity. Thus, a distinction between civil and military use is the length of time the fuel remains in the reactor.

Gas Cooled Reactors (GCRs or MAGNOX)

These are moderated with graphite and cooled with carbon dioxide gas. Older designs use natural uranium fuel encased in a magnesium oxide-based cladding called MAGNOX. As this material corrodes if stored in water, it needs to be reprocessed for environmental and safety reasons. Its design originated in the reactors used to produce plutonium for military purposes in France, the United Kingdom and the USSR. More modern GCRs typically use enriched uranium oxide fuel clad in zirconium alloy or stainless steel but retain graphite moderators and carbon dioxide cooling.

High Temperature Gas Cooled Reactors (HTGRs)

The HTGR is cooled with helium gas and moderated with graphite. Highly enriched uranium is used as fuel (93 per cent U-235), though this may be mixed with Th-232. The attraction of this type of reactor is that much of the uranium in the fuel is burned up, requiring infrequent reloading, and the extremely high operating temperatures enable it to be linked to very efficient, modern turbo-generators when used to produce electricity. Novel fuel forms are being considered for this reactor type, such as spherical “TRISO” pebbles several centimetres in diameter, which will be loaded into the reactor core from above and gradually removed at the base, analysed, and either re-introduced if they are suitable for further use or disposed of.

Liquid Metal Fast Breeder Reactors (LMFBRs)

Breeder reactors normally have a core of highly enriched uranium or plutonium, which can produce enough surplus neutrons to convert U-238 in a blanket around the core into Pu-239 at a rate faster than its own consumption of fissile material. They thus produce more fissile material than they consume. They operate without a moderator and at very high temperatures. The coolant is normally a liquid metal, such as sodium, which allows for the rapid removal of heat. These reactors have traditionally been seen as a means of utilising the plutonium and separated waste materials produced by the other types of reactor but are also capable of producing plutonium ideal for use in weapons.

Fusion Reactors

Although many attempts have been made to produce a working fusion reactor, these only exist in experimental form. The temperatures at which fusion is achieved are so great that no known material will hold the fusing materials. Containment of the material is being attempted using magnetic fields. Fusion reactors are still at the stage of physics research, and it is likely to still be several decades before useful fusion energy systems are developed which consistently and reliably output more energy than they consume in a form suitable for connection to energy grids.

Nuclear Weapons

Fission Devices

A fission weapon or device is designed so that a critical mass of fissile material can be assembled and held together before the device blows itself apart. The yield of the weapon is determined by the amount of fissile material involved, the number of nuclei which undergo fission, and the number of generations of fissions that can be achieved before disassembly takes place.

A simple fission weapon design, also known as a first-generation nuclear weapon, can be of either the ‘gun barrel’ or ‘implosion’ type. A gun device involves bringing together rapidly two sub-critical masses of highly enriched uranium by propelling one of them with an explosive along a thick tube or gun-barrel so that it impacts with considerable velocity upon the other. This creates conditions for a chain reaction. This method is conceptually simple but the explosive power of the weapon tends to quickly force the fissile material apart so that little of the material goes through the fission process. It is therefore relatively inefficient in its use of fissile material. This method cannot be used with plutonium, as it will not assemble a suitable critical mass rapidly enough.

An implosion weapon works by compressing a sub-critical spherical mass of fissile material until it becomes critical. The fissile material is surrounded by a neutron reflector, usually of beryllium, and a heavy metal tamper of either U-238 or tungsten. Surrounding this assembly is a further hollow sphere of conventional explosives. If the conventional explosive can be detonated so as to produce a uniform, symmetrical implosion, the tamper is propelled inwards into the sphere of fissile material and compresses it into criticality. The forces generated by the conventional explosives then contain the gaseous sphere of fissile materials while many repetitions of the fissile reaction occur, and the full yield of the device is produced. The engineering required to design and construct a device capable of delivering an effective implosion is much more complex than that required for a gun-type device.

A sub-category of fission devices is salted fission weapons. These weapons include highly radioactive materials as part of their design,

with the objective of dispersing these materials over a target area and thus making it uninhabitable.

Boosted-Fission Devices

A fission device can be 'boosted' to increase its yield by placing within its core a small quantity of fusion material, such as tritium. At the great temperatures and pressures found within the gaseous core of an exploding device, this material fuses and releases an extra quantity of neutrons which, in turn, produce additional fissions in the uranium or plutonium used in the device. More of the fissile material is thus consumed than in a simple fission device, the efficiency of the fission process is improved, and a higher yield produced.

Fusion (Thermonuclear) Devices

The energy released by such a device, also known as a second-generation nuclear weapon, arises primarily from nuclear fusion in isotopes of hydrogen such as tritium and deuterium. A large energy source, such as a fission device, is needed to start a fusion reaction. A fusion weapon thus has at least two stages which contribute to the yield, the fission trigger or primary device and the thermonuclear secondary device. In addition, these two devices may be contained in a shell of U-238 which constitutes a third stage of the device. This material, whilst it cannot maintain a self-sustaining fission explosion, can be made to fission where there is a constant external supply of fast neutrons from other fission or fusion reactions. There can be any number of fission-fusion-fission-fusion steps, and so no limit in theory to the size and yield of a thermonuclear weapon. Given the need for at least one fission stage, and the need to contain and direct the energy of this fission stage into the fusion material prior to weapon disassembly, fusion devices represent a much greater technical challenge than fission weapons.

Nuclear Testing

Different types of testing are needed to develop and build an operational nuclear explosive device. It is possible to test the functioning of a nuclear weapon with a high degree of reliability not only in a full-scale nuclear explosion, but also through sophisticated tests conducted on a smaller scale. The implosion mechanism of a nuclear weapon can be studied with the help of hydrodynamic experiments (HDEs) where the fissile material in the core is replaced by non-fissile substances. The first stages of an explosive nuclear chain reaction may be observed in hydro-nuclear experiments (HNEs) where only a small amount of fissile material is placed in the core of a device, allowing it to sustain a nuclear chain reaction for a few generations only. Additionally, subcritical experiments and other laboratory experiments (e.g. nuclear fusion induced by laser ignition) can be used to get a better understanding of the physical processes involved in the development, design and construction of a nuclear explosive device. Equipment used in such testing is highly sophisticated, and international trade in this equipment is tightly controlled to prevent it being used for nuclear weapons development purposes.

Weapon-Grade Fissile Materials

The size of a fission device is directly related to the concentration of fissile isotopes in the material in the core. For purposes of producing a practical weapon, the minimum enrichment required for uranium is about 50 per cent. However, to enable compact, light designs to be produced, the present nuclear powers are assumed to use in their weapons about 10–25 kilos of uranium enriched to over 90 per cent U-235. This enriched uranium is produced in an enrichment plant (see below).

Plutonium is often preferred to uranium in weapon designs, as less plutonium than uranium is required to produce a given yield — about 5–8 kilos is assumed to be required for a simple device. Plutonium with 93 per cent or above Pu-239 constitutes weapons grade material, though there are claims that devices have been exploded using plutonium with much lower concentrations of this isotope. Such weapons, however, tend to have uncertain yields and give off dangerous radiation, so the higher concentrations are preferred.

Higher plutonium isotopes (e.g. Pu-240, Pu-241, etc.) are produced in reactors alongside Pu-239, and the Pu-239 isotopic purity decreases with neutron exposure, which is proportional to time spent in the reactor. All fission reactors produce plutonium, but reasonably pure Pu-239 can only be obtained by withdrawing the uranium fuel after a short period (2–6 months) in the core. Shorter time leads to greater purity, but lower product quantity. If the fuel is left in for a longer period, significant amounts of Pu-240 and other heavier isotopes will be contained in the plutonium, many of which are not fissile. Typically, Light Water Rectors (LWRs) will have plutonium in their used fuel which has a concentration of Pu-239 below 80 per cent. Plutonium is obtained from spent reactor fuel through a chemical process known as reprocessing.

Enrichment

Uranium must be enriched if it is to be used in certain reactor types and in weapons. This means that the concentration of fissile U-235 must be increased by physical, rather than chemical, means before it can be fabricated into fuel. The natural concentration of this isotope is 0.7 per cent, but a concentration of 3 per cent is necessary in order to sustain a chain reaction in an LWR. Some 90 per cent enrichment is required before use in the majority of submarine propulsion units or fission weapons. This process of enrichment is not linear, and as much enrichment effort, or 'separative work' as it is usually termed, would be required to produce 1 kg of enriched uranium by going from 0.7 to 13.5 per cent as from 13.5 to 90 per cent.

There are six main techniques for increasing the concentration of U-235:

Gaseous Diffusion

This was the first method of enrichment to be commercially developed. The process relies on a difference in the mobility of different isotopes of uranium when they are converted into gaseous form. In each gas diffusion stage, uranium hexafluoride gas (UF_6) is pumped under pressure through a semi-permeable membrane, such as a porous nickel tube, through which the lighter gas molecules containing U-235 pass more rapidly than those containing U-238. This pumping process consumes large amounts of energy. The gas which has passed through the membrane is then pumped to the next stage, while the gas which has not passed through is returned to lower stages for recycling. In each stage, the concentration of U-235 is increased only slightly, and enrichment to reactor grade requires a facility of approximately 1200 stages. The set of linked stages is known as a cascade. Enrichment to weapons grade requires a cascade of about 4000 stages. Industrial scale facilities of this type require electricity supplies of hundreds of megawatts of power, enough to justify an at least partially dedicated nuclear power plant to power them.

Gas Centrifuge

In this type of process, uranium hexafluoride gas is introduced into a series of rapidly spinning cylinders, or centrifuges. The heavier U-238 isotopes tend to move to and concentrate at the outer part of the centrifuge at a faster rate than the lighter molecules containing U-235, which concentrate closer to the centrifuge centreline. The gas at the centre is removed and transferred to the next centrifuge in the cascade, where the process is repeated. Gas from the outside is recycled to earlier stages of the cascade to extract remaining U-235. As it moves through a succession of centrifuges, the gas becomes progressively richer in the U-235 isotope. Electricity requirements for this process are relatively low compared with gaseous diffusion, and as a consequence this process has been adopted for most new enrichment plants.

Aerodynamic Separation/Becker Process

The Becker technique involves forcing a mixture of uranium hexafluoride gas and either hydrogen or helium through a nozzle at high velocity and then over a surface in the shape of a curve. This creates centrifugal forces which act to separate the U-235 isotopes from the U-238. Aerodynamic separation necessitates fewer stages to achieve comparative enrichment levels than either gaseous diffusion or gas centrifuges but consumes much more energy.

Laser Enrichment

The laser enrichment technique involves a three stage process: excitation, ionization and separation. There are two techniques to achieve these effects, the 'Atomic' approach, and the 'Molecular' approach. The Atomic approach is to vaporize uranium metal and subject it to a laser beam at a wavelength that excites only U-235 molecules. The vapour is then exposed to a second laser beam that ionizes the U-235 atoms, but not the unexcited U-238 atoms. Finally, an electric field sweeps the U-235 atoms onto a collecting plate. The

Molecular approach also relies on differences in the light absorption frequencies of uranium isotopes and begins by exposing molecules of uranium hexafluoride gas to infrared laser light. U-235 atoms absorb this light, thereby causing an increase in their energy state. An ultraviolet laser can then be used to break up these molecules and separate the U-235. This process has the potential to produce very pure U-235 with minimal energy requirements but has not yet advanced to an industrial scale level of production.

Electro-Magnetic Isotope Separation (EMIS)

The EMIS process of enrichment is based on the fact that an electrically charged atom, known as an ion, travelling through a magnetic field will move in a circle whose radius is determined by the ion's mass. EMIS is achieved by creating a high current beam of low energy ions and allowing them to pass through a magnetic field created by powerful electro-magnets. The lighter isotopes are separated from heavier isotopes by their differing circular movements and collected separately at the end of their arc of travel. EMIS devices are sometimes known as Calutrons.

Chemical Separation

'Chemical Separation' is something of a misnomer as the differing isotopes of an atom are chemically identical. This form of enrichment exploits the fact that ions of these isotopes will travel across chemical 'barriers' at different rates because of their different masses. There are two methods to achieve this: the method developed in France of solvent extraction; and the process of ion exchange used in Japan. The French process involves bringing together two immiscible liquids in a column in a process known as solvent extraction, giving an effect similar to that of shaking a bottle of oil and water. The Japanese ion exchange process requires an aqueous liquid and a finely powdered resin which slowly filters the liquid.

Reprocessing

This is a process whereby the uranium, plutonium and other heavy elements in spent fuel discharged from a reactor are separated from one another and from 'fission products' by chemical means. Fission products are the fragments left behind when a fissile atom splits. The uranium and plutonium may then be recycled into reactor fuel or, in the case of plutonium, may be used in weapons. As over 90 per cent of the mass of spent fuel is uranium which has not undergone fission, reprocessing allows separation of the small quantities of highly radioactive material for safe disposal. However, most economic analyses indicate that reprocessing is not cost effective, and so few states employ reprocessing in their nuclear energy systems unless choosing to do so for other reasons. Reprocessing is usually carried out using mechanical and solvent extraction techniques and occurs in three steps:

Dissolution

After a period of storage to reduce their radioactivity, the fuel assemblies are cut into short sections in what is termed the 'head-end' stage. These pieces are then placed in a nitric acid solution to dissolve the fuel out of the cladding material. This acid solution containing the nuclear material is filtered to remove undissolved solids and chemically treated in preparation for the separation process.

Separation

In the separation stage, the 'Plutonium Uranium Recovery by Extraction' (PUREX) method may be employed, with the solution being fed into solvent extraction columns and mixed with various chemicals, most notably tributyl phosphate (TBP), which extracts the uranium and plutonium from the acid solution. The plutonium and uranium emerge from this in the form of nitrates.

Purification

The third stage involves purifying the recovered materials. Recovered uranium can be recycled into new fuel, although sometimes this involves further enrichment. Recovered plutonium may be used as fuel in breeder reactors, to make mixed oxide (MOX) fuel or, if of a suitable isotopic composition, to make weapons. Other materials not recovered include highly radioactive fission products and non-fissile heavy elements, such as actinium and neptunium, which can be disposed of.

Section 2
The Evolution of the Nuclear Non-Proliferation Regime, 1945-1970

Introduction

In the mid-1960s, it was assumed by many knowledgeable commentators that as information on the design and manufacture of nuclear explosives became more accessible, and supplies of uranium increased, the number of states possessing nuclear weapons would rise. However, both superpowers, the United States (US) and the Soviet Union (USSR), were motivated to prevent this if they could. The US was concerned that it might be dragged by nuclear-armed allies into a catastrophic war that it could not control. The USSR had realised following the first Chinese nuclear test that unlike the US, several nuclear-weapon states (NWS) could soon border its territory.

The two most recent nuclear proliferators were France (1960) and China (1964): those regarded as technically equipped to follow them within the next ten years were either allies of the United States (Australia, Canada, the Federal Republic of Germany, Italy and Japan); states pursuing policies of armed neutrality (Sweden and Switzerland); or states involved in acute regional conflicts (India, Israel, the Republic of Korea and Taiwan, Province of China). Perceptions of technological determinism held by many contemporary commentators suggested that "those who could, would". Confronted by this threat, the two superpowers sought to change these expectations by erecting a consensual, political and institutional barrier to further nuclear proliferation building on their intermittent negotiations since 1945 to limit their own nuclear arms race and engage in nuclear disarmament.

Attempts to Control Nuclear Weapons, 1945-1965

In June 1946 the US had submitted the Baruch Plan to the UN Atomic Energy Commission. Its remit was to make proposals for both the elimination of nuclear weapons and the implementation of international control over the exploitation of all aspects of nuclear energy. This plan proposed international managerial control or ownership over all potential weapon-related nuclear facilities, as well as powers to licence and inspect all other atomic energy activities. The USSR responded by submitting a plan based on national, rather than international, ownership and control over nuclear facilities. Neither plan was to be implemented. The US meanwhile passed legislation imposing rigorous national controls over the transfer of nuclear-related information and materials, believing that there was a 'secret' surrounding atomic weapons which could be denied to others.

In September 1949 the USSR exploded its first atomic explosive device, and in October 1952 the United Kingdom followed. These events demonstrated that the 'secret' of creating a fission explosive was no longer the exclusive monopoly of the US and, could be acquired by the indigenous efforts of other states. In parallel, newly discovered uranium deposits in Canada, the US and Australia indicated that the ability of existing Belgian–Canadian–UK–US arrangements to monopolise world supplies and trade in uranium ore could not last. In parallel, any increased global supply of uranium would open the way to the use of nuclear energy as a civil power source. Moreover, such facilities could be operated to both produce civil power and weapon-usable plutonium, as the UK was doing at Calder Hall, its first nuclear power station, opened in 1956.

These developments, among others, led US President Eisenhower to make his 'Atoms for Peace' speech to the UN General Assembly in December 1953. This proposed that the NWS should assist other states in developing the peaceful uses of atomic energy. This would be accomplished by the US and USSR making matching transfers of weapon-usable fissile material to an international nuclear agency, which in turn would supply it to others for peaceful uses.

Negotiations on the creation of this agency started in 1954, based upon the USSR's 1946 concept of national ownership and management of all nuclear activities within a state. This was to be overlaid by international arrangements providing assurances that these activities were not being used for military explosive purposes. They culminated in a multilateral conference on the statute of the new International Atomic

Energy Agency (IAEA), held in New York during September and October 1956. This agreed the details of a legal statute giving it the power to start its work in Vienna in July 1957. It had a triple remit of assisting in the development of nuclear energy for peaceful purposes; providing assurances that facilities and materials for such purposes were not being diverted to other uses; and providing early warning if they were.

By then, the US had embarked on two related bilateral activities made possible by changes contained in its Atomic Energy Acts of 1954 and 1958.. The first was the negotiation of Agreements for Co-Operation in the Peaceful Uses of Atomic Energy with many states. These, legitimised transfers of information, technology and materials forbidden by earlier legislation. The second was the passing of specific information on its nuclear weapon designs to allies to facilitate the procuring of equipment to enable them to use their own aircraft and missiles to deliver US-owned nuclear bombs and warheads in times of war.

The first of these arrangements undermined the launch of the IAEA. States preferred to seek assistance and materials bilaterally from the US, rather than multilaterally through the IAEA, and arrangements to assure the agreed use of this US assistance were made on a bilateral, rather than multilateral, basis. As a consequence it was 1959 before the IAEA was given the opportunity to exercise its safeguarding powers over nuclear materials through an agreement for it to supply Canadian uranium to a Japanese research reactor.

There were several motivations behind the arrangements for supplying technical information on US weapons to allies. One was reduce the costs to the US of providing the West's nuclear deterrent capability. Another was to head-off the active national nuclear weapon programmes of its allies, with the French one being the most advanced. The hope was that potential US "nuclear sharing" would freeze these programmes. The nuclear weapons earmarked for transfer to allies were to be stored under US military custody in the countries involved, and no formal transfers were to occur unless hostilities were well established.

The US Atomic Energy Act of 1958 also made arrangements for collaboration with nuclear-weapon state allies which had made 'substantial progress in the development of atomic weapons' It authorised collaboration in the development and manufacture of nuclear weapons to occur with such countries, but no transfer in peacetime of complete nuclear devices. At the time, only the United Kingdom qualified for this. In the 1970s similar arrangements were made with France .

An additional complication for the development of the IAEA's functions was the establishment in January 1958 of a regional nuclear organisation within the framework of the European Communities (EC), the European Atomic Energy Community (EURATOM). This was tasked with co-ordinating EC nuclear energy development and implementing a regional safeguards system to ensure that materials were not diverted 'to purposes other than for those which they are intended'. These safeguards were based on ideas similar to those in the Baruch Plan, with EURATOM having legal ownership over all the fissile materials in member states, except those in the French, and later the UK, military programmes. It dealt directly with the enterprises involved, rather than the governments within whose jurisdiction they were situated. The US negotiated an Agreement for Co-operation with EURATOM, and accepted that it, and not the IAEA, would safeguard materials and facilities transferred under this Agreement..

During the early 1960s, several developments relevant to nuclear non-proliferation were therefore occurring in parallel. One was the slow evolution of the IAEA and its international safeguarding activities; the second the implementation of plans to provide allies of the United States with nuclear weapons; a third the dissemination of nuclear knowledge to a wide range of states to enable them to develop the peaceful applications of nuclear energy; and a fourth the development of a nuclear disarmament negotiating process.

In 1961, spurred on by the request from Japan, the IAEA had promulgated its first set of arrangements for implementing Agency safeguards on nuclear materials and facilities, known by the number of their IAEA information document, Information Circular (INFCIRC) 26. This was soon superseded by INFCIRC/66. In its final form in 1968 this incorporated a set of technical principles and procedures for the verification of compliance with safeguards agreements. It covered research and power reactors, spent fuel reprocessing plants, fuel fabrication and conversion plants and fuel and materials storage facilities, but excluded uranium enrichment plants or production facilities for the heavy water used as a moderator in some nuclear reactors.

After 1962 the US started to transfer to the IAEA responsibility for monitoring the civil nuclear transfers it had made under its bi-lateral Agreements for Co-operation.. In addition, as orders started to be placed for nuclear power reactors by states in Western Europe and elsewhere, a condition for their supply by the US and the United Kingdom became acceptance of INFCIRC/66 safeguards over their operations, thus further strengthening the authority of the Agency.

Nuclear disarmament negotiations between the US, the USSR and some of their allies were initiated in the mid-1950s when the theoretically unlimited destructive capacity of thermonuclear, as against atomic, weapons started to be fully appreciated. The aim was to first halt the nuclear arms race, and then reverse it through the dismantlement of existing nuclear weapons. Halting the nuclear arms race was seen to involve two distinct activities: the qualitative one of preventing further testing of nuclear devices, in order to freeze nuclear weapon development at its existing levels; and the quantitative one of halting the production of fissile materials for military purposes, thus limiting the numbers of nuclear weapons that could be built by the existing nuclear weapon states. Two other activities were also taking place on a wider, multilateral basis. In 1959 an attempt was made to reach agreement on measures to prevent the emplacement of nuclear weapons in a specific geographical area through the Antarctic Treaty, while in 1958 Ireland had initiated moves within the UN General Assembly to highlight the dangers posed by additional states acquiring nuclear weapons. Its efforts culminated in 1961 in the 'Irish Resolution' being adopted by the UN General Assembly. This called for agreed measures to prevent the transfer of nuclear weapons to additional countries (dissemination) and for all states to refrain from the transfer or acquisition of such weapons (proliferation).

Although negotiations on a comprehensive ban on nuclear testing (CTBT) sustained a test moratorium by the three existing NWS from 1958–61, they failed to produce agreement on a treaty. Irreconcilable differences existed over the intrusiveness of its verification system. In 1961 the USSR resumed testing, followed rapidly by the US. In 1963 the attempt to agree a CTBT immediately was abandoned in favour of a treaty which banned tests in all environments except underground, the Partial Test-Ban Treaty (PTBT). In the next year the attempt to reach an agreement on a cut-off of the production of fissile material for military purposes was shelved in the light of the increasing numbers of nuclear power plants under construction in the NWS. This appeared to make it impossible to provide credible assurances on compliance, especially in states such as the USSR where the state owned all its nuclear facilities, making the distinction between military and civil use somewhat arbitrary. This decision was communicated through unilateral statements on measures to limit their future production of fissile materials for military purposes made by the leaders of the three initial NWS in the Spring of 1964.

The demise of active attempts to place quantitative and qualitative limits on the existing nuclear arms race coincided with a more comprehensive attempt to address nuclear disarmament through the medium of UN negotiations on General and Complete Disarmament (GCD). This arose from NATO's commitment to fighting a ground war with nuclear weapons. Underpinning this was the Warsaw Pact's perceived qualitative superiority in conventional weaponry, and the realisation that agreement on nuclear disarmament would only be possible if both conventional and nuclear weaponry were addressed in parallel. In 1962 a set of guidelines for future nuclear disarmament negotiations was agreed, known as the Macloy-Zorin principles. It was also recognised that negotiating GCD as a single package was impractical, and that the most practical way forward was to disaggregate its elements and conduct work on them sequentially. The result was a new work-plan, the Decalogue, which started with a CTBT and moved on to agreements on termination of the production of fissile material for military explosive purposes (a Fissile Material Cut-off Treaty or FMCT) and a nuclear weapon non-dissemination and proliferation agreement. While these actions might not reduce the global numbers of deployed warheads, they would create a nuclear disarmament process and improve confidence between those involved in it.

The development by the US in the later 1950s of bombers with intercontinental range, ballistic missiles (ICBMs) with similar ranges and submarine-launched ballistic missiles (SLBMs) had generated concern among its Western European allies that a decoupling was imminent in the minds of US leaders between the collective defence of Europe and the unilateral defence of the US homeland. The Europeans therefore

sought enhanced guarantees from the US that any USSR aggression in Europe would meet with a nuclear response. These focussed on the idea of creating a NATO or Western European strategic nuclear force, capable of both striking at Moscow and giving Western European governments direct involvement in its operation and decision making.

Initial proposals were for a mixed-manned force of surface vessels equipped with US Polaris ballistic missiles (the multilateral force or MLF). Later proposals included the creation of an Allied Nuclear Force (ANF) through which the UK and some US strategic forces would be committed for use by SACEUR. The USSR and its allies strongly opposed these proposals, and favoured the idea of negotiating a nuclear-weapon-free zone in Central Europe as proposed by the Polish Foreign Minister,(The Rapacki plan).

The Negotiations on the NPT

It was in this international context of stalled nuclear disarmament negotiations, acute tensions over the nuclear aspects of European security, and proposals for delimiting specific geographical areas as nuclear-weapon-free zones that serious discussions, and then negotiations, started on a treaty on the Non-Proliferation of Nuclear Weapons (NPT). Both the US and the USSR had mutual interests in pursuing this item in the Decalogue, and after considerable informal consultations the 1965 UN General Assembly adopted Resolution 2028 containing guidelines for negotiation of such a Treaty. These stated:

- it should be void of any loopholes which might permit nuclear or non-nuclear weapon states to proliferate nuclear weapons in any form;
- it should embody an acceptable balance between the mutual responsibilities and obligations of the nuclear and non-nuclear weapon states;
- it should be a step towards the achievement of GCD, and more particularly nuclear disarmament;
- it should have acceptable and workable provisions to ensure its effectiveness; and
- nothing contained in it should adversely affect the right of any group of states to conclude nuclear-weapon-free zone(NWFZ) treaties.

In early 1966, the multilateral negotiating forum for disarmament agreements was the Eighteen Nation Disarmament Committee (ENDC). This contained several leading non-aligned states, as well as a number of allies of the two superpowers and was linked to, but not part of, the United Nations system, although it met in UN premises in Geneva. The US and USSR were co-chairmen, but the negotiations made relatively slow progress.

In the autumn of 1966 the US and USSR started bilateral discussions on how to word the sections of the treaty dealing with nuclear transfers from the NWS and the non-acquisition of such weapons by the non-nuclear weapon states (NNWS). This wording had to permit the continuance of existing US–UK collaboration, as well as existing NATO arrangements for the transfer of nuclear weapons in the event of hostilities. From a USSR perspective, the key issue was to prevent any MLF type of arrangement being authorised by the treaty. Early in 1967 language was agreed between the two states on these issues (articles I and II of the Treaty), based on the contemporary US nuclear energy legislation. This prohibited the transfer by its government of complete nuclear explosive devices to any other state or international entity in peacetime, and foreclosed on any move by the alliance to adopt multilateral nuclear-weapon sharing. It also meant that the NPT had no provision to explicitly prohibit the storage and deployment of NWS nuclear weapons in a NNWS.

Debate within the ENDC then focused throughout the remainder of 1967 on how to create an effective verification system for the Treaty. Although all parties to the negotiations were agreed that the IAEA should be responsible for its operation, there was disagreement over EURATOM. Several of the Western European states had no national systems for the monitoring and control of their nuclear energy activities, relying on EURATOM for this. The USSR considered this a form of self-policing, rather than independent monitoring, and argued that it did not offer it and its allies adequate assurances that Western European states, in particular West Germany, would uphold their non-proliferation obligations. It wanted full IAEA safeguards to apply to all states. The US's NNWS allies by contrast were arguing that any verification system should be as non-intrusive as possible, and above all offer no commercial advantages to the NWS who were not to be the subject of safeguards.. The dispute was settled in early 1968 through wording for Article III which to allow EURATOM to make an agreement with the IAEA over how Agency safeguards were to apply to EURATOM states.

The text of Article III eventually agreed left two issues undecided or ambiguous: the detailed nature of its IAEA verification system and the obligations of parties to the treaty in respect of transfers to non-parties. While the text indicated that the safeguards system was to focus only on materials, not facilities and materials as was the case with the INFCIRC/66 arrangements, the details were left to the IAEA Board of Governors to decide. In the case of the latter issue, it was unclear whether transfers to non-parties were permissible if the recipient state had an INFCIRC/66 safeguards agreement with the Agency, or whether it also had to accept safeguards over all nuclear materials within its jurisdiction (known variously as NPT, full-scope or comprehensive safeguards) before any transfer could be allowed.

Article IV was also open to differing interpretations. On the one hand it stated an obvious fact related to the nature of state sovereignty, namely that all states had an 'inalienable right' to economic development, and thus to 'develop research, production and use of nuclear energy for peaceful purposes'. On the other, the implementation of this right should be 'in conformity with Article I and II of this Treaty'. Thus although NPT NNWS parties were committing themselves voluntarily to conditions on the exercise of their peaceful right to nuclear energy, the Treaty also recognised the apparently contradictory fact that their rights to peaceful uses were intrinsically 'inalienable'.

Two further articles of the eventual treaty, Article V dealing with peaceful nuclear explosions and Article VII dealing with NWFZ proved relatively uncontroversial. In order to prevent any state acquiring a nuclear weapon under the guise of it being a device for use in a civil engineering project, all work by its NNWS parties on any type of nuclear explosive device was banned. However, Article V permitted the supply of such devices for 'peaceful' purposes by existing NWS. Negotiation of detailed arrangements for this was again left to the IAEA In the case of NWFZs, Latin American states had decided by 1967 to go ahead with their own regional treaty, partly motivated by a belief that early agreement on an NPT was unlikely. The resultant Treaty of Tlatelolco opened for signature in February 1967 and prohibited the acquisition, storage and deployment of nuclear *weapons,* rather than nuclear *devices*,. However, it had its own regional verification system, which included provisions for challenge inspection, and a secretariat, OPANAL.

Two other elements of the draft Treaty continued to generate significant problems throughout 1967: Article VI and related parts of the Preamble; and Articles VIII and X. The debate over Article VI and the Preamble was essentially over the commitments that would be made by the three nuclear weapon states negotiating the Treaty to engage in nuclear disarmament. Neither China nor France was involved in the negotiations. Among other things, both regarded them as aimed at rolling-back their newly acquired nuclear weapon status.

The debate over the Preamble centred on attempts by the NNWS, particularly India and Mexico, to set out a clear list of priorities for future nuclear arms control negotiations, starting with a CTBT. This would determine the strength of the commitment by the NWS to move towards nuclear disarmament; what other related objectives they were to seek to achieve; and what priority might be attached to them. The outcome was that the achievement of a CTBT was listed first in the preamble, followed by references to the cessation of the manufacture of nuclear weapons, the liquidation of existing stockpiles and the elimination from national arsenals of nuclear weapons and their means of delivery.

By contrast, Article VI emerged as a commitment that:

> Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

This text left opaque whether it was to be read as a listing of priorities, or whether each action had equal priority. Also, it committed the NWS to 'negotiate in good faith' on such measures, but not agree or implement them.

The debates over Articles VIII and X were almost entirely conducted

through bi-lateral consultations between the US and West Germany and the US and Italy, and in NATO forums. The uncertain nuclear security situation perceived to exist by some of these US allies; a lack of belief on their part in the permanence of the existing US nuclear extended deterrence commitments; and an unquestioned belief in the durability of the USSR nuclear threat made them unprepared to give up permanently the option of acquiring their own nuclear weapons. Although the draft treaty text contained provision for a state to give three months notice of withdrawal if '...extraordinary events, related to the subject matter of this Treaty, have jeopardised the supreme interests of its country...', this was not seen to cover situations where gradual changes in the international environment and in US policy made such withdrawal seem prudent. What was therefore sought by West Germany and Italy was a text giving all parties the right to withdraw from the Treaty at the end of fixed periods of time. Also, states would have to make positive decision to continue in membership, rather than this being automatic. This would allow the parties to review their security situation at these dates and decide to make a conscious decision to continue to accept the Treaty's constraints on acquiring nuclear weapons or making a decision, purposeful or otherwise, to abandon them.

Not unnaturally, the US and USSR were both opposed to the weakening of the text implied by such wording. However, the US was concerned that if these concerns were not addressed by the treaty some of its major NNWS allies, such as Italy, West Germany and Japan, might refuse to sign it. By a scheduled NATO summit at the end of 1967, a compromise west-west arrangement had been negotiated consisting of two elements. One was the insertion into Article VIII of a paragraph mandating the three NWS, who were also to be the depositary governments for the treaty, to convene a conference to review the implementation of the treaty five years after its entry into force. If the parties so chose, they could then request the convening of further review conferences at five year intervals. The second was an addition to Article X of paragraph 2, which stated:

> twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

The intent of these elements was to offer the allies of the US the opportunity every five years to collectively review the security context for their non-possession of nuclear weapons. After twenty five years it gave them the possibility of making at a collective decision to terminate the Treaty by agreeing that its duration should consist of a further short, fixed term or alternatively a series of renewable fixed periods.

In these circumstances, it was not surprising that the non-aligned members of the ENDC found their concerns less than fully reflected in the final text of the Treaty. Although their right to develop nuclear energy for peaceful purposes was emphasised, and partial commitments were made on nuclear disarmament, no mention was made in the text of a further issue they regarded as very significant: nuclear security assurances. Since both superpowers were providing their alliance partners with extended nuclear security guarantees, they argued that they should also provide the non-aligned states with similar legally binding commitments through the new treaty until such time as nuclear disarmament made them irrelevant. Specifically, they were seeking negative assurances that the NWS would not attack them with nuclear weapons, and positive ones that they would go to their aid if they were attacked with such weapons.

Such an insertion would have undermined the existing NATO doctrine of being prepared to initiate the use of nuclear weapons against the territory of the NNWS allies of the USSR in a European ground war. It could thus not be contemplated by the US or its allies. Positive assurances were equally difficult to contemplate, as they implied an open-ended commitment to aid all NNWS parties in all circumstances. More specifically, they would place the US in a difficult situation if Israel *in extremis* threatened its neighbours with such weapons. A further issue was whether the assurances should only apply to NPT parties, or to all states. As a consequence, the treaty text which the two co-chairmen submitted to the ENDC on 11 March 1968 contained no reference to such assurances. This omission was one reason, among others, why India indicated that it was not prepared to sign this text. However, the three NWS did give practical recognition to these non-aligned concerns particularly those of the Arab states, by passing through the UN Security Council on 19 June 1968 resolution 255, whereby the Security Council and 'above all its nuclear weapon State permanent members, would have to act in accordance with their obligations under the United Nations Charter' in the event of a nuclear attack upon a NNWS.

This resolution was passed a week after the co-chairmen's draft treaty, with further amendments, had been passed to the UN General Assembly for its commendation. As a consequence of the Assembly passing a resolution to this effect, the NPT was opened for signature on July 1 1968. It was signed that day by the three depositary states, and came into force on 5 March 1970 when the required 40 states had ratified it.

The NPT that eventually emerged in 1968 had several unique characteristics. One was that it recognised the existence of two classes of state, NWS and NNWS. The former were defined as those which had exploded a nuclear device prior to 1 January 1967. The two classes of state had different rights and duties under the Treaty. Thus non-proliferation was tacitly accepted as a positive objective even if nuclear disarmament continued to be a future goal.. A second was that the Treaty contained a delicate balance between three sets of commitments: the nuclear non-proliferation ones made by the NNWS; the nuclear disarmament ones made by the three NWS depositary states; and the 'inalienable' rights of the NNWS parties to develop or acquire all types of peaceful nuclear technology, in return for acceptance of IAEA safeguards over all fissile materials within their jurisdiction. This meant that it was open to any of its parties to place paramount or exclusive emphasis on any one of these aspects. A third was that while it prohibited the acquisition of all types of nuclear explosives by NNWS, its negotiating history indicates that in 1968 it was not the intention of the US, the UK and their western allies that the Treaty should proscribe the stationing of a NWS's nuclear weapons on the soil of an NPT NNWS; to prohibit plans for their transfer in the event of war; or to prevent assistance by one NWS to another.

Section 3
A Short History of the NPT Review Process, 1970-2000

Introduction

The entry into force of the NPT was a new departure for policies towards nuclear proliferation and non-proliferation. National policies of technology denial were being reinforced by international policies involving co-option of, and collaboration with, potential proliferators. Although national technological denial activities and policies of offering security guarantees and transfers of conventional arms continued, the NPT provided a vehicle for states to make a binding legal commitment not to proliferate. This offered a solid basis for co-ercive action against them if, having made that commitment, they disregarded it. It also implied that the proliferation of nuclear weapons to an increasing number of states was no longer inevitable. The Treaty's effectiveness was, however, crucially dependent upon the number of states which became parties.

At first, attempts to persuade states to ratify the Treaty focused upon allies of the US, in particular West Germany and Japan. By 1977 both had become parties, along with other states on the potential proliferation lists of the early 1960s, such as Sweden, Switzerland and Australia. Attention then moved to bringing the large numbers of non-aligned states in Latin America, Africa and Southeast Asia into the Treaty. Numbers of parties slowly increased: 97 at the end of 1975; 114 at the end of 1980; 133 at the end of 1985 and 141 at the end of 1990. From 1990 onwards events moved swiftly, with China and France acceding as NWS in 1992, and two of the six contemporary 'suspect' nuclear-weapon states, South Africa and Argentina, in 1991 and 1995 respectively. Since Brazil had committed itself in 1994 to bring the regional NWFZ Treaty of Tlatelolco fully into force, this meant that it too had made a legal commitment not to acquire nuclear weapons. By 1995, only three states with nuclear capabilities, India, Israel and Pakistan, had made no legally-binding nuclear non-proliferation commitments.

The NPT was a framework treaty, and once it had entered into force efforts commenced to create agreements on the details of its implementation. The resulting collection of norms, rules, behaviours, institutions and arrangements is usually described as the nuclear non-proliferation regime.

NPT Safeguards

The first task facing the international community once the NPT had been signed was to negotiate and implement its detailed safeguarding /verification system. As the Treaty gave the IAEA responsibility for verifying that nuclear materials in NPT NNWS were not being used for nuclear explosive purposes, Agency officials had to draft, and gain agreement on its detailed arrangements from the IAEA's Board of Governors. This system was to focus upon accounting for the presence and use of all fissile material within the jurisdiction of the NNWS parties to the Treaty. It was based on NNWS States Parties declaring to the Agency their initial inventories of such materials, and any subsequent changes in their location and size due to transfers between and within states, operations of existing plants or the opening of new plants. Agreement was reached on this in April 1971, and it was known thereafter as INFCIRC/153. This was the number of the IAEA information circular containing details of the model agreement between the IAEA and all NPT NNWS. EURATOM states negotiated a collective agreement of this type, enabling the IAEA to safeguard activities within those states independently of EURATOM.

The INFCIRC/153 system was a compromise between those industrial NNWS which desired as little interference in the operation and cost of their nuclear power systems as possible, and those states wishing to have effective early warning of any diversion from a civil fuel cycle. It focused its activities on the misuse of declared materials and known facilities, rather than searching for undeclared materials and plants. As a result, most of its inspection effort focused upon Canada, West Germany and Japan, even though by the 1980s they appeared increasingly to be unlikely nuclear proliferators. Also, the three NWS made 'voluntary offers' to place elements of their civil industry under IAEA safeguards in order to participate in an exercise of 'equality of misery' with industrial NNWS by shouldering some of the burdens of accepting IAEA safeguards.

One consequence of these compromises became apparent in early 1991 when Agency activities mandated by the Security Council uncovered the full extent of Iraq's clandestine attempts to manufacture fissile material for nuclear weapons, despite its NPT non-proliferation commitments. The result was that member states sought to change some of the Agency's existing safeguarding procedures to enable it to handle future NPT renegades. This culminated in proposals by the Agency Secretariat, initially labelled 93+2, for additional measures specifically geared to detecting undeclared activities and materials.

One key point in the process of strengthening the implementation of safeguards after 1991 was the recognition that although some desirable changes could be made to the existing system of 'comprehensive safeguards' to move its focus from the 'correctness' of a state's declaration to its 'completeness', others would require new legal authority. The changes that did not require further authority included voluntary reporting on all nuclear activities within a state; analysis of open source and other information concerning a state's nuclear activities; and the use of environmental sampling and remote monitoring equipment at sites declared to hold nuclear material. Other changes were the subject of extended negotiations, and it was not until May 1997 that a 'Model Additional Protocol' incorporating them was approved by the IAEA Board of Governors.

The basic concept behind all these changes was that the Agency should provide indirect, as well as direct, assurances that a state's material declarations were complete by auditing *all* activities within a state, both nuclear and non-nuclear, that could indicate the presence of undeclared nuclear materials. The Additional Protocol (known as INFCIRC/540) provided the authority for these indirect activities. It covered information about mining and waste activities; comprehensive state declarations concerning all their nuclear activities; analysis of and comparisons between these state declarations and other sources of information available to the Agency, including open sources such as commercially acquired satellite images; environmental sampling covering the whole of a state's territory; and the right of access to other locations to confirm the status of decommissioned facilities and to resolve inconsistencies between a state's declarations and other information available to the Agency. States which had this protocol in force were described as under 'integrated safeguards'. These centred upon frequent reviews of individual country profiles to provide assurances that no evidence existed of a state diverting declared nuclear materials or being in possession of undeclared nuclear material or engaged in undeclared activities. The stated aim of this new safeguards system was to offer the optimum combination of all safeguards measures and achieve maximum effectiveness and efficiency within the Agency's available resources.

Export Controls

National export controls were not specifically mentioned in the text of the NPT, but India's 'peaceful nuclear explosion' of 1974 stimulated supplier states into action on this matter. As the materials for the explosive device had been manufactured in a Canadian-supplied research reactor, attention became focused on two distinct issues: the conditions surrounding the export of nuclear materials and equipment to states that were not parties to the NPT; and whether technology holders should withhold all exports of nuclear equipment which might assist in the production of nuclear weapons if a state decided to proliferate.

The oil crisis of 1973 and the entry of France and West Germany into the market for the export of nuclear technology created acute commercial competition in an expanding and apparently lucrative market. This raised fears that fuel reprocessing and uranium enrichment plants, termed 'sensitive technologies' in this context, would be provided to NNWS customers to enhance the attractiveness of a vendor's civil technology.. Moreover, some interpretations of the text of the NPT suggested that it did not prohibit exports of 'sensitive technologies' to either other NNWS parties to the Treaty or to non-parties. One consequence was that alarm started to be voiced, particularly in the US, that the normative and legal constraints contained in the Treaty were inadequate to deal with the opportunities for proliferation presented by an expanding global civil nuclear industry. This was reinforced by relatively few of the states of contemporary non-proliferation concern having signed and ratified the NPT at that point.

The solution to these evolving concerns was sought through international efforts to co-ordinate export policies; to agree on common guidelines for triggering IAEA safeguards on exports from NPT states; and in US domestic legislation. However, all these activities generated major West-West frictions between the US and its industrialised allies.

The attempt to co-ordinate export policy, and in particular agree a common policy with France and West Germany to prevent transfers of 'sensitive technologies', started with an East–West meeting of major technology suppliers in London in 1974. At French insistence, this and other initial meetings of this 'London Suppliers Club', later renamed the Nuclear Suppliers Group (NSG), were conducted without publicity. This resulted in suspicions in some quarters, particularly among the non-aligned states not members of this group, that this was a conspiracy to deny then the 'inalienable right' of access to all nuclear technology. After months of discussion, agreement was reached among participating states on a set of guidelines for nuclear transfers 'to any non-nuclear-weapon state for peaceful purposes'. They did this by creating 'an export trigger list and ...common criteria for technology transfers'. These guidelines were made public in February 1978 in the form of an IAEA information circular, INFCIRC/254.

This INFCIRC listed those plants and their components which the adherents agreed should in future require a licence before a state would permit their export. Adherents were also expected to ensure that their export control legislation conformed to the guidelines, which stated that suppliers 'should exercise restraint in the transfer of sensitive facilities, technology and weapons-usable materials'. The effect of the first was to make all nuclear transfers positive acts of state policy, thus highlighting the right of any state to refuse to sanction them if it believed they might be used to assist in nuclear proliferation. This, the suppliers argued, was necessary to implement their commitments under the NPT not to assist any state to proliferate. The effect of the second was to create a tacit understanding among all those we were parties to the NSG (as against "adherents"), that in future they would refrain from exporting any reprocessing or enrichment technology. One result was that France halted its assistance in the construction of reprocessing plants to both Pakistan and South Korea. Another that West Germany, constrained its efforts to transfer enrichment and reprocessing technology to Brazil.

The NSG guidelines of 1978 represented the high point of consensus in the later 1970s among the technology supplying states. Elsewhere, irreconcilable views existed over the interpretation of Article III.2 of the Treaty text. This stated that exports by NPT parties to non-parties were

only to take place 'subject to the safeguards required by this Article'. Canada and the US argued that in this context 'safeguards' meant INFCIRC/153 safeguards (i.e. safeguards on all nuclear materials within the recipient state). Others argued that it meant INFCIRC/66 safeguards on exported items alone.

Little further movement took place to revise or strengthen the NSG guidelines until 1991, given the political sensitivities over claims by non-aligned states that its operations involved discriminatory activity and were non-compliant with Article IV of the NPT. In that year the revelations about Iraq's clandestine weapon activities led the Netherlands to organise a meeting of parties and adherents to the NSG guidelines to consider their revision. This created several working groups to consider the weaknesses in, and limitations of, the existing guidelines. These included engineering firms in Germany and elsewhere with no previous connections with the nuclear industry being used by Iraq to manufacture materials or components for their clandestine programme. In April 1992 agreement was reached amongst these states on significant amendments to the existing NSG guidelines, INFCIRC/254/Rev.1/Pts.1 and 2 published by the IAEA in July 1992.

These amendments included new guidelines covering exports of items of technology having both nuclear and non-nuclear uses (dual-use items). Also, NSG members agreed to consult with a central information point provided by the Japanese mission to the IAEA in Vienna before making such exports and to automatically reject export requests if another NSG state had recently done so. Finally, all members agreed to make comprehensive IAEA safeguards a condition for supply to non-NPT parties (they already were in respect of NPT parties). It was also agreed that the NSG would meet annually in future, and make positive attempts to expand its membership.

NSG activities were conducted entirely independently of the IAEA. However, Article III of the NPT gave the Agency the specific task of determining which items and materials supplied to non-NPT parties should be subject to IAEA safeguards. The first version of this 'trigger list' of items, known as the Zangger List, was published in September 1974, and updates were subsequently made on a regular basis. These updates were consolidated into an amended document, INFCIRC/209/Rev.1 of November 1990, the content of which was very similar to the list of NSG guidelines items, though in theory the two lists remained independent of each other and performed different functions.

While the NSG guidelines and the Zangger lists went some way to limiting the nuclear proliferation dangers arising from the anticipated global expansion of nuclear power plants and their associated reprocessing and enrichment facilities US legislators believed that more action was needed. They introduced domestic legislation which both banned the reprocessing of nuclear fuel for civil purposes within the US and halted its national fast-breeder reactor (FBR) development programme, which providing a technical justification for such activities. Their Nuclear Non-Proliferation Act of 1978 mandated the administration to renegotiate the existing bi-lateral agreements for co-operation between the US and other states, and with EURATOM, to bring them into line with US policy. The consequence of these actions and of the election of President Carter in 1976, who had made new initiatives over nuclear non-proliferation a major campaign goal, was acute friction among the leading Western industrialised states over their nuclear energy and industrial policies.

The core disagreement was whether the types of civil nuclear power programmes being pursued by the allies of the US and their technologies , sometimes termed the 'plutonium economy', constituted too great a proliferation risk to be acceptable. No agreement could be reached on this divisive issue, and in October 1977 the International Fuel Cycle Evaluation (INFCE) was initiated to try to reduce these tensions. This was a technical and analytical study, based in Vienna, of the risks involved in the expanded nuclear power programmes. The hope was that this should arrive at some conclusive recommendations on the optimum fuel cycle when viewed from a non-proliferation perspective. By the time it reported in February 1980, however, the issue had become less pressing as the spate of new orders for nuclear power plants which had followed the 1973 oil crisis had peaked. However, the argument that all states should follow the lead the US had given in its domestic nuclear policies was to persist as an intermittent, if usually latent, source of disharmony with several of its major allies, such as Belgium, France, Japan and the UK, who had made significant investments in nuclear fuel cycles involving fuel reprocessing and plutonium recycling.

Disarmament

When the NPT was signed in 1968, multilateral negotiations to cap the nuclear arms race and reduce nuclear weapon inventories had lost most of the momentum they possessed in the late 1950s. However, a new route to these goals was starting to emerge: direct bilateral negotiations between the US and USSR. These led to the SALT I Treaty of 1972 limiting certain types of strategic armaments; a treaty to limit ballistic missile defences (the ABM Treaty of 1972); agreements to limit both the yield of nuclear weapon test explosions (the Threshold Test-Ban Treaty of 1974) and all underground nuclear explosions for peaceful purposes (the Peaceful Nuclear Explosions Treaty of 1976); a further treaty limiting strategic offensive arms (the SALT II Treaty of 1979); a treaty banning short- and intermediate-range nuclear missiles (the INF Treaty of 1987); and two treaties to reduce the numbers of strategic nuclear warheads and launchers deployed by the US and USSR (later the Russian Federation) (START I of 1991 and START II of 1993). In addition, from 1978 to 1980 there was a trilateral attempt by the United Kingdom, US and USSR to negotiate a CTBT, without any positive result.

There was thus a continuing, if at times haltering, effort from 1968 onwards to negotiate nuclear disarmament agreements between the two superpowers, with a focus on reducing numbers of delivery systems. However, in the absence of limits on the numbers of nuclear warheads to be carried on individual delivery systems, the numbers of such warheads in the US and USSR arsenals continued to increase until the early 1990s. Also, all attempts to make progress in multilateral nuclear disarmament negotiations were blocked, with no attempts to negotiate a FMCT and negotiations on a CTBT taking place for only a limited period of time.

With the end of the US–USSR ideological confrontation and the disintegration of the USSR in December 1991, the nuclear arms race between them ceased to exist. One of the direct effects was to stimulate both states into unilaterally retiring and then dismantling large numbers of their existing nuclear warheads. Two other NWS, France and the UK, also pursued similar policies. More negatively, the situation created a new proliferation challenge. Although all USSR tactical nuclear weapons had been moved to the Russian Federation before its collapse, strategic missiles and bombers, together with their nuclear warheads and bombs, remained operational in Belarus, Kazakhstan and the Ukraine. However, by 1994 arrangements had been made to move all these warheads to the Russian Federation, and for all other states emerging from the demise of the USSR other than the Russian Federation to accede to the NPT as NNWS parties.

The end of the East-West ideological confrontation had several other important effects. One was to assist in making possible a change in regime in South Africa. This in turn enabled it to dismantle its clandestine programme for the production of nuclear devices, join the NPT as a NNWS and then in 1993 reveal details of its former weapon programme. Another may have been to cause the regime in the Democratic Peoples' Republic of Korea (DPRK) to push ahead with the separation of weapon-usable plutonium from indigenously produced reactor fuel, leading to a long confrontation from 1992 onwards between it, the IAEA and the US during which the DPRK gave notice of its intention to withdraw from the NPT, and then 'suspended' that decision. The confrontation was eventually resolved through a framework agreement negotiated between the US and the DPRK in October 1994 under which two large power reactors were to be supplied to the DPRK. In return, the DPRK agreed to freeze all activities involving its indigenously constructed nuclear facilities, and eventually dismantle them.

A further effect was to facilitate progress towards the disarmament objectives the non-aligned states had been seeking to achieve through the NPT. In January 1994 negotiations started in the Conference on Disarmament (CD) in Geneva on a CTBT, while a mandate was also agreed by the UN General Assembly for the negotiation of an FMCT. CTBT negotiations were completed in September 1996 with the signature of a Treaty. However, although the verification organisation associated with the Treaty, the CTBTO, had been brought into being in Vienna by 2000, the refusal of the US Senate to ratify the CTBT, along with several other states whose signature and ratification was necessary before it could come into force, meant that the existing informal moratorium on tests could not be given legal backing. Moreover, completion of negotiations on a CTBT did not lead to negotiations on an FMCT as had been planned, and since 1996 disagreement has persisted within the CD on the mandate and priority to be assigned to this measure, as against at least two other activities.

Security Assurances and NWFZ

In 1968 an attempt was made by the three NPT depositary states, through Security Council resolution 255, to meet the demands of non-aligned states, particularly Egypt, for positive security assurances. However, the form in which they were offered (three national statements and a resolution which referred to them) was regarded by some states as no more than a restatement of commitments that already existed in the UN charter. Moreover, no attempt had been made at that point to provide NPT NNWS with collective negative security assurances. Pressure for them continued and in 1978 they were provided, though in a form that was again regarded by NAM states as inadequate. In that year the first United Nations General Assembly Special Session on Disarmament (UNSSOD) was held, with all five NWS making unilateral statements on negative security assurances. China's statement was an unconditional one; the French one was limited to states in NWFZ's; that of the USSR covered all states that renounced the production and acquisition of nuclear weapons and did not have them on their territories. The UK and the US made a commitment not to attack or threaten to attack a NNWS with nuclear weapons, but excluded from it NNWS allied with a nuclear-weapon state. At the next UNSSOD, in 1982, France provided NNWS with a broadly similar commitment to the UK and US.

As the numbers of non-aligned NNWS party to the NPT increased, so too did their pressure on the NWS to offer enhanced security assurances. Two states took the lead on this issue: Egypt on positive assurances and Nigeria on negative ones. Four types of enhancement were being sought: a common assurance given collectively by all the NWS, rather than a collection of differing unilateral statements; one that was in a legally binding form, rather than just a statement of intent (this implied either an independent agreement or treaty, or a protocol attached to the NPT); one applying to all states, but if this was not forthcoming to all NPT NNWS parties; and one that contained no reservations. However, despite this issue being on the agenda of the CD and being discussed actively at NPT review conferences, where both Egypt and Nigeria made positive proposals for such enhancements, it was not until 1995 that further changes were made to the existing multilateral security assurances.

The first change was that a new Security Council resolution, 984, was passed on 11 April 1995. This was similar to the 1968 one, in that it based itself on a series of national statements made in letters to the Secretary General on 5-6 April 1995, but it differed in encompassing both negative and positive assurances. Like previous assurances, they were not in treaty form, though some state representatives argued that Security Council Resolutions were legally binding, as therefore these commitments were too. The second change was that although China maintained its unconditional negative security assurance, the other four NWS modified theirs to bring them broadly into line with each other. However, several obstacles were still perceived by the western NWS to stand in the way of an unconditional assurance. One was a reluctance to give up the element of deterrence through uncertainty inherent in conditional negative security assurances. A second was a concern that such a commitment would unnecessarily inhibit a NWS faced with a threat of use of chemical or biological weapons from a NNWS, and indeed might even encourage such a threat.

The NWS also provided security assurances in two other contexts during this period. The first was that as part of the process of transferring to the Russian Federation the USSR's strategic nuclear weapons deployed in Belarus, Kazakhstan and the Ukraine, nuclear security assurances were provided to all of them on 5 December 1994 by the Russian Federation, the UK and the US; on the same day by France to the Ukraine; and in February 1995 by China to Kazakhstan. These commitments were in line with those later contained in Security Council Resolution 984.

The second context was that of NWFZs. The first of the NWFZ treaties covering inhabited areas (the 1967 Treaty of Tlatelolco) contained two additional protocols that were open to signature by states outside the region. The first was for states with dependent territories within the zone: the second was for signature by the NWS. The first effectively prevented any stationing of nuclear weapons within the zone, while the second provided the zonal states with unconditional security assurances. As all the NWS had signed this protocol by the end of 1979, all zonal states had been given unconditional negative security assurances in binding legal form through this route. However, until the 1990s US policy was negative towards the creation of further NWFZs as, among other things, it regarded them as threatening limitations on its freedom to deploy nuclear weapons on a global basis. By 1993 the only additional group of states that had negotiated a similar zone were those in the South Pacific through their Treaty of Rarotonga of 1985. Here, part of the motivation for negotiating the NWFZ was French nuclear testing in the area. As a consequence France, the UK and the US refused to sign any of the three protocols to the Treaty, one of which provided the zonal states with unconditional negative security assurances.

With the end of the global East-West confrontation, the US started to take a more positive view of NWFZs. As a consequence of this, and more importantly the change of regime in South Africa, rapid progress was made from 1993 onwards on the drafting of an African NWFZ treaty containing a protocol on negative security assurances. This work was completed in the summer of 1995, with the official signing ceremony for the document itself, known as the Treaty of Pelindaba, taking place in April 1996 in Cairo. By then a further NWFZ treaty, the Treaty of Bangkok, had been drafted and signed covering Southeast Asia, which also incorporated a protocol containing unconditional negative security assurances from the NWS. However, this protocol has yet to be signed by the NWS, for reasons connected with the wording in the Treaty and its protocols.

NPT Review Conferences

Article VIII.3 of the NPT mandated that 'Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held ....in order to review the operation of this Treaty...'. The first of these review conferences took place in Geneva in 1975. Although it was a conference of the parties to the Treaty, not a UN one, it hired UN facilities and secretariat personnel for its meetings, as well as adopting rules of procedure based upon those of the UN. It set itself the task of reviewing the implementation of the NPT over the previous five years, rather than the text of the Treaty itself or the global nuclear proliferation and non-proliferation situation *per se*. It created a standard format for future conferences of starting 1-2 years before the event with several short sessions of a Preparatory Committee (PrepCom) tasked with identifying conference officers and agreeing the agenda and other procedural and administrative arrangements, and then moving on to a main meeting of four weeks duration.

The organisational template used for the Review Conferences involved three phases of work by delegations. The first phase saw heads of delegation of participating state parties making plenary speeches, often drafted in capitals, outlining their initial positions on the issues they felt should be addressed by the Conference. In the second phase, the NPT text was divided between two Main Committees for detailed consideration of its implementation, and for the negotiation and drafting of a text reporting on the scope of a Committee's deliberations and its conclusions. The final phase involved attempts to integrate these Committee texts into a Final Declaration (later Document) of the Conference with the aim of having it agreed by consensus. Formally, this task was assigned to the Drafting Committee, though it also involved other, more *ad-hoc*, groupings and meetings of representatives of groups of interested parties convened by the President of the Conference. Finally, a central structural element of the 1975 conference and its successors was the existence of three Cold War caucus groupings, similar to those found within the UN structure: the Western European and Others Group (WEOG); the Eastern Group; and a Neutral and Non-Aligned Movement (NAM) one.

In the years through to 1995, it became accepted as standard practice that review conferences would be held every five years. The US delegation succeeded in persuading the parties to operate through three main Committees rather than the initial two, *inter alia* to allow a representative of each of the caucus groups to chair a Main Committee, with the President nominated by the NAM. At later conferences, a new informal grouping based in Vienna started to emerge, sometimes called the 'white-angels', which consisted of smaller western states who wished to take a more active part in the proceedings than the caucus system allowed, and who performed a limited mediating role between those groups, especially over peaceful uses of nuclear energy. However, despite the existence of the 'white angels', the main issues tended to be addressed on an inter-group basis. Finally, Presidents of specific Review Conferences tended to take a differing view of their role, ranging from a non-interventionist and neutral perspective at one end of the spectrum, to drafting the Final Declaration and attempting to impose it on the conference at the other. In addition, they made differential use of informal consultative groupings centred upon themselves, in one case making extensive use of the 'Friends of the President' and in another no discernable attempt to create and use such a group at all.

The outcomes of the conferences also differed significantly, though the content displayed great consistency despite the gradual increase of the parties attending. At the first conference in 1975 a short Final Declaration was agreed by consensus, partly as a consequence of the strong leadership displayed by the Swedish President. In 1980, under Iraqi presidency, no such document could be agreed. In 1985, with an Egyptian president operating an effective informal consultative system, a final declaration was agreed by consensus, even though differences of view on a key issue was apparent within in. In 1990, under a Peruvian president, irreconcilable differences emerged over the CTBT that a last minute attempt at Presidential leadership could not overcome.

The content of the conference remained relatively static from 1975 through 1990, This was the only Treaty in which the NWS had made a legal commitment to negotiate on nuclear disarmament. The NAM states therefore regarded the NPT review conferences as major forums within which the NWS could be pressurised into moving forward on the disarmament agenda first articulated in the 1950s. As a consequence, action to negotiate a CTBT became the litmus test for them in evaluating compliance with the NPT by the NWS, and the one around which consensus was most likely to break down.

Other issues which had been prominent in the negotiation of the Treaty continued to have a significant role in the review conferences. Enhanced Security Assurances were demanded from the NWS, with little visible effect before 1995. Export Controls proved controversial, especially in 1980 when differences within the WEOG, and between members of it and the Eastern group on the one hand and members of the NAM group on the other, combined to make this a difficult issue to handle. IAEA safeguards also provided a fertile ground for limited disagreements, especially over whether INFCIRC/153 type arrangements should be a condition of supply to non-NPT parties. NWFZ and peaceful nuclear explosives, however, generated less friction, with the latter increasingly been seen as an obsolete element of the Treaty which was best ignored.

Insofar as accusations of non-compliance with, and non-implementation of, the non-proliferation articles of the Treaty were concerned, debates on these matters focused on what were euphemistically described as 'regional issues'. These were triggered by the concerns Arab states had over Israel's nuclear capabilities, and African states over those of South Africa. Both regional groups viewed NPT conferences as relevant forums to highlight and debate these issues, and ventilate accusations that the Western NWS were aiding Israel and South Africa's alleged military nuclear programmes. The existence of these two regional nuclear proliferation concerns also served to bind the NAM group of states together, as each regional group had a mutual interest in providing the other with support. However, due to the political make-up of the NAM, these parties had little incentive to raise the issue of other potential proliferators, such as Argentina, Brazil, India and Pakistan, despite attempts by certain WEOG states to widen these regional discussions on 'suspect states' to a global level. Finally, acute conflicts between Middle Eastern states also generated complications for the negotiation of a Final Declaration on at least two occasions. In 1985 Iran accused Iraq of attacks on its nuclear facilities, while in 1990 Iraq's attack on Kuwait generated significant complications, although the conference took place before the UN became aware of Iraq's clandestine nuclear weapon programme. Disagreements over the credentials of delegations also played a persistent, if minor, role in such conferences, in particular whether the Palestine Liberation Organisation (PLO) should be granted observer status.

By 1995 NPT review conferences were thus operating within a well-established procedural and substantive pattern, based largely on East-West structures and concerns. Yet the international security and political environment had changed significantly. The 1995 Review and Extension Conference therefore not only had to deal with the issue of the further duration of the Treaty created by the existence of Article X.2; it also had to operate in a substantive context where the proliferation and disarmament debates were changing rapidly.

The 1995 NPT Review and Extension Conference (NPTREC)

The NPTREC was preceded by the normal series of PrepCom meetings, though in this case the final one did include some discussion of substantive issues. The objective of achieving agreement on an indefinite duration for the Treaty was the subject of intensive and systematic lobbying by the US, the EU states and other members of the Western Group and their associates. By contrast, members of the NAM were being urged to reject this in favour of more limited periods of extension, in the belief that this would generate periodic opportunities to force the NWS into political concessions over disarmament. At the same time, South Africa had been developing ideas on how to move debates over disarmament away from political rhetoric and towards gaining commitment from the NWS to an incremental process of nuclear disarmament, while Canada had been working on plans for making all the parties more accountable for their actions.

The consequence of these activities, and of perceptions that ultimately it was the NNWS that had more to gain from the NPT in security terms than the NWS, was a lengthy process of negotiations at the Conference on outcomes that would offer gains to most parties. These involved recognising that the majority of the parties favoured the Treaty having an indefinite duration; that a set of agreed *Principles and Objectives for Nuclear Non-Proliferation and Disarmament* should be accepted and implemented; and that *Strengthening of the Review Process for the Treaty* should be achieved through changes in the workings of the existing review process to provide for regular and more effective monitoring of the implementation of the *Principles*.

The overall objective of this unspoken bargain was seen by some of the NNWS involved in the negotiations as the achievement of 'permanence with accountability'. At a late stage in the negotiations, however, the Arab group of states indicated that they were dissatisfied with the outcome, which appeared to have deprived them of the option of threatening to terminate the Treaty if states parties failed to take collective action against Israel's alleged nuclear capabilities. This issue was eventually resolved by the three depositary states (the Russian Federation, the UK and the US) agreeing to sponsor a *Resolution on the Middle East* advocating *inter alia* that it be converted into a zone free of all weapons of mass destruction, and that all states in the region should be NPT parties and accept full-scope IAEA safeguards. Implicitly, the three depositaries could be argued to have committed themselves to implement this resolution. Thus the indefinite duration of the Treaty was paralleled by all states making commitments to specific substantive actions and to a 'strengthened' review process covering their implementation.

In parallel with the negotiations on the duration of the Treaty, the normal review proceedings had also been taking place, though the main focus for heads of delegation until the final two days was the duration decision. As a consequence, no Final Declaration was forthcoming from the Conference, despite the DPRK and Iraq being in non-compliance with their safeguards agreements with the IAEA during the review period.

The Strengthened Review Process, 1997-1999

One effect of the decisions in 1995 was to create a set of general guidelines for the 'strengthened' NPT review process, though its detailed modalities remained to be addressed. One key change was that sessions of the PrepCom for a Review Conference were to be held in each of the three years preceding it, rather than immediately prior to it. Each session was instructed to consider 'principles, objectives, and ways to promote the full implementation of the Treaty, as well as its universality'. In order to do this, it was to consider specific matters of substance, with particular reference to the *Principles and Objectives* decision document, including 'the determined pursuit by the nuclear weapon States of systematic and progressive efforts to reduce nuclear weapons globally.' The PrepCom was also instructed to take into account the *Resolution on the Middle East*.

The Chairman of the 1997 PrepCom session modelled its structure on that of the Review Conferences, with a Plenary and then three 'cluster' discussions, whose focus closely resembled that of their three Main Committees. An attempt was made at this first meeting to develop two documents: a consensus 'rolling text', which some believed was intended to form the basis for recommendations to the Review Conference, and a compendium of proposals made by states parties during the session. In addition, it was proposed that 'special time' should be allocated to three specific topics at the 1998 PrepCom session. Ultimately, a report was agreed on all these issues for transmission to the next session.

The 1998 PrepCom session implemented the proposal for 'special time', though this was allocated within the clusters rather than separate from them as some states were concerned, *inter alia*, that this would set a precedent for the creation at the Review Conference of the 'subsidiary bodies' which had been mentioned in the 1995 document. However, the session itself was beset by conflicts over the implementation of the *Resolution on the Middle East* and the powers of

the PrepCom sessions, in particular whether their discussions and recommendations had to be limited to issues relevant to the Review Conference or could also involve current but transient events. One consequence was that although very limited progress was made on updating the compendium of proposals and developing the "rolling text", the parties were unable to agree on a consensus report to the next session.

Consequently, the Chairman of the 1999 session was confronted with no formal guidelines from the previous sessions on how to generate recommendations to the Review Conference, or how to structure the meeting. However, the parties rapidly agreed an agenda and work plan, and also to the discussions on recommendations being based upon an amended version of the 1997/8 rolling text. All negotiations on the wording of the recommendations to the Review Conference all took place in plenary. No recommendations could be agreed either on substantive issues or the establishment of Review Conference subsidiary bodies, as had been mandated by the 1995 document. One result was that the PrepCom did not comment on the nuclear tests of India and Pakistan that had taken place immediately following the 1998 PrepCom, or the self-declared nuclear status of these states. Thus, although the sessions facilitated regular monitoring of the regime, they failed to achieve many of the objectives set for them in the 1995 documents, or produce consensus recommendations on urgent non-proliferation issues.

Section 4
The 2000 NPT Review Conference

The Negotiations

The 2000 RC opened positively. Presidential consultations had produced agreement on creating two 'subsidiary bodies', SBI on Disarmament within Main Committee I (MCI) and SBII on Regional Issues within Main Committee II (MCII). The three MCs and the two SBs started work In the middle of the first week, after the United States and Egypt agreed that the *Resolution on the Middle East* would be handled as a regional question in SBII, whose remit also included Israel and Iraq, as well as India, Pakistan and the DPRK.

After private negotiations in the margins of the CD in Geneva, and then in New York, all five NWS presented a joint statement to the RC at the start of the second week, signalling their willingness to shelve their differences on nuclear weapon issues in the interests to facilitate a consensus Final Document. The second week of the Conference was spent collecting ideas in the MCs and SBs, and converting them into draft texts. At the end of that week the President convened an informal plenary on possible changes to the implementation of the strengthened review process, proposals ranging from the third PrepCom session alone being required to produce recommendations to its RC; the creation of an NPT Management Board; and halving the time allocated for PrepCom sessions but convening an additional session in the year following a Review Conference.

Main Committee reports were scheduled for completion at the end of the third week. As all five reports contained sections of non-agreed text, the chairs of four of the five bodies were asked to continue seeking clean texts, while the President took over the task of producing a clean MCI text. Three types of activities then took place in parallel. MCII and III met in open informal session to seek clean texts of their reports. The President convened a meeting of a group of 'representative countries' to identify agreed language for the text of the MCI report, but by mid-week this activity had been abandoned. Also, private negotiations were convened at the request of the President of the Conference to address disagreements over the text on regional issues being negotiated in SBII.
In addition, private negotiations were initiated between the NWS and the NAC by mutual agreement outside the UN building. These concentrated on achieving agreement on a forward-looking document on disarmament. When their existence was discovered by accident by a television crew they were 'legitimised' by moving them into the UN building. By the Wednesday evening these discussions had become stalemated, though a core document did exist. When they reconvened on Thursday the UK and the US indicated that they were prepared to accept the document as it stood if the NAC would do so. Despite reservations over its content, Russia indicating it was prepared to go along with the UK – US proposal, and France followed its lead. China remained unhappy about a paragraph on transparency, but eventually accepted the text.

Negotiations on a backward-looking text between the NWS and the NAC, now joined by Indonesia, Germany and the Netherlands, continued throughout Thursday, and it was agreed to reconvene early the next morning. At that point the UK proposed that those involved should agree to accept the text that then existed as the consensus backward-looking document on disarmament, with some balanced amendments and deletions. France indicated its support for this approach and the specific proposals made by the UK. South Africa, speaking for the NAC, confirmed that they were in broad agreement with the UK approach, but made a counter-proposal for some modifications to the UK package. These were accepted by France, Russia, the UK and the US. Both China and Indonesia, representing the NAM in this context, were thus confronted with a *fait accompli*, which they eventually accepted. A consensus text had thus been agreed for both the forward- and backward-looking disarmament documents, the area that in the past had been the main stumbling-block to a consensus Final Document.

At this stage, the roadblock to a consensus Final Document became language on Iraq's non-compliance with the Treaty. Tortuous negotiations between US, Iraq and others, both in New York and capitals, eventually resulted in agreement on a text by mid-day on Saturday (the clock having been stopped late Friday). The Drafting Committee then produced the text of a Final Document. This included a text on recommended changes to the review process, which up to that point had neither been formally presented nor discussed by delegations. The impetus to agree a text placed states under intense pressure to cut-out disputed language, and agreement was reached on the Final Document late on the Saturday afternoon, though several states indicated in their closing speeches their dissent over specific aspects of the consensus document...

Substantive Issues and Products of the Conference

i. Universality

The 2000 RC named for the first time all those states (Cuba, India, Israel and Pakistan) which were non-parties to the Treaty. It also 'deplored' the Indian and Pakistan nuclear test explosions, declaring that 'such actions do not in any way confer a nuclear-weapon State status or any special status whatsoever'. Universality also generated difficulties in the areas of technical co-operation with non-parties and the creation of reporting mechanisms. Some NAM states wished to see a total cessation of all nuclear-related assistance to non-parties, even though this appeared contrary to the text of the Treaty. The result was that that full scope (FSS) IAEA safeguards as a condition of material or equipment supply to such states was absent from the text. Although formal dialogues were proposed with non-parties, no agreement was possible, though all States Parties were requested to report on their efforts to realise the goals and objectives of the 1995 *Resolution on the Middle East*.

ii. Non-Proliferation

Two parties to the Treaty were the subject of allegations of non-compliance with Articles II and III of the NPT: the DPRK and Iraq. As the former was absent, a text could be agreed noting that the IAEA had been unable to verify its initial declaration of nuclear material and thus could not conclude that no diversion had occurred. By contrast Iraqi delegates were present and it had been certified by the IAEA to be non-compliant with its safeguards agreement prior to 1991, though the IAEA had reported that all clandestine activities had been accounted for and a regular IAEA inspection had taken place in Iraq in early 2000. This led Iraq to argue that it had been fully compliant with the Treaty since 1995, and that its non-compliance with UNSC resolutions, including the non-implementation of the comprehensive system for monitoring WMD activities within Iraq, was irrelevant.

Some states, however, regarded it as unacceptable to say nothing about Iraq, especially given a statement by an IAEA representative that 'in all the years between 1991 and 1999, the Agency has not been able to conclude that Iraq complied with its safeguards agreement'. The compromise language eventually agreed noted that a regular inspection had been carried out in January 2000 of the material subject

to safeguards and reaffirmed 'the importance of Iraq's full continuous cooperation with IAEA and compliance with its obligations'.

iii. Disarmament

The debate over disarmament centred upon whether the NWS should make an unconditional commitment to disarm, and the practical steps that should be taken in the next five years to further this objective. On the first issue, two statements were agreed. One was an 'unequivocal undertaking by the nuclear weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under Article VI'. The second was a reaffirmation that 'the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control'. Those arguing that the first statement was unconditional pointed to it being number six in a list of thirteen points, with the second statement at number eleven. Those arguing it was conditional upon general and complete disarmament pointed to the wording of Article VI, which calls for the pursuit of negotiations on 'nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control'. Their argument was that the latter was legally binding whereas the 2000 document was only politically binding, and it mandated that both objectives had to be pursued in parallel.

On practical steps,, negotiations focused on how to enhance the 'action plan' contained in paragraphs 3 and 4 of the 1995 *Principles and Objectives* document. The forward-looking document that eventually emerged, usually termed 'the 13 steps', was much more comprehensive and wide ranging than that agreed in 1995. It was a practical and comprehensive nuclear disarmament agenda, containing a mixture of unilateral, bilateral and multilateral activities, in contrast to the Treaty's focus upon engaging in multilateral negotiations and agreements. It also offered an incremental vision of how to move towards nuclear disarmament, in contrast to the 'time-bound framework' proposals prominent before 2000.

The backward-looking element of the disarmament debate concentrated on whether its pace had been satisfactory, and how to evaluate the significance of the numbers of nuclear weapons remaining; the proposal by the UN Secretary General for the convening of a conference on eliminating nuclear dangers; on the significance of the 1996 ICJ advisory opinion on *Legality of the threat or use of nuclear weapons*; on the inability of the CD to initiate negotiations on an FMCT; and on the significance of the de-targeting declaration contained in the joint statement by the NWS.

iv. Nuclear-Weapon-Free Zones (NWFZ) and Security Assurances

The states parties found little difficultly agreeing language on the general desirability of additional NWFZ; on the need for relevant ratifications to bring existing treaties into full operation; and on welcoming and supporting efforts to set up a NWFZ in Central Asia. Arab states wanted Israel to be urged by name to take the steps needed to implement a NWFZ in the Middle East. This issue was resolved by restricting the naming of Israel to the regional issues part of the Final Document. .Although it had been anticipated that security assurances would be a major issue at the RC, the Final Document merely called for recommendations on this to be made to the 2005 Review Conference..

v. IAEA Safeguards and Export Controls

IAEA safeguards generated considerable controversy, both in their own right and because of their links to regional issues. Some states argued for this Protocol to become an integral part of Agency safeguards. Other wanted to continue to conduct trade with non-parties on the basis of INCIRC/66 safeguards alone. NAM countries wanted language calling for 'the total and complete prohibition' of the transfer of nuclear related equipment and materials, and of technical assistance, to non-parties (i.e. Israel). Other states argued that such acts would be contrary to the language of the Treaty. None of these differences were resolved.

Language on both the work of the Zangger Committee and the NSG was opposed by NAM states who claimed they were barriers to economic development. Iran also contested the right of the United States and others to refuse nuclear-related transfers to states whose non-compliance with the Treaty had not been verified by the IAEA.

vi. Peaceful Uses

Debates on this topic centred upon the implementation of the 'inalienable right' of states to enjoy the peaceful benefits of nuclear energy. Issues here included whether all states, not just States parties to the Treaty, should enjoy these benefits and the role of nuclear energy in sustainable development.

Some Implications of the Conference

As the products of the meeting started to be examined, questions emerged about what had actually been agreed; what the commitments in the 'programme of action' contained in the Final Document actually meant; and how they could be implemented.

i. The Treaty and the Review Process

The messages for the Treaty and its review process contained in the Final Document of the 2000 RC were at best confusing. On the one hand, the outcome suggested that among the elements that generated success were effective chairmanship of the MCs and SBs; a President who pursued a non-interventionist policy and left the resolution of key issues to the parties to the Treaty; and one who held his nerve in the end game and was not panicked into accepting a suboptimal result. On the other hand, the problems encountered over the issue of Iraq's non-compliance with the Treaty pointed to an inherent flaw in the nature of the rules of procedure for RCs: those accused of non-compliance with the Treaty cannot be denied their voting rights, and thus can veto any statements about their actions they disagree with.

On a more specific level, some of the changes introduced into the review process in 1995 seemed to have been vindicated. The two SBs did focus attention on key issues at the Conference. What did not occur, however, was any conscious and visible updating of the 1995 *Principles and Objectives* document. While the contents of this 1995 document were reaffirmed, the amendments to it were spread throughout the text. In addition, the contents of the 1995 Document were not used in any conscious way as yardsticks for assessing performance over the previous five years. As a result, the ties binding the ongoing review process to the 1995 document were partially cut, making it more open to change at future Review Conferences.

Perhaps more significantly, the PrepCom process was given little further guidance by the Final Document. Although the concept of the PrepComs preparing the ground for the RCs, other than in a very general way of educating participants about the issues, had not been implemented any effective way in 1997–99, the 2000 amendments offered little hope that this would occur in future. For they did not require the parties to arrive at any consensus recommendations for transmission from the first two PrepCom sessions to the third (their product was now to be a factual summary of the discussions). However, the third was still expected to provide draft recommendations to a Review Conference, though some new reporting commitments were created in areas such as disarmament and the *Resolution on the Middle East*.

iv. The Caucus Groups

While the three Cold-War caucus groups (NAM, Western and others and Eastern) appeared indispensable for allocating conference offices, one was a hollow shell and the others had predominantly information, rather than policy co-ordination, functions. As a consequence, regional and interest based groupings played a more significant role than before. In the case of the NAM, Arab and other regional groupings sought to pursue their specific interests through its consultative mechanisms, but agreed NAM positions were often coupled with contradictory regional and interest based ones. Interest based regional and global groupings also abounded: the NATO-5; Finland and Sweden; the Vienna-based G-10; Australia and Japan; the South Pacific States (SOPAC) and the Caribbean Island States (CARICOM). It was the seven states of the NAC, however, which stood out as the completely new and highly significant player in this context. They formed an interest based coalition, seeking agreement on an expanded range of commitments on disarmament, while also pulling together the traditional groupings over this issue on language they had proposed. To do this they had to negotiate with the loosely-linked grouping of the five NWS. It was in this context that the key issues of the forward-and backward-looking language on disarmament were resolved.

Section 5
The 2005 NPT Review Cycle

The First PrepCom Session, 2002

This took place after 9/11 the US decision to give notice to the Russian Federation of its withdrawal from the ABM Treaty.

Administrative and Procedural Matters in the 2002 Session

The 'cluster' discussions took place on the basis of the areas addressed by the three main committees at Review Conferences, with 'special time being allocated to:

i) the implementation of nuclear disarmament;
ii) regional issues, in particular implementation of the 1995 Resolution on the Middle East; and
iii) safety and security of peaceful nuclear programmes.

The first week of the session saw no agreement on the indicative timetable, due to a refusal of France and the US to accept any version referring to the commitments on reporting contained in the disarmament and regional issues sections of the 2000 Final Document. This threatened to derail the session before it had started. The conference then proceeded on the basis of the existing draft timetable, and a compromise was reached on the Agenda at the end of the first week by omitting specific reference to the controversial activities.

The 2000 Review Conference Final Document had mandated that the 2002 PrepCom discussions be factually summarised and the results transmitted to the next PrepCom session for further discussion. However, guidance was lacking on who should write the report; whether and how the Chairman would consult delegations on its wording; and whether there should be an attempt to have it accepted as a consensus document.

The chairman resolved these issues late in the session by indicating that he was proposing to issue the text on his authority alone as an annex to its formal report, and that while he would consult informally on its substance it would not be open to negotiation or amendment. This text was issued to delegations late on the penultimate evening of the session. Although several states regarded it as unbalanced for a variety of reasons, all were prepared to accept that it should be 'transmitted to the next session for further discussion'.

Substantive Issues in the 2002 session

The 'discussions' at this session mainly focused upon providing information on the policies and attitudes of states parties towards a well-established and familiar range of topics. What was new was the decision, heavily influenced by the events of 9/11, to schedule 'special time' for a discussion on the safety and security of the nuclear fuel cycle (i.e. nuclear terrorism).

The 66 statements delivered during the general debate, including those of the EU, the NAM and the NAC, mainly concentrated on re-stating familiar positions rather than offering new ideas. Although spokespersons for the United States argued that the Bush Administration was committed to nuclear disarmament, there was a widespread perception that its actions suggested otherwise, as did leaked elements from its still classified Nuclear Posture Review (NPR). No discussion occurred on recommendations on legally binding Security Assurances. This led to complaints of backtracking by some of the NWS on their existing unilateral nuclear security assurances provided to NNWS though the NPT and NWFZ treaties, triggered by statements from UK and US government ministers and officials that their existing commitments not to use nuclear weapons against NNWS might be inoperative in certain circumstances (i.e. Iraq).

Vigorous statements about Iraqi non-compliance with the NPT drew equally combative responses from their representatives, but, in the absence of a DPRK delegation, there were no similar interchanges over their actions. Israel was also discussed, but overt disagreements were avoided. Similarly concern was expressed over the delicate nuclear relationship between India and Pakistan, and the impact of the 'war on terrorism' upon this.

Statements on IAEA safeguards mainly focused upon the need for those parties that had not done so to sign and implement an INFCIRC/153 safeguards agreement, and for those who had done so to sign and implement an Additional Protocol. However, some states in the Middle East made it clear that they regarded Israeli signature of an INFCIRC/153 type safeguards agreement as having a greater priority than the acceptance of the Additional Protocol by other states in the region. The discussions on peaceful uses covered several new NPT issues, not least those relating to nuclear and radiological terrorism and theft. This gave a new dimension to discussions on physical protection and the sea transportation of nuclear waste, as well as raising the profile of ideas for a Convention on Nuclear Terrorism.

The reporting issue cloaked significant differences over how the disarmament provisions of the 2000 Final Document should be implemented, and the proposition that in 1995 the 'permanence' of the Treaty had been exchanged for 'accountability'. Some states, clearly regarded reporting to a common format at every NPT PrepCom session or Review Conference as a new core NWS commitment, and thus considered it to be a substantive, rather than purely procedural, issue. For their part, the NWS understood their reporting obligations in much less specific terms, with no standard format and 'regular' not necessarily meaning 'at each meeting'.

The Second PrepCom Session, 2003

This took place in the context of several events which posed major challenges to the nuclear non-proliferation regime, including the DPRK's January 2003 NPT announcement of its intention to withdraw from the Treaty; U.S. allegations of undeclared Iranian nuclear activities; the December 2002 publication of the U.S. National Security Strategy; and the U.S.-led invasion of Iraq.

Administrative and Procedural Matters in the 2003 Session

The 2003 session opened with the Hungarian Chairman using the procedural device of retaining the DPRK's nameplate in his custody to prevent any debate on whether or not it had met the necessary legal conditions for withdrawal from the NPT. The 2002 session had created a precedent for the 2003 document, and the Chairman's factual summary was appended as a draft annex (annex II) to the formal report of the session. Its text borrowed heavily from that of 2002, with many paragraphs being identical. Close reading of the text revealed, however, an attempt to distinguish between issues on which there was some consensus and those where it was lacking. During the session, the US prioritized allegations of Iranian non-compliance and undeclared nuclear activity. In contrast to 2002, the only direct reference to Iraq was in connection with progress in establishing a NWFZ in the Middle East.

Substantive issues in the 2003 session

The 2003 PrepCom session again served to provide information on the policies and attitudes of states parties towards a well-established range of issues, the majority of which had already been addressed by the first PrepCom session. However, there were some new issues, many of them generated by the Iran and DPRK nuclear programmes and their implications, and some arising from the discussions at the 2002 session.

Several NNWS expressed scepticism of the NWS commitment to implement the '13 steps' agreed in 2000. The NWS for their part offered individual accounts of the progress that had been achieved in this direction in differing formats, and argued that expecting progress in all areas was unrealistic. The US and Russia highlighted their ratification of the Moscow Treaty/Treaty on Strategic Offensive Reductions (SORT), while the UK made a presentation of their research on verification of nuclear weapon dismantling and decommissioning. France described the progress of its plans to dismantle its fissile material facilities and nuclear weapons testing site. China criticized specific activities of other NWS, such as the development of low-yield nuclear weapons; failures to ratify the CTBT; and the weaponization of outer space. Although the Moscow Treaty was generally welcomed, it was argued that reductions in deployments and levels of operational readiness could not substitute for irreversible cuts in nuclear weapons. The continued deployment and development of non-strategic nuclear weapons was an issue singled out for condemnation by an increased number of states compared with 2002, including Austria, Germany, the NAC states and the Netherlands.

NNWS delegations such as those of Australia, Malaysia, Norway, the

NAM, and several OPANAL states stressed the need for unconditional negative security assurances and no-first use policies. Malaysia, the NAM and Norway in particular reminded the session of the previous proposals for drafting a legal instrument and the recommendation that a subsidiary body be established within Main Committee I at the 2005 RC. The NAC states went further by submitting a working paper *(NPT/CONF.2005/PCII/WP.11)* containing a detailed draft protocol on this subject, similar in most respects to that submitted by South Africa during the 1999 PrepCom *(NPT/CONF.2000/PC.III/9)*.

The perceived threat from nuclear terrorism resulted in great emphasis being placed on strengthening the safety and security of the nuclear material and facilities used in peaceful applications. Statements were also made by Australia, Japan and the United Kingdom concerning the maritime transport of nuclear material, which had relevance in both a safety and regional context.

Export controls were linked into discussions on both the peaceful uses of nuclear energy and the prevention of terrorist access to fissile material. Some states highlighted the importance of efficient export control organisations, especially the work of the NSG and Zangger Committee, in denying unauthorized access to fissile material. Iran argued that unilaterally enforced export control regimes contravene the NPT text and prevent developing states accessing nuclear materials and equipment for peaceful purposes.

The issue of universality generated both positive and negative reactions. While appropriation of the DPRK's nameplate limited debate on the issues surrounding its January 2003 withdrawal announcement, some felt this illustrated the NPT parties unwillingness to confront non-compliance with the Treaty. Calls for all the remaining non-NPT states (India, Israel and Pakistan) to accede to the Treaty as NNWS continued to be articulated.

The accession of Cuba to the Treaty of Tlatelolco and the NPT was widely welcomed as a positive development, particularly as it meant the NWFZ in Latin America and the Caribbean had become universal. Less obvious was the severing of the implicit linkage between condemnation of Iraq's activities and the naming of Israel that some regarded as underpinning the 2000 NPT Review Conference Final Document.

Procedural efforts to facilitate implementation of the Treaty continued to be a background issue during the session. Varied arguments were advanced for the need for greater transparency and accountability, and methods of reporting remained a source of considerable friction, particularly over the implementation by the NWS of the '13 practical disarmament steps'. The assumption that this would be an effective means of assessing disarmament implementation gave it significant substantive implications. In addition, attempts were made at instituting interactive exchanges on substantive matters, particularly on disarmament issues.

The Third PrepCom Session, 2004

This meeting took place following the emergence of a series of new challenges to the nuclear non-proliferation regime, including the gradual unveiling of A.Q. Khan's clandestine nuclear procurement network based in Pakistan; the implications of Libya's decision to dismantle its clandestine WMD programmes; and the admissions of major failures in assessments of intelligence by the US and other states over alleged Iraqi WMD activities. It again saw the Chairman retaining the DPRK's nameplate in his custody. After the opening of the cluster discussions in closed sessions as had been the rule since 1997, the Committee agreed on its fifth working day of to allow NGO observers to attend the remaining meetings as observers and receive documents from these sessions.

No agreement was possible on the indicative timetable for the session until its fourth working day. The delay resulted from disagreements over the allocation of special time for security assurances (which was seen by some as a precursor to a subject being allocated subsidiary body status in the RC). Agreement was eventually achieved by allocating special time to discussions on disarmament; regional issues (including discussions on the 1995 Middle East resolution); and safety and security of peaceful nuclear programmes (but not to security assurances). However, the session failed to reach agreement on many of the procedural arrangements previously deemed necessary for a smooth start to a Review Conference, including its agenda and the provision of background documentation for delegations. This arose from the implicit linking by some delegations of the draft wording in these procedural decisions with several substantive issues, in particular the authority, status of, and significance to be attached to the 2000 Review Conference Final Document (and the "13 steps" therein). Also, it was not possible to agree recommendations on specific substantive matters as mandated in the decision on *Strengthening the Review Process for the Treaty* in 1995. Neither was there an agreed recommendation on the subsidiary bodies to be established within the Review Conference's Main Committees. Finally, no recommendations were agreed on legally binding security assurances, as mandated by the 2000 RC.

All that emerged from the session was a short, largely administrative, final report which made recommendations on those procedural issues which would allow planning for the 2005 Review Conference to proceed. The Chairman on his own initiative produced a factual summary of the substantive debates which generated considerable criticism, and there was no agreement on annexing it to the report of the session, as had happened in 2002 and 2003. Instead, a slightly amended version was issued as a working paper of the session on the Chairman's own authority. In a new development, US criticisms of the original text were also included in the official records as a working paper.

Substantive issues in the 2004 session

While the NWS collectively continued to defend their progress in implementation of the 2000 '13 practical steps', the US and France attempted to exclude any prioritisation of them in recommendations to the Review Conference, and thus any recognition of these as commitments of indefinite duration. This stance contributed significantly to the lack of consensus on the final report and the Chairman's summary of the session. As in previous sessions, NNWS continued to stress the general importance of regular reporting by NWS, and their specific commitment to submit specific and regular reports to each PrepCom and RevCon session on their implementation of the '13 practical steps'.

A working paper, submitted jointly by Belgium, The Netherlands and Norway called for the periodic submission by NWS of 'the aggregated number of warheads, delivery systems and stocks of fissile material for explosive purposes in their possession'. The NAM argued that reporting by the NWSs should provide information on future intentions and developments. . Canada suggested that reporting on the progress on disarmament could be complemented by comprehensive reporting by all states on the implementation of the Treaty in its entirety.

The PrepCom had been tasked with making recommendations to the 2005 RevCon on legally binding security assurances. This issue proved so contentious that opposition to NAM demands for the allocation of 'special time' to the subject in 2004 not only delayed the adoption of the session's timetable, but also prevented any recommendations being sent to the 2005 Review Conference. Whilst some statements called for the adoption of an unconditional, legally binding legal instrument, others stressed the need to establish a subsidiary body on this at the 2005 RC. all stressed the importance of security assurances in addressing the concerns of NNWS and in strengthening the non-proliferation regime.

Brazil, Japan, and Nigeria all commented on the importance of compliance with both non-proliferation and disarmament commitments, and that the success and credibility of the regime rested on the reciprocal bargain between the NWS and NNWS over these issues. Many NNWS argued that they had an 'inalienable' right to develop and pursue peaceful uses of nuclear energy, and that this was equally important to the other two pillars of the NPT, disarmament and non-proliferation.

By contrast the US, and others argued that compliance with Article II provisions should take precedence over all other issues; be the criteria for providing assistance for peaceful nuclear programs; and that the standards for judging and enforcing non-compliance should be re-assessed and adjusted to prevent proliferation break-outs. They advocated limiting nuclear enrichment and reprocessing facilities to NPT states parties 'in good standing already in possession of such facilities that are full-scale and functioning'. France outlined seven conditions for the export of sensitive materials and equipment, including 'the highest standard of nuclear security and safety,' and 'an analysis of the stability of the country and the region' Germany suggested that the role of the UN Security Council in judging and addressing acts of non-compliance should be strengthened and proposed the establishment of a 'Code of Conduct' with automatic provisions for responses to such acts, as well as including in supply agreements statements 'that the items delivered should remain under IAEA safeguards if the recipient

state withdraws from the NPT'

Several States Parties argued for ratification of an Additional Protocol being a condition for all future nuclear transfers.. By contrast, the NAM state parties argued that the 'efforts towards achieving universality of comprehensive safeguards' should not 'wither in favor of pursuing additional measures and restrictions on non-nuclear weapon states' In addition, the US argued that states parties under investigation for non-compliance should not vote on their case in hearings before the Agency's Board of Governors or any NPT Special Committee that might be created in future to consider compliance and verification matters

States parties emphasized the importance of strengthening physical protection measures applicable to nuclear material and facilities, including enhanced national legislation on physical protection; improved border controls; supporting IAEA efforts in this area; and amending the extending the Convention on the Physical Protection of Nuclear Material to go beyond nuclear material in transit. The US also proposed that domestic legislation should be passed by all states in response to the provisions of UN Security Resolution 1540. For their part, the NAM expressed concerns over nuclear waste dumping and called for 'effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the IAEA'.

In its working paper, the League of Arab States called for states 'to refrain from entering into any agreement with …[Israel] in the nuclear field' as well as for the submission by states parties of 'reports on the steps taken by them for the implementation of the 1995 resolution on the Middle East'. There were also various calls for Iran to provide full and transparent cooperation with the IAEA to resolve any outstanding non-compliance questions, as well as for its prompt ratification of the Additional Protocol. The need for continuation of the Six-Party talks in order to achieve a peaceful resolution of frictions and a nuclear weapons free Korean peninsula through regional dialogue was also stressed.

Many state parties continued to emphasise the importance of measures to strengthen existing nuclear export controls. Germany suggested the need for the IAEA 'to define the minimum standard of export controls in the nuclear field that is necessary to achieve the non-proliferation goals of the NPT'. It also proposed that the IAEA should have a larger role in assisting NPT member states to improve the effectiveness of their nuclear export control arrangements.

The 2005 NPT Review Conference (May 2-27, 2005)

Organisational and Procedural Matters

The president again took custody of the DPRK's nameplate to limit discussion on its status. No state sought to prevent the initial plenary debate from starting, but it was accepted that until outstanding issues from the 2004 PrepCom (the Agenda and the number and focus of the subsidiary bodies) were resolved meetings of the MCs could not proceed. An initial proposal was reportedly rejected by the Iranians, as it contained references to reviewing "recent" events. An attempt was then made to split the problem it into two components. The first was to develop the agenda discussed in 2004 by stripping it of all references to the products of previous RCs, which would remove the objections of the US and France. The second was for the president to make an explanatory statement for the summary record which would contain "coded language" sufficiently opaque to be acceptable to these two states, but reflecting the NAM position on the agenda.

Efforts then became focused on agreeing the wording of this presidential statement, with Egypt insisting initial drafts were inadequate because they contained no overt reference to the 2000 Final Document. Proposals for allowing state parties to make their initial MC statements informally failed to generate support as they could not be included in the summary records. Attention therefore switched to extending the initial plenary debate to allow states to make their MC statements in that context.

Following intensive and extensive discussions among the regional groups, the president believed at the end of the first week that agreement was possible on the wording of both the agenda and his explanatory statement. However, when he presented these to the plenary, the Egyptian delegation objected to the wording of his statement and offered alternative language. Consultations then had to start anew on a revised version of the two-component mechanism, in an atmosphere of enhanced friction and accusations of bad faith.

By Wednesday afternoon of the second week the president announced that agreement existed on the president making his statement, followed by a statement from the Malaysian chair of the NAM group and the UK chair of the Western European and Others Group (WEOG) explaining their interpretations of his statement. (While this agreement to disagree resolved the immediate impasse, it became apparent in the final week of the RC that no clear understanding existed between the regional groups on how these statements were to be reflected in any Final Document).

Three hurdles still prevented an immediate start on the work of the MCs: procedural decisions on their allocation of work; the numbers and subject matter of their subsidiary bodies; and who would chair them. Their resolution only proved possible through an integrated package. This took another five working days to agree. The core problem was the allocation of subjects to the subsidiary bodies within the three MCs. Seven topics had been put forward as possible subjects: negative security assurances (NSAs); the 1995 Middle East Resolution; regional issues; disarmament; the NPT's institutional deficit; Article X and the process of withdrawal; and nuclear disarmament education.

An initial agreement was that there should be only one subsidiary body attached to each MC. SBI would cover both disarmament and NSAs; SBII would focus on regional issues (including the Middle East), as in 2000; while SBIII would focus on both Article X issues and the institutional deficit. The WEOG and Eastern Groups were largely supportive of this proposal, but the NAM argued for SBs on both disarmament and NSAs, the limitation of SBII to the Middle East Resolution, and no SB on Article X or the institutional deficit.

Discussions continued informally over the second weekend, but with little discernable result. Pressure was meanwhile building to find some way of starting the discussions normally undertaken through the MCs. A plenary meeting as convened on Tuesday, 16 May, to enable the 38 conference documents and 37 working papers then in existence to be introduced formally. Five states introduced a range of papers, either on their own behalf or groups. At that point, Iran intervened to complain that the debate was extending into the areas normally covered by the MC debates and suggested this would make agreement to move forward into MC discussions impossible.

That afternoon, two documents that had been circulating informally since the previous Thursday were tabled, and all main groupings and states parties indicated they were reluctantly prepared to go along with them. The need for continued consultations within and between elements of the NAM as a result of their internal disagreements resulted in no final decisions being made for another 24hrs, at which point the president announced that unless the issue of the MCs and SBs was resolved that day, he would offer the conference an alternative way forward as it could no longer hope to complete its work using the traditional procedures. At the same time he proposed an indicative timetable giving the majority of the remaining available time to the subsidiary bodies in line with the NAM negotiating position.

The plenary then heard a series of statements nominally to introduce conference papers, but in practice papers prepared for the MCs. At the end of the afternoon the president announced that arrangements had been agreed to permit the MCs and SBs to start their work the next morning, Thursday, 18 May. This involved accepting the documents first circulated five days previously on the allocation of work, with the president declaring his understanding that "each of the MCs will allocate within themselves time to their SBs in a balanced manner on the basis of the proportions used in the last conference". The subsidiary bodies were "Nuclear disarmament and negative security assurances" (SBI), "Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution" (SBII), and "Other provisions of the Treaty, including article X" (SBIII). The time remaining left these bodies with an impossibly short work period for an inherently difficult task. The three MCs and their SBs were allocated six sessions each instead of the possible seventeen that would have been available on the original schedule.

Friction continued to be visible over how time was to be allocated within the subjects assigned to SBI and SBII. Draft reports from chairs of the MCs and SBs had to be circulated before all parties had stated their positions. Also, there was no time in some instances for any discussion before decisions were made on whether these reports were to be forwarded to the Drafting Committee. All draft reports had square brackets around either sections of text not agreed or the whole text.

The first report to be considered for forwarding to the Drafting Committee was from MCII and SBII on the afternoon of Tuesday, 24 May. The chair of MCII reported that as it was not possible to produce

consensus reports from either body, and as two states (Egypt and Iran) had made it clear they would only allow consensus texts to go forward, he had no option but to send a short technical report to the Drafting Committee with no texts attached (the precedent from all previous Review Conferences was to allow such texts to be passed through to the final stages of the drafting process).

On Wednesday morning the reports from MCI and SBI came up for final consideration in parallel with those from MCIII and SBIII. The former received different treatment than that given to MCII and SBII. Those states that had opposed non-consensus texts from MCII being sent to the Drafting Committee were prepared to allow them to go forward from MCI and SBI, as they were in favour of texts on disarmament and security assurances being given a prominent status in the conference report. These reports were agreed first, there being no objection to the attachment of non-consensus texts .

In the case of MCIII and SBIII, which was taken last, it was argued that this text should not go forward as there was no consensus over it, due in part to an Egyptian tactic of tabling at a late stage a paper on another "provision" of the treaty. The MCIII text was much closer to a consensus document than any of the others, as it was strongly supported by the European Union (EU) and many industrialized states, though opposed by Iran and Egypt. However, the chair was prevented from trying to push the text through the committee by a last-minute objection from the United States. The only texts on substance that were sent forward to the Drafting Committee were thus those attached to the technical report from MCI/SBI.

As the Drafting Committee could use only the products from the committees to produce a Final Document, there was no substantive product from the conference. The only option that remained was for the president to put his own document to the conference, as had happened in 1975. This option had been discussed informally for some days, but he chose not to do so, no doubt influenced by indications from an Iranian diplomat at a Track II meeting the previous weekend that even the blandest of final declaratory statements would be opposed.

On Friday, 27 May 2005 the conference agreed on a technical report on its activities, with the MCI/SB1 non-consensus drafts attached, whilst a range of states seized the occasion to make statements reflecting on what had happened.

Section 6
The 2010 NPT Review Cycle

The First PrepCom Session, 2007

Administrative and Procedural Matters

In the light of events at the 2005 RC, the chairman made extensive efforts to agree the agenda for this meeting in advance. The situation was complicated, however, by ongoing negotiations and IAEA/UNSC activities to constrain Iran's indigenous nuclear enrichment and reactor programmes. When the meeting started the chairman believed he had agreement on his proposed agenda from all of the main players in 2005. This contained inclusive wording in its para.6, which read:

> *Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3 of the Treaty, in particular consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcomes of the 1975, 1985, 2000 and 2005 Review Conferences, including developments affecting the operation and purposes of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty.*

This formula satisfied Egyptian wishes to highlight the issue of Israel's reputed nuclear weapon programme. It also covered the 13 practical disarmament steps of 2000 and at the same time accommodated US and French wishes not to see implementation of these steps singled out for special attention. It also allowed for discussions of current non-proliferation issues, including the situation over Iran and the DPRK.

During the chairman's consultations, Iran had voiced objections to the elements relating to 'developments affecting the operation of the Treaty' and the reaffirmation of 'the need for full compliance with the Treaty'. However, when he asked the PrepCom to adopt this draft agenda, the Iranian delegation responded by proposing changing the final phrase from 'reaffirming the need for full compliance with the Treaty" to 'reaffirming the need for full compliance with all articles of the Treaty', wording taken from the agenda agreed for the 2002-4 PrepCom cycle, in order to remove what they argued was its anti-Iranian focus. At least one key delegation regarded the two formulations as having the same meaning. Others were not prepared to accept any changes to the chairman's compromise agenda. The chairman therefore adjourned discussion of this issue to allow for further bilateral consultations.

By Thursday the general debate had concluded, and as in 2005 some delegations were discussing moving forward to the cluster discussions within the context of an extended plenary meeting. Pressure for starting the cluster sessions within the plenary continued to rise, as expectations increased that Iran was seeking to block any product arising from the meeting in order to prevent the record and products of the session containing any adverse statements about its nuclear policies.

At a plenary late on Friday intended to enable work to start in the clusters the following Monday. Iran refuse to change its position. South Africa then proposed that the PrepCom should keep the chairman's language for the agenda, but adopt a decision that it understood the contested language to mean 'full compliance with all the provisions of the Treaty'. Cuba, then chairing the NAM, indicated that they were not prepared to proceed with the substantive debate without agreement on the agenda, while Algeria raised the issue of how precisely the South African proposal would be documented. When participants reassembled on the Monday morning, many delegations were debating whether an early closure of the session was becoming inevitable. Even if there was a rapid agreement on the agenda, there might be further delay before a schedule of work could be agreed. Delegations therefore started to turn their attention to converting their planned cluster speeches into working papers to record their views in the formal report from the meeting. When the PrepCom reconvened in plenary on the Monday afternoon, it took a decision on the dates and venue for the next session, thus guaranteeing this event would occur. Meanwhile,, informal discussions had became focussed on how to handle the anticipated choice between having too little time for effective cluster discussions and closing the session early without them.

Late on the Tuesday morning, the chairman re-opened the plenary session, and proposed that the meeting accept the South African compromise wording, and also take note of an indicative timetable allocating one 3hr session for each of the three cluster and three special time sessions. The special time items were to be on the topics covered in the subsidiary bodies established for the 2005 RC. Iran asked for the floor and complained about a number of aspects of the proceedings, but stated that in a display of good will, its government could accept the agenda if it included the footnote to item 6 of the provisional agenda that had been proposed by South Africa. The meeting then accepted the chairman's proposed agenda and noted his revised indicative timetable.

The three days of cluster debates that ensued proved to be very constructive in a number of ways. The collective will and positive atmosphere generated by the long-drawn out process of agreeing the agenda led to the chairman's proposal that speeches remain within time limits of 5 minutes for states and 8 minutes for groups being adhered to. This resulted in 30-36 speeches being delivered at each session. In some cases, this even left time at the end for spontaneous and unprepared interactions between states. It also made for sharper and more focussed debates. Due to the earlier delays the number of working papers reached a record 74 (including one for the first time from Palestine), greatly increasing the costs of the conference as many had to be sent to New York for translation.

The chairman was left with 75 minutes on Friday to finalise his factual summary of the proceedings, and distribute it to delegations. This proved to be an incisive, lengthy and balanced document. As was expected, many complained about its detail, but almost all states were prepared to support it given their collective determination to reverse the lack of visible agreement from the 2005 Review Conference, and the problems crteated by Iran over the agenda..

Caucus meetings were then held over how to handle both the substance of the report and the formal procedure for handing it on to the 2008 session. Some states had difficulty with annexing the summary to the formal report from the meeting as had happened in 2002 and 2003, but they were prepared to give it the status of a working paper from the conference, as had happened in 2004. Iran, however, was not prepared to accept this compromise. This threatened to prevent any product emerging from the session, including the placing on the record of the agreement reached on the current and future PrepCom agendas. After some hours of argument and both bilateral and multilateral meetings between the chairman and key states and caucus group chairmen, Iran was persuaded to go along with a compromise consensus view that the formal report contained the future agenda and the chairman's factual summary be recorded as a working paper of the PrepCom session

Substantive issues at the 2007 PrepCom Session

See *First Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Chairman's Working Paper (NPT/CONF.2010/PC.1/WP.78),* reproduced in Part II, Section B, pp8-11 below.

The Second PrepCom Session, 2008

The political context of this meeting included the continued stand-off between Iran and other parties over its enrichment programme and the contested existence of an alleged Syrian reactor built with DPRK assistance that had been attacked from the air by Israel.

Administrative and Procedural Matters

As the Agenda for this PrepCom session had been agreed in 2007, and no state sought to re-open the issues which had arisen over it, there were no procedural delays in moving from the plenary to the cluster discussions. The result was that an indicative timetable was adopted of: three sessions for general debate; one session for NGOs to address the PrepCom; two sessions to debate "cluster 1" issues; two sessions to address nuclear disarmament and security assurances; two sessions on "cluster 2" issues (i.e. IAEA safeguards and nuclear weapon free zones); two sessions on Regional issues including the resolution on a Middle East Nuclear Weapon Free Zone; two sessions for "cluster 3" issues including nuclear energy for peaceful purposes and its safety and security; and two final sessions on "other provisions of the treaty including article X" and the right to withdraw from the treaty, and issues such as UN Security Council Resolution 1540.

The chairman's uncontested decision to operate under the same speaking rules as in 2007,(i.e. 5 minutes for individual statements by states party), maximised the time available for interactive debate and resulted in the meeting finishing its detailed work by the middle of the second week, well ahead of its indicative timetable. The time made available did however enable a number of key procedural decisions to be made including the location and date of the 2009 PrepCom; its chairman; the location and date of the 8th Review Conference; and the Secretary-General of the Conference. Questions were also raised regarding how the presidency of the 2015 RC should be decided though there was no challenge to the NAM nominating the president from one of its regional groups in 2010. Tthe cumulative problems arising from states parties not paying their contributions to NPT, resulted in a request that the UN provide a report on outstanding contributions.

Although the atmosphere of the meeting had been relatively low key and harmonious, in contrast to 2007, the soundings taken by the chairman indicated that he was unlikely to gain a consensus for his factual summary to be annexed to the formal report of the meeting as had happened in 2002 and 2003. He therefore decided to issue his summary as a working paper, as in 2007. This attempted to represent the views of the parties in a balanced manner, and as had become normal at such meetings, a number of states made final statements highlighting their disagreements with it.

Substantive issues at the 2008 PrepCom Session

See *Second Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Chairman's Working Paper (NPT/CONF.2010/PC21/WP.43),* reproduced in Part II, Section B, MCIS CNS NPT Briefing Book 2010 Edition, pp19-23

The Third PrepCom Session, New York, May 4-15 2009

The political context of this session included the continued stand-off between Iran and other parties over its enrichment programme and the ongoing attempts by the IAEA to clarify whether a building in Syria destroyed by Israeli military action had contained an undeclared nuclear reactor. Also, the entry into office of US President Obama and his April 5 Prague speech about nuclear disarmament was seen to herald a new US willingness to engage constructively on this issue, thus improving the atmospherics of the meeting.

Administrative and procedural matters at the 2009 PrepCom Session

The Chair's proposals for the Agenda of the 2010 Review Conference and on specific issues to be addressed by Main Committees I, II and III of the RevCon were agreed on the third day of the meeting, thus guaranteeing that there would be no repeat in 2010 of the prolonged lack of agreement on these issues and the delay in starting committee discussions experienced by the 2005 RevCon. Furthermore, the states parties reached agreement on almost all the outstanding procedural and administrative issues. The only procedural issues left undecided were the subject matter of the Subsidiary Bodies within the three Main Committees, and whether there would be a single Final Document from the conference or more than one.

States parties also engaged in discussions in the PrepCom's three "clusters" and the special time within them, on the basis of the "5 minute Rule" introduced in 2007. The resultant focussed and fast-moving discussions enabled the Chair to circulate a set of draft substantive recommendations to delegations towards the end of the first week. During the second week the Chair engaged in discussions on these among interested parties, which led to a revised version being issued in the middle of that week. Requests were made to the Chair that he produce a final version to see if it was possible for the PrepCom to accomplish something which none of its predecessors since 1995 had managed to achieve: sending a consensus set of recommendations to the RevCon. However, when this third version was opened to debate on the final morning of the session it rapidly became clear that some parties wished for further textual changes. At that point the Chair judged that no further progress was possible, and moved to gain agreement on the formal report from the meeting and close the session

Substantive issues at the 2009 PrepCom Session

See the three versions of the Draft Recommendations to the 2010 NPT Review Conference (*Final Draft Version of Chair's Recommendations to the 2010 NPT Review Conference;, Draft Recommendations to the Review Conference – Revision 1; and Draft Recommendations to the Review Conference*). in *Part II,* Section B, MCIS CNS NPT Briefing Book 2010 Edition, pp 4-10

The 2010 NPT Review Conference (May 3-28, 2010)

International Context

The atmospherics of the 2010 conference were much more positive than in either 2000 or 2005. Its three preparatory meetings had been held in a generally co-operative atmosphere, and many states and commentators had emphasised their concerns over the negative consequences for non-proliferation of a 'failed conference', and the global significance of it producing a positive result. In stark contrast to 2005, the preparatory process had left only one immediate procedural issue to be resolved: the subject matter of the Subsidiary Bodies (SBs) attached to each of the three Main Committees (MCs).

The Obama Prague speech; his convening of a nuclear security summit at heads of state level; the Russia-US agreement on a follow-on to START I; the constructive public actions of both the French and UK governments in making their nuclear stockpile numbers more transparent ; and the early presentation of a P5 statement all indicted that the nuclear weapon states (NWS) were prepared to engage seriously on nuclear disarmament and warhead reductions. They had made significant efforts to discuss with Egypt and the Arab states possible steps to implement the 1995 Resolution on a Middle Egypt Nuclear Weapon Free Zone, while Egypt and the Arab states had offered practical ideas on how an ongoing process of engagement on this issue might be started. However, the IAEA had highlighted alleged nuclear activities in the DPRK, Iran and Syria as sources of concern, suggesting that consensus on any references to them in a Final Document from the Conference would be difficult to achieve.

Substantive Issues

As was to be expected, the process of creating bargaining positions

during the initial weeks of the conference led to considerable friction and several polarised positions and apparently irresolvable policy differences. Key issues that emerged for both the review of the treaty and any forward-looking action plan included:

- non-compliance with treaty obligations;
- a time-bound framework for disarmament, and starting work on a Nuclear Weapons Convention to replace the NPT;
- de-legitimising nuclear weapons on both human rights and legal grounds; giving them a diminishing role in security policies; and reducing their operational status;
- transparency by NWS of their nuclear weapon capabilities, including inventories of weapons; implementation of confidence building measures; and development of nuclear disarmament verification systems;
- CTBT ratification and entry into force;
- moratoria on the production of fissile materials for weapons and starting FMCT negotiations within the CD:
- NATO nuclear "sharing" and the stationing of US nuclear weapons outside national territories;
- nuclear security assurances and no first use commitments;
- ratification of NWFZ protocols and removal of their conditionality;
- a NWFZ in the Middle East;
- India, Israel and Pakistan becoming members of the treaty as NNWS, and the DPRK situation;
- the voluntary/mandatory status of the IAEA additional protocol, both as a an integral part of the safeguards standard for NPT parties and a condition of exports to non-parties;
- enhancing technical co-operation over peaceful uses with developing states;
- the 'Renaissance' of nuclear power and its consequences, including the need for a new generation of proliferation resistant reactors;
- multilateral approaches to the nuclear fuel cycle;
- nuclear security and the Washington nuclear security summit;
- a legally binding instrument to outlaw attacks on nuclear facilities;
- NPT institutional reforms;
- universality of the treaty; export controls; and new supply arrangements , including the US-India deal and nuclear assistance to non-parties (i.e. Israel); and
- Article X and the legal consequences of withdrawal, including continuation of safeguards, the role of the Security Council and the inclusion of dismantling/return clauses in supply contracts.

Decision Making Processes and Conference Products

One of the first decisions of the President was to repeat the tactic used in all NPT meetings since 2003 of avoiding discussion of the DPRK's NPT status by taking custody of its nameplate. Agreement was then reached in the middle of the first week on the subject matter of the Subsidiary Bodies, with SBI focussing on Nuclear Disarmament and Security Assurances; SBII on Regional Issues, including the Middle East and the Middle East Resolution; and SBIII on Other Provisions of the Treaty (Articles IX and X) and Institutional Issues. These bodies were to operate in informal session, with representatives of NGOs and international organisations excluded, in contrast to the situation with the Main Committees.

Iran played a major pro-active role both before and during the conference, in an apparent effort to prevent adverse wording on its policies appearing in any written output. It's game plan over the first three weeks appeared to be to prevent any consensus on the draft documents produced by the Main Committees and their Subsidiary Bodies by insisting that initial NAM positions should not be changed. In parallel, it was able to exclude any direct or indirect criticism of its enrichment programme in written drafts, and to focus attention on Israel's failure to accede to the NPT. It also argued for a totally transparent and inclusive decision-making process at the conference, thus allowing it to maximise its control over the drafting of any final document. When the deadline for the Main Committees to report was reached at the end of the third week of the conference, Friday 21 May, its representatives insisted that all Committee and Subsidiary Body Chairs should report to the President that a) there was no agreement on their existing draft texts, and b) none of those texts should be forwarded to him, thus giving them no formal status and seeming to block any consensus product emerging from the traditional reporting channels.

At that point in the proceedings, Iran had to go along with the President's decision that the Committees and Subsidiary Bodies would continue their work for a further day, and accept the circulation at midnight on Monday 24 May of an annotated "Draft Presidential Final Declaration" based on previous committee work. They clearly were unhappy when the President started to work through this text section by section in plenary late on the morning of Tuesday 25 May and, having failed to prevent this move, indicted that they wanted to be free to challenge this procedure and any documents emerging from it later. Aided by others, they then responded by seeking to insert a large number of amendments into the Presidential draft. One result was that this read-through process continued into the afternoon of Wednesday 27th May.

At its conclusion, the President requested that three informal groups should restart negotiations over wording on nuclear disarmament; peaceful uses; and Article X and institutional change, with a deadline of submitting agreed language by 1300 on Thursday 28th. In all these discussions, the Iranians ensured no agreed texts resulted for report to the President. In parallel, negotiations including Iran had been taking place in private in the Egyptian mission among 16-20 key delegations on wording on key issues in the outcome documentation.

Late on Thursday afternoon a plenary was convened at which the President's "Draft Final Document" was circulated. This was in two parts. The first was a non-consensus report on the review of the treaty containing language describing the nature of disputed evaluations of the implementation of treaty commitments, with a footnote in an extremely small font indicating that "The review is the responsibility of the President and reflects to the best of his knowledge what transpired with regard to matters of review". The second section entitled "Conclusions and recommendations for follow on-actions" was intended to be a consensus document, given that the footnote to the first implied it only covered the review of the Treaty.

This separate section covered 64 "Actions" in the three NPT issue areas (pillars) of Nuclear Disarmament (22), Nuclear Non-Proliferation (24), and Peaceful Uses of Nuclear Energy (18). It also contained a 10 point document on "The Middle East, particularly implementation of the 1995 Resolution on the Middle East" containing five "practical steps", with a final paragraph on "other regional issues" to address the DPRK situation. (The non-consensus report also contained six action statements, three of which duplicated ones in the Action plan and three of which were unique to it). The President then announced that the conference would meet one final time the next day to either accept his text as the Final Document from the conference, or reject it.

This final Plenary eventually met on Friday afternoon, being held up, it was suggested, by the need for the Iranians to receive instructions from Tehran, President Obama having already signed off on the document.(even though it contained no negative comments about Iran's activities). At this meeting the President justified the non-consensual nature of the review of the treaty by reference to the precedent set in 1985, when the issue of completing a CTBT had been treated in this way. Iran chose not to block acceptance of the document circulated the previous night, as the Arab states had made it clear that they were satisfied with the 10 point document on the Middle East Resolution incorporated within it, and would not support any attempt by Iran to place this in jeopardy. This enabled the "Final Draft Document" to be agreed without opposition (i.e. by consensus) for inclusion in the Conference final report. (In the Final Document placed on the UN website after the Conference, the non-consensual view was stated to have been "noted" by the Conference, while the consensual part was "adopted".) However, Iran did make its disappointment clear over the limited movement on nuclear disarmament in its explanation of vote afterwards, as did a number of other states.

The unique structure of the 2010 Final Document was important, as for 35 years NPT parties had been constrained by the procedural understanding of always seeking a mandatory consensus document as the product of an NPT Review Conference. The clear division made in 2010 between the review of the operations of the Treaty, which

contained "some think this, some think that" language to handle areas of acute disagreement and was not a consensus document (but was agreed by consensus), and the consensus forward looking action plan covering all pillars of the Treaty, is a precedent that could be adopted in future years. This would enhance the chances of arriving at future outcomes that can be characterised as successful. Indeed this may prove to be the main "institutional change" generated by this Review Conference. Suggestions for more extensive changes only resulted in a proposal in the review section of the document for the creation of a dedicated NPT post within the UN Office of Disarmament Affairs. Voluntary funding will be required for this, and its implementation is to be addressed in the next review cycle.

Any text of 28 pages agreed in 20 working days of negotiation and bargaining with little prior preparation will inevitably have drafting flaws, repetitions and omit language that many regarded as desirable: it will be a compromise. The 2010 Final Document is no exception. For example, the language in the action section of the document lacks precision in many areas over which states are being enjoined to act in relation to the recommendations. The words "all states" and "nuclear weapon states" are frequently used without qualification as to whether it is "all UN states" or "all NPT states parties", while the term "nuclear weapon states" often fails to distinguish between "NPT nuclear weapon states" and non-NPT "nuclear weapon states". The result is that some actions appear to be the responsibility of states with no legal obligation to carry them out (i.e. those states non-parties to the Treaty).

For the first time, the review document covered implementation of all articles of the Treaty by including Article X on withdrawal. Although this did not translate into an element in the action plan, the precedent it set for further attempts to clarify how this article should be translated into practical actions (and the concerted actions by Iran to have it removed when at one point it appeared the text would imply that all fissile material created before withdrawal from the treaty should remain under safeguards in perpetuity), may also prove to be significant in future.

In the same context, it should be noted that whereas in 2000 the principle of irreversibility was to apply to "nuclear disarmament, nuclear and other related arms control and reduction measures", this has now been widened to all parties being committed to apply through Action 2 "the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations". Arguably, this moves the States parties closer to having IAEA safeguards continue to apply in perpetuity to all materials and facilities acquired or created before a withdrawal from the NPT.

However, it is Action 5 which displayed the most significant changes compared with the 2000 text. It committed individual P5 states to ***engage*** with each other bilaterally or multilaterally on disarmament issues. As these are the only NPT states with nuclear weapons, this approach offers a more practical and realistic chance of progress than previous commitments made within the larger inclusive NPT context. Over the previous 45 years this encouraged diplomatic game playing but produced little practical action. Acton 5 commits the NWS to "accelerate concrete progress on the [13] steps leading to nuclear disarmament".

More significantly it lists an additional 7 practical steps with which they should "promptly engage". For example, Action 5b committed the NWS to address the issue of nuclear weapons "regardless of their type and location". This effectively committed the Russian Federation to address (though not negotiate) the issue of non-strategic nuclear weapons as part of a "general nuclear disarmament process" and the United States the weapons it stores in NATO states. Action 5d committed them to discuss policies that could "prevent the use of nuclear weapons and eventually lead to their elimination"; 5e to "consider... reducing the operational status of nuclear weapon systems"; and 5g to "further enhance transparency and increase mutual confidence". In addition, the NWS were called upon to "report the above undertakings to the Preparatory Committee at (sic) 2014". Each P5 state therefore made an individual obligation to implement the seven actions through each progressing towards them when their analysis of the security situation determines that the conditions were ripe for this.

Action 5 therefore involves a marked departure from the situation created in 2000. In that year, all the NPT states agreed a list (para.15.9) of only six practical steps, and called on all states parties had to produce regular reports on progress (with "regular" undefined). In 2010 the states parties legitimised and delegated the NWS individually and collectively to address, consider or discuss the seven enhanced specific steps and report on this activity within a time - bound framework: the 2014 PrepCom session. In effect, they were given authority to discuss these steps among themselves, rather than in a wider multilateral forum, as well as committing themselves to report on them to the much wider NPT forum by a set date. Finally, Action 23 "encourages" all the NWS to agree as soon as possible a standard reporting form to provide information on nuclear disarmament voluntarily and invites the UNSG to establish a publicly accessible repository for it.

Section 7
The 2015 NPT Review Cycle

Ed. Note-The following is a non-exhaustive summary of the 2012, 2013 and 2014 PrepComs. For a full description of the substantive content of these meetings, see *Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, First Session, Chairman's factual summary (working paper*), NPT/CONF.2015/PC.I/WP.53; Preparatory Committee…. Second Session, Chairman's factual summary (working paper), NPT/CONF.2015/PC.II/ WP.49; and *Preparatory Committee…. Third Session, Chairman's working paper: recommendations by the Chair to the 2015 NPT Review Conference, NPT/CONF.2015/PC.III/WP.46*, all reproduced in Section B below.

The First PrepCom Session, Vienna, April 30-May 11 2012

The political context for this meeting included the resumption in mid-April 2012 of talks between Iran and the P5+1; renewed efforts by the IAEA to resolve outstanding issues relating to the 'possible military dimensions' of Iran's nuclear programme; and ongoing consultations on the 2012 conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, as mandated by the final document of the 2010 NPT Review Conference. A desire for this background activity to proceed unhindered produced a markedly sedate PrepCom session, notably for its procedural efficiency.

Thanks to thorough and inclusive prior consultations by the Chair, Ambassador Peter Woolcott of Australia, most of the key procedural business was concluded within the first half hour of the first day of the PrepCom. In particular, the agenda (NPT/CONF.2015/PC.I/3) was adopted without objection, avoiding the fight that had disrupted the corresponding PrepCom session in 2007. The date and venue for the second session of the 2015 cycle was also agreed: 22 April-3 May 2013, in Geneva. Because of a dispute within the Eastern Group there was no agreement on the next PrepCom Chair. [Romania was subsequently nominated for this post in November 2012.]

The PrepCom then commenced its general plenary debate. This was interrupted by the May-day public holiday and concluded on the Thursday, later than the time allotted in the Chair's indicative timetable (NPT/CONF.2015/PC.I/INF/3). However, debate on Cluster One issues (NPT/CONF.2010/1, annex V) – implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security; and security assurances – and the Cluster One specific issue, nuclear disarmament and security assurances, finished ahead of schedule, with the Chair's speaker list empty by the afternoon of the Friday, at which point the session was suspended for the weekend.

Debate on Cluster Two issues – implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free-zones – commenced on the Monday of the PrepCom session as scheduled. Discussion of the Cluster 2 specific issue – regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution – commenced on the morning of Tuesday with a statement from the Facilitator of the conference on a WMD-Free Zone in the Middle East, and continued through the day.

Cluster Three issues – implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop

research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II – were debated through to the end of Wednesday . The PrepCom session then broke earlier than scheduled on the Thursday after debating the Cluster Three specific issues: peaceful uses of nuclear energy and other provisions of the Treaty, and improving the effectiveness of the strengthened review process.

The first PrepCom session was concluded in short order on Friday with the adoption of the draft report (NPT/CONF.2015/PC.1/CRP.2) essentially unamended. As had become customary, the Chair's factual summary of the PrepCom session was not annexed to the formal report, but rather issued as a working paper. The Chair indicated that he had decided on this path early in the process, in recognition of the fact that agreeing a consensus final document to forward to the second session was an unlikely prospect. The Chair's summary was comprehensive and well-received, its substance only challenged on individual points.

Many state representatives had made reference, in statements and in informal discussions, to the 64-point action plan as a guide for the PrepCom's work, and this was reflected in the substantive debate. Moreover, the nuanced language ('states parties', 'many states parties', and 'some states parties') of the Chair's factual summary of the first PrepCom session, credited by many observers with ensuring the document's positive reception, was in part an extension of the language used in the review section of the 2010 RevCon final document, itself issued as a President's non-consensus summary (NPT/CONF.2010/50 (Vol. I), Part I). This was therefore seen by some as reinforcing the precedent set in 2010 for the separation of non-consensus and consensus Review Conference outcome documents.

The Second PrepCom Session, Geneva, 22 April-3 May 2013

The second PrepCom took place against a background of several ongoing negotiations. The 'P5+1' powers' had met with Iran in Baghdad and Moscow in 2012, and in Almaty two weeks before the PrepCom. At the same time, the inability of the depository powers, the UN Secretary-General, and the designated facilitator to convene a conference to discuss a WMD-free zone in the Middle East (MEWMDFZ) had resulted in the goal set out in the 2010 Final Document to hold it before the end 2012 not being met, and no new date being agreed-upon.. In East Asia the DPRK had tested a long-range rocket on 12 December 2012 (describing it as a satellite launch), and conducted a nuclear test on 12 February 2013, while the Six Party Talks over its nuclear disarmament remained stalled. P5 consultations on confidence-building measures to support their nuclear disarmament had been held on 27-29 June 2012 in Washington, DC, and in Geneva on 18-19 April 2013, immediately prior to the PrepCom. However, these states had been absent from a conference to discuss the humanitarian impacts of nuclear weapons held in Oslo on 4-5 March 2013.

The PrepCom opened with the swift adoption of a number of procedural items. Ambassador Cornel Feruta of Romania was confirmed as its Chair; the indicative timetable was approved; and Ambassador Enrique Roman-Morey of Peru was nominated to Chair the third PrepCom in New York in 2014. General debate commenced on the morning of the first day, and lasted until the afternoon of day three. Short national statements were made reaffirming the importance of the NPT and the significance of the treaty's three pillars. Emphasis was placed on implementation of the 2010 Action Plan, views were aired on inter alia, compliance and disarmament issues, and several states expressed regret over the postponement of the 2012 conference on a MEWMDFZ. This was followed on the morning of day three by the contributions from Civil Society, which on this occasion started with a keynote address followed by a panel discussion and responses to questions from delegates.

Debate then began in the afternoon of day three on Cluster One issues, and lasted until the afternoon of day four, after which the PrepCom took up the Cluster One specific issue, *Nuclear disarmament and security assurances*. Despite the emphasis paid to these issues in national and group statements, debate on them ended early on both the afternoon session on day four and the morning one of day five. The debate did, however, include a significant statement by South Africa on behalf of 77 states on the humanitarian impacts of nuclear weapons.

The PrepCom then proceeded on the afternoon of the fifth day to examine issues under Cluster Two. Discussions on these issues, including debates on non-proliferation compliance, lasted until the end of the morning session on day six,. The meeting then took up the Cluster Two specific issue, *Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution.* Unsurprisingly, a large proportion of time was devoted to reactions to, and explanations of, the postponement of the 2012 conference on a MEWMDFZ, including a summary of developments to date from the facilitator, Ambassador Jaakko Laajava of Finland. Among other issues States also discussed the implications of the DPRK's recent missile and nuclear tests.

The afternoon session of day six closed with an announcement by the delegation of Egypt that it was withdrawing from the meeting "to protest [the] unacceptable and continuous failure to implement the 1995 Middle East Resolution." Egypt acknowledged in its statement that the Arab group had been debating a coordinated boycott of the PrepCom as a whole prior to the meeting, but only Egypt chose to implemented it in what it described as a response to "flagrant non-fulfilment of agreed commitments". The chair of the PrepCom suspended debate on the Middle East issue in order to offer some time for Egypt to rejoin the meeting, but when this did not happen the debate on the Cluster Two specific issue was reopened and concluding at the end of the morning session of day seven..

Debate on Cluster Three, *Implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes* began in the afternoon session on day seven and continued into day eight. This debate focussed on the right of all Parties to the Treaty to develop the use of nuclear energy for peaceful purposes, and also the safety issues arising from the Fukushima accident. The latter included the need for co-operative efforts to strengthen nuclear safety regimes, given that nuclear emergencies have no respect for state borders.

An innovation at this PrepCom was a final session in day nine on innovations which might strengthen the NPT review process. Suggestions for this included shortening the duration of the first two PrepComs; holding them in areas besides New York, Geneva and Vienna; making greater use of modern conference technology; and individual meetings having a more focussed Agendas. Also discussed were possible reforms to the mechanism for withdrawal from the NPT under Article X

The final day of the PrepCom session was occupied by consideration of the procedural report of the Preparatory Committee, issued as NPT/CONF.2015/PC.II/12,and the Chair's factual summary, which was adopted as a non-consensual working paper, NPT/CONF.2015/PC.II/WP.49.

The Third PrepCom Session, New York, 28 April to 9 May, 2014

This session was chaired by Ambassador Enrique Roman-Morey from Peru. The political context included the ongoing negotiations between Iran and the P5+1 over the nature of its nuclear programme; the conflicts in Syria and the disarmament of its chemical weapons by the OPCW; the ongoing failure to convene a conference on the establishment of a Middle East Zone free of nuclear weapons and all other weapons of mass destruction; the militarized territorial conflicts between Ukraine, Russia and the forces occupying land on the former's eastern borders and the Crimea; the stalled six party talks over North Korea's evolving nuclear weapon capabilities; the evolving international disarmament debate focused on the humanitarian aspects of nuclear weaponry; and the requirement in the 2010 Review Conference Final Document for the five NPT state parties to use a common framework to report at the 2014 PrepCom on their disarmament activities.

Administrative and Procedural Issues

In comparison with the tasks to be undertaken at the first and second NPT 2015 PrepCom meetings, the third one in 2014 differed in two important respects. One of the documents that constituted the decision taken in 1995 to extend the treaty indefinitely (NPT/CONF.1995/32/DEC.1,Para 4) gave the third PrepCom in an NPT review cycle two specific mandates. One was to "consider principles, objectives and ways in order to promote the full implementation of the Treaty…and to make recommendations thereon to the Review Conference": the other was to "make the procedural preparations for the next Review Conference".

The PrepCom meetings in 1999, 2004 and 2009 had failed to produce agreement on such "recommendations", and thus there was no clear precedent for the Chair of the 2014 PrepCom to use to fulfil this task. His predecessor at the 2009 meeting had produced three successive drafts of a "recommendations" conference room paper for delegations

to comment upon, the last one (NPT/CONF.2010/PC.III/CRP.4/Rev2) being structured around eight key issues. Although the final draft was given no status within the PrepCom report, it did serve as a basis for further work at the 2010 Review Conference. In addition the 2009 meeting, perhaps mindful of the failure of the PrepCom in the 20O5 cycle to reach agreement on the Agenda and other procedural matters until its third week, had reached agreement by the end of the PrepCom on most outstanding procedural issues. The exceptions were the number and subject matter of the subsidiary bodies to be created within each of its three Main Committees and whether there was to be only one integrated report on its substantive work, or separate forward and backward looking ones.

Another past procedural norm that it was assumed would be operative arose from the Chair of the troubled 2007 PrepCom meeting having limited statements by states parties to 5 minutes and groups to 10 minutes in order finish its listed business. By 2009 this had become the norm, thus enabling discussions in the "clusters" and "special time" to be completed expeditiously in line with its published timetable and allowing the Chair to circulate a set of draft "recommendations" to delegations at the end of the first week. This allowed delegations to focus during the second week on amending the three successive draft texts the Chair produced, though ultimately no consensus emerged on one to forward to the 2010 Review Conference.

As in the past, the 2014 PrepCom was scheduled to start with a General Debate giving an opportunity for delegations to highlight the NPT issues they regarded as being of greatest concern. The timetable circulated prior to the conference (entitled a Programme of Work rather than the wording of Indicative Timetable used in the first two PrepComs) indicated that this debate would occupy the first three sessions of the conference, followed by a session of presentations by Civil Society in the afternoon of the second day. Over the following three days the sessions would be devoted to statements addressing clusters of issues similar in content to those used by the Main Committees at Review Conferences and specific special issues within each cluster. During this first week outstanding procedural issues would also be addressed, thus allowing sufficient time overall for a consensus document to emerge on recommendations to the Review Conference, assuming that the 2007 rules on the lengths of interventions continued to operate.

In practice, the 2014 meeting started very positively from a procedural perspective, with an updated version of the 2010 conference agenda referencing the 2010 Final Document being adopted by consensus as the draft for 2015. This occurred on the first day, thus avoiding the problems experienced in 2005. In addition, almost all the other procedural issues were also resolved in the course of the first week. These included the date and venue of the Review Conference (27 April to 22 May 2015 in New York); its provisional agenda and rules of procedure; the allocation of items to the Main Committees; the background documentation; and the nationality of the President of the Conference and other officers (President: Ambassador Taous Feroukhi of Algeria; Chair of Main Committee I: Ambassador Enrique Roman-Morey of Peru; Chair of Main Committee II: Ambassador Cristian Istrate of Romania; Chair of Main Committee III: Ambassador David Stuart of Australia;). The only issues that were not resolved (as in 2009) were the need to agree the substance and Chairs of the subsidiary bodies within the Main Committees and whether the Conference should seek to produce one integrated report or separate forward and backward looking documents. At this first session the Chair announced that the draft of a set of recommendations to the Review Conference would be circulated at the end of the first week, thus giving delegations considerable time to consult capitals in advance of the next week's discussions.

40 states made statements during the first two sessions of General Debate in Day 1, followed by interventions from a further 18 states during the third session on Day 2, session four which followed being devoted to presentations by Civil Society. This left a further 32 states waiting to speak in the two sessions on Day 3. Cluster one discussions were thus unable to start until the last hour of the sixth session and significantly behind schedule when 9 states made interventions. One reason for this delay was delegations ignoring the "5 minute" rule during the initial General Debate. The Chair then decided to adhere to the published timetable by spending Day 4 on Cluster two issues rather that continuing with the Cluster one debates. 23 states then made statements in its seventh session and 17 in the eighth session in the afternoon. Delegations also received a report in this session from the Facilitator on progress towards the holding of the Conference on a Middle East NWFZ.

Day 5 saw some 40 delegations returning to addressing Cluster 1 issues during the ninth and tenth sessions. This sustained the one day lag in the scheduling and led the Chair announcing he would be unable to circulate his draft set of recommendations until the outstanding substantive issues had been disposed of at the start of the next week. This process started on Day 6 with 45 states participating in discussions in sessions eleven and twelve on Cluster three issues, leaving eight states to speak on Cluster two issues in the morning of Day 7 during the Conference's thirteenth session. In addition, the five NPT nuclear weapon states used this opportunity to sign their protocols to the Central Asian Nuclear-Weapon-Free Zone (CANFEZ) Treaty. The Chairman then indicated he needed to engage in further consultation on his draft of recommendations to the Review Conference, and that he would present his draft text of recommendations to the Preparatory Committee the next morning. The Chairman did this on Day 8 in a brief 15 minute plenary meeting. The text itself was structured under four headings: nuclear disarmament, nuclear non-proliferation; peaceful uses of nuclear energy; and regional and other issues.

The Conference then recessed to allow parties to make comments and conduct further consultations with the Chairman (but not engage in public negotiations). The consequences of this process would then be reported to a further plenary session scheduled for the morning of Day 9. At this session some 20 delegations offered their assessments of the draft text. Most were supportive of the majority of the text, but a significant number wished to see a range of specific amendments before they would regard it as a balanced document and were supportive of further work to try to achieve this. The Chair then adjourned the session until a further plenary meeting in the afternoon.

At this the Chairman announced that it was his judgment that while parties were willing to engage in further consultations over amendments to the text, there was insufficient time available for consensus to emerge. He therefore informed the states parties that he would amend the existing text further in the light of the comments he had received and convert it into a Chair's Working Paper (NPT/CONF.2015/PC.III/WP.46) to be made available to the Review Conference under his own authority. An accompanying note explained that "This document reflects the Chair's assessment of the elements on which the Preparatory Committee may have been able to evolve convergence sufficient to convey the following recommendations to the review Conference in a spirit of flexibility and compromise."

The Conference then convened for a final session on Day 10, the morning of Friday 9 May to adopt the formal report from the PrepCom (NPT/CONF.2015/1) and conclude its work. As a result, the Chairman's non-consensual working paper was the only substantive collaborative product from the meeting.

One final administrative issue that emerged from the PrepCom was the increasing number of formal and informal groupings of states present at NPT meetings. Through to 1995 three groupings of states dominated NPT discussions [the Non-Aligned Movement/Group of Non-Aligned States (NAM); the Eastern Group (the USSR and the Warsaw Pact states); and the Western and others Group (WEOG)]. The interactions between their leadership and the Chair/President of the conference were essential building blocks in producing a negotiated consensus outcome from a Review Conference. Since that date the number of focused interest groups has been slowly rising. In 2014 they included the above three plus the Vienna Group of Ten; the New Agenda Coalition; The League of Arab States; The EU; The Non-Proliferation and Disarmament Initiative; Building Blocks for a World without Nuclear Weapons; the Humanitarian Impact of Nuclear Weapons; the De-alerting Group; the Nuclear Security Summit Group; the Pacific Island States; and the Nuclear Suppliers Group. It remains unclear whether the increase in these groups will make achieving a consensus outcome to the 2015 Review Conference easier or more difficult.

Substantive Issues at the 2014 PrepCom

See Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear weapons, Chairman's Working Paper NPT/CONF.2015/PC.III/WP.46.

The 2015 NPT Review Conference (27th April-22nd May 2016)

The ninth NPT Review Conference was held from the 27th of April to the 22nd of May 2015 at the UN Headquarters in New York. The Algerian Ambassador Taous Feroukhi presided over the four-week-long meeting. As with four other previous Review Conferences since 1975, agreement on a substantive outcome document was elusive despite many efforts to achieve consensus in the final week. Although unable to reach a substantive agreement, the Conference adopted a procedural report during its final plenary before the end of the Conference.

The Conference took place against a background of deteriorating US-Russian relations, including mounting political tensions over the situation in Ukraine, and Russia's annexation of the Crimea. In the nuclear field the two countries had exchanged allegations of non-compliance with the terms of their INF treaty, and doubts about their future cooperation on nuclear security issues. On the Middle East, the timeline set in the 2010 action plan for convening a Conference on the establishment of a WMD-free zone in the region had not been met, causing bitterness among Arab states. Its consultation process, started under the Finnish facilitator Ambassador Jaakko Laajava, had yielded five informal meetings in Vienna, Geneva and the Swiss resort of Glion. Although these were attended by key regional actors, they failed to achieve any significant breakthroughs. On disarmament, a series of Conferences on the Humanitarian Impact of Nuclear Weapons (HINW), (HINW), as well as joint statements on the subject delivered at the NPT Preparatory Committee meetings and UN First Committee sessions, had attracted wide support among NPT members, but also exposed divergent views between nuclear-weapon states and their allies and other non-nuclear weapons states on how to achieve this objective.

On the first day of the meeting the Conference adopted the agenda as recommended by the Preparatory Committee, and moved swiftly to elect Ambassador Feroukhi as its President and the members of its Conference Bureau. After the conclusion of the general debate, substantive discussions took place in the three Main Committees; and their respective subsidiary bodies, and in informal closed consultations organised by the President. The Main Committees followed the traditional division of work in the previous twenty years with some minor variations:

- Main Committee I reviewed progress in nuclear disarmament, security assurances and disarmament education. Its Subsidiary Body I's focussed on formulating forward-looking elements to bolt-on to those agreed in the 2010 action plan;
- Main Committee II dealt with non-proliferation, safeguards and nuclear weapons free zones. Its Subsidiary Body II was focussed on practical steps related to the Middle East WMD-free Zone, and;
- Main Committee III focused on reviewing the implementation of the NPT's peaceful use provisions and possible forward-looking elements. Subsidiary Body III dealt with strengthening the review process and response to treaty withdrawal.

Discussions in the three Main Committees and their Subsidiary Bodies revealed marked differences between states on several key issues. As a result, all failed to reach consensus on their draft substantive reports. Two issues in particular proved to be polarising and divisive throughout the Conference: the Middle East and Nuclear Disarmament.

On the Middle East, a key issue was how to convene the regional conference on the establishment of the Middle East WMD-free zone that initially had to be held in 2012 but never took place. An Arab group working paper (NPT/CONF.2015/WP.33) was tabled in the Review Conference and proactively promoted by Egypt. This called for the UN Secretary General to step in to convene the regional Conference within 180 days, and defined some of the main parameters for such a Conference. These were then incorporated in a NAM working paper (NPT/CONF.2015/WP.49). The visible outcome of these developments was a major split between the three co-convenors toward the tabled proposals. The US and the UK opposed them, while Russia was willing to engage with them and played a role in reformulating certain aspects of them during subsequent negotiations. The objections voiced by the US, UK and some other states were made on the grounds that the Arab group proposals were too prescriptive and unrealistic. Instead, these states advocated for the continuation of regional consultations to agree on the time frame and agenda of such a Conference.

How to address disarmament and the humanitarian consequences of nuclear weapons were two further key issues. The Humanitarian Initiative had the momentum of three Conferences behind it, as well as an Austrian-led Humanitarian Pledge that was ultimately endorsed by 107 states. A considerable increase in support for the Initiative meant that many states wanted to see the humanitarian dimension and some of the findings discussed during the preceding three HINW Conferences adequately reflected in the final document. This was met by resistance from the nuclear weapons states. Support for the Initiative was widespread among the non-nuclear states, though the tone, the extent of that support, and the perspective on next steps varied. This was reflected in two different statements being presented to the Review Conference: one by Austria and supported by 159 states (delivered to the Plenary on the 28th April 2015) and another by Australia on behalf of 26 states called the Humanitarian Consequences Group (delivered to the Plenary on 30 April 2015).

Broader differences among state parties on the pace of disarmament also proved to be a divisive topic. On the one hand the nuclear weapons states, with some support from NATO and other non-nuclear weapons states, continued to advocate a 'step-by-step' approach. On the other hand, most other non-nuclear weapons states expressed frustrations about the lack of tangible progress with nuclear disarmament and expressed their determination to include specific 'effective measures' toward this in any final document. Proposals for implementing this included enhanced transparency of the nuclear weapons states' nuclear activities and reporting on their implementation of disarmament measures, revival of the Open-Ended Working Group (OEWG) on nuclear disarmament, and launching negotiations on a legally binding instrument to prohibit nuclear weapons.

Other notable developments at the Conference included Palestine attending as a state party after acceding to the NPT the preceding February and becoming its 191st state party. Israel attended as an observer for the first time since the 1995 Review and Extension Conference and formally presenting a working paper to the Conference on their views on how to achieve a WMD Free Zone in the Middle East (NPT/CONF.2015/36). The five nuclear weapon states presented to the Conference a multi-lingual glossary of nuclear terms (NPT/CONF.2015/41); prepared jointly under the Chinese coordination. They also separately presented updated reports on their implementation of the NPT, focussing in part on action they had agreed to undertake under items 5, 20 and 21 of the 2010 action plan. The reports varied significantly in the amount of information and detail provided by each nuclear weapons state. In addition, a bitter disagreement emerged between the Japanese and the Chinese delegations over a proposal to organise visits by world leaders, experts and youth to Hiroshima and Nagasaki to witness on the ground the consequences of nuclear weapons use. China blocked such a proposal, accusing Japan of seeking to reshape the historical narrative of its role in World War II. A compromise was only reached when the explicit references to the two Japanese cities were removed from proposed Conference drafts.

Ultimately, and despite prolonged negotiations, none of the three Main Committees or their Subsidiary Bodies managed to produce a consensus report to give to the President at the end of the third weeks work for incorporating into the Conference's Final Document. This meant that during the last days of the Conference the task of salvaging this document rested in the hands of the President, operating though several informal and closed consultative bodies. These included a 'Focus Group' of 19 states that met in the Algerian mission, with the aim of breaking the deadlock over agreed text on disarmament that existed in Main Committee I and its Subsidiary Body. A smaller backchannel was convened to address issues related to the Middle East WMD-Free Zone. In addition to these channels, the President convened several smaller ad-hoc consultative meetings on the text of a possible Final Document as the Conference was drawing to a close. The president also asked the chairs of Main Committees II and III to continue the negotiations on their respective committees' reports. On Wednesday evening, the 'Focus Group' and the committees, having failed to achieve an agreement, stopped their work, and the draft texts were transferred to the president. Consultations on the Middle East continued late into the Thursday night.

Only during the final day of the Conference that a fully formed draft final document emerged for presentation by the President to the Conference. This document was drafted by the President and was largely based on her own back-channel consultations and the drafts received from Main Committee chairs. Despite her efforts and those of others, the draft she presented to the Conference was regarded by many as unlikely to bridge the significant differences in positions between the various key states. In discussing the draft (NPT/CONF.2015/R.3), she described it as the culmination of her 'best efforts to take into consideration the conflicting expectations of States parties', and admitted that the differing positions held by key members of the Treaty 'made it impossible to produce a consensual document.'

Once the President's draft was formally presented to the Conference, the onus was put on those states that rejected its contents to declare their formal opposition to it in the few remaining hours of the Conference. The US delegation was the first to announce that it was 'unable to endorse' the draft document, referring particularly to the sections in the draft focussing on the Middle East. The UK delegation followed by identifying the Middle East as 'the sole issue that posed a problem' for them, as did the Canadian delegation. After calling for a suspension of the meeting, the Iranian delegation, which was the chair of the Non-Aligned Movement at the time, described the draft as 'the best compromise it would be possible to achieve' and that the group was 'deeply dismayed by the unexpected rejection by three delegations of the document.' Egypt, which had been explicitly singled-out by the US delegation in their closing statement, took the floor to denounce those who had refused to join the consensus to accept the President's text. By then it was clear that no agreed substantive report from the conference was possible, and around 9 pm, four hours after its scheduled termination, the President declared the 2015 NPT Review Conference closed without the adoption of a substantive Final Document.

Key positions in 2015 Conference Bureau

President	Taous Feroukhi (Algeria)
Chair of Main Committee I	Enrique Román-Morey (Peru)
Chair of Main Committee II	Cristian Istrate (Romania)
Chair of Main Committee III	David Stuart (Australia)
Chair of Subsidiary Body 1 under Main Committee I	Benno Laggner (Switzerland)
Chair of Subsidiary Body 2 under Main Committee II	Juan Ignacio Morro Villacián (Spain)
Chair of Subsidiary Body 3 under Main Committee III	Kairat Abdrakhmanov (Kazakhstan)

Chairs and co-ordinators for key groups in 2015 Conference

Group	Chair/coordinator
African Group	Nigeria
Arab League	Bahrain
Humanitarian Consequences Group	Australia
Humanitarian Initiative (joint statement)	Austria
New Agenda Coalition (NAC)	New Zealand
Non-Aligned Movement (NAM)	Iran
Non-Proliferation and Disarmament Initiative (NPDI)	Netherlands
P5	United Kingdom
Vienna group of 10	Australia

Section 8
The 2020 NPT Review Cycle

The First Prepcom Session, Vienna, 2–12 May 2017

The first session of the 2020 NPT review cycle was held in Vienna from 2 to 12 May 2017. 114 state parties participated in this Prepcom, which was chaired by Ambassador Henk Cor van der Kwast, the Dutch Permanent Representative to the Conference on Disarmament.

Several key developments shaped the context for this Prepcom. It was held against the backdrop of failure of the 2015 Review Conference to reach an agreement on a final document. The core unresolved issues that had precipitated this were differences over the creation of a WMD Free Zone in the Middle East and global nuclear disarmament.

International negotiations on a legal instrument prohibiting nuclear weapons had started in March 2017, and the NPT Prepcom was sandwiched between its two negotiating sessions. The final outcome of these negotiations was thus unknown when the Prepcom started, and no agreed draft text for this treaty existed. This issue continued to impinge on the views of the NPT state parties during the Prepcom, their views ranging widely between enthusiastic support for such an instrument and categorical rejection of it.

The Prepcom also occurred against the backdrop of elections in France, the UK and the US resulting in new governments, whose positions on many nuclear issues were still unknown. In particular, speculations were rife about the future of the Joint Comprehensive Plan of Action (JCPOA) that had frozen key aspects of Iran's nuclear programme, and had been a key issue during the US elections.

The relations between Russia and the US continued to deteriorate in this period with allegations of the former meddling in the latter's election process and claims of Russian non-compliance with its INF commitments. This situation had a mixed impact on their cooperation. While both continued to implement their New START commitments, their cooperation in other areas, such as nuclear security, suffered. For example, since 2009 the NPT nuclear weapons states (referred to as the P5) had held annual conferences dedicated to discussing their nuclear issues. This process had stalled, and in 2017 no such meeting was organised prior to the Prepcom. Another of the key challenges facing the treaty was how to deal with the DPRK, which claimed it had withdrawn from the NPT and was continuing to test both nuclear devices and long range missiles to carry them.

On its first day, the Prepcom elected the Chair by acclamation, adopted the agenda, and passed other standard procedural motions. The meeting then proceeded in a fashion similar to previous Prepcoms. Substantive discussions started with a general debate on issues related to all aspects of the work of the Prepcom. This was followed by discussions that were structured to provide equal time for discussion of three clusters of wide ranging issues and three more specific areas of concern. The cluster debates reviewed the implementation of various provisions of the treaty using the same allocation of items as the Main Committees of the 2015 Review Conference. The three more focussed issues for discussion were: (a) Nuclear disarmament and security assurances; (b) Regional issues, including with respect to the Middle East and the implementation of the 1995 resolution on the Middle East; and (c) Peaceful uses of nuclear energy and other provisions of the Treaty.

One of the innovations during the Prepcom was the Chair's introduction of a traffic light system that tracked the length of statements delivered to the conference. Delegates were encouraged to respect the time limit of

five minutes for national statements and eight for group statements. The Chair also encouraged delegations to engage in interactive debates on substantive matters during the sessions, rather than reading out pre-prepared national statements.

Discussion of nuclear disarmament continued to focus on areas where the views of state parties significantly diverged. Nuclear weapons states continued to argue that they were taking visible steps toward nuclear disarmament. However, in 2017 they did this separately rather than collectively. Unlike in previous meetings, the five nuclear weapon states did not attempt to present a common statement. They also exchanged accusations about their nuclear postures, but at the same time criticised the efforts of non-nuclear weapon states to reach agreement on a nuclear ban by declaring they would not take part in its negation. Russia called these efforts 'premature,' and the US warned it might create an unbridgeable divide between the parties. Similarly, France and the UK also made public their reasons for not supporting the process. China claimed it shared the objectives of the ban; favoured a gradual approach to it; but stated it would not take part in its negotiations. More positively, the US and Russia announced that they were both working toward reaching the limits agreed under their New START agreements.

The non-nuclear weapon states for their part argued that the nuclear weapons states were not doing enough to achieve tangible progress toward nuclear disarmament. Many criticized the nuclear states modernisation programmes, either planned or underway, as contradicting the letter, spirit and aims of the NPT. They also raised concerns about the lack of progress on de-alerting; on the lack of negative assurances that nuclear weapons would never be used against them; and the humanitarian impact of any use of nuclear weapons. Many of these concerns were cited as reasons for supporting the new legal instrument they were proposing to prohibit nuclear weapons. Yet not all non-nuclear weapon states supported such a ban; many of the non-nuclear weapon states in nuclear alliances, for example, expressed their reservations on joining such a process.

During the review process, several states raised the importance of reporting on the implementation of treaty obligations. The NPDI group called for regular reporting on this and urged all nuclear weapon states to both increase transparency and to use a standard format to report on their activities. The group presented a new reporting template (WP 16) for use by all States parties to provide information on their implementation of both their treaty commitments and the 2010 action plan. The NAC also called for nuclear weapon states to renew their commitment to submit regular and comparable reports on the implementation of both their Treaty obligations and commitments to nuclear disarmament (WP 13). Several states welcomed the work being done on disarmament verification, including the creation of a group of governmental experts to consider the role of verification in advancing nuclear disarmament. In that context, the US highlighted the role of the International Partnership on Nuclear Disarmament Verification, while the UK announced a new partnership between Norway, Sweden, the US and UK to further investigate methods for disarmament verification.

Many states expressed support for IAEA nuclear safeguards but familiar differences in positions emerged over the development of the IAEA state level concept and the verification standards for the NPT. While many states regarded that standard to be the Additional Protocol plus Comprehensive Safeguards, others, most notably Brazil, argued that the Additional Protocol could only be a voluntary instrument. NAM countries also called for an expansion of the scope of safeguards within nuclear weapon states.

The JCPOA was supported in many statements made by parties during the Prepcom. The US announced that it was reviewing its own policies, but remained committed to the implementation of the deal with Iran. The DPRK's nuclear and ballistic activities were condemned in many national and group statements. South Korea and France spearheaded an effort to produce a joint statement on the "Democratic People's Republic of Korea's nuclear challenge to the NPT." The statement was issued with the endorsement of 62 state parties (NPT /CONF.2020/PC.I/13). It condemned DPRK's nuclear and ballistic tests and urged it return to the NPT and to apply IAEA Safeguards to its nuclear activities. On DPRK, China reiterated its proposal for a 'suspension for suspension.'

The discussions on the Middle East generated significant differences both within the Arab Group and among the agreed conveners of the 2012 Conference (Russia, UK and US). How to deal with the lapsed mandate to convene a 2012 Middle East Conference remained unclear. Two separate working papers replaced the single traditional Arab Group working paper, reflecting the divergence in position within it. The first was by a group of 12 Arab states (WP 30) while the second was by Egypt alone (WP 27). This latter paper took the position that 'the introduction of new and alternative approaches and mechanisms to achieve the prompt implementation of the resolution becomes necessary.' The working paper by the 12 Arab states asked the Secretary General and the convening states to continue their preparations to prepare for the delayed 2012 Conference. It also asked the three conveners to provide a time frame and process within which the Conference would be implemented. In addition, the Gulf Cooperation Council, a sub group of members of the Arab League, presented a common statement delivered by Kuwait. These differences within the Arab Group extended to the NAM's handling of this issue. Unlike in the past, the NAM's members chose not to present a working paper on the Middle East.

Differences were also clear in 2017 among the three states committed to convening the 2012 Middle East Conference. In 2015 they had presented a common front at the beginning of the Revcon and submitted a joint working paper, though they were visibly divergences emerging by the end of that Conference. In the 2017 Prepcom, they presented neither a common position nor a joint working paper. The Russian Federation, however, chose to present a working paper (WP 31) reflecting its own national position and proposing Moscow as a venue for future consultations on the Conference, while the US and the UK made no relevant presentations.

On strengthening the review process and its working methods, the Netherlands highlighted the inability of the Prepcoms to take any substantive decisions, which increased the load this placed on the Review Conferences. The US suggested that the use of subsidiary bodies was outdated and should be abandoned in favour of emerging topics. Australia suggested the use of a cumulative 'rolling outcomes' document, while several states highlighted the importance of reporting, accountability and implementation of state commitments.

On the penultimate day of the Prepcom, the Chair presented the conference with three documents. One was a paper headed 'Towards 2020: reflections by the Chair of the 2017 PrepCom'. This contained a list of 8 points that he believed reflected the basic assessments and shared views held by the parties to the NPT. The second document was his draft factual summary of the significant events during the conference. This was presented in the form, of a working paper (WP 40) covering the substantive discussions that had taken place during the Prepcom. The Chair invited delegations to express views and make comments on this paper, but indicated that he did not intend making any substantive changes to it. The third document was a formal report covering the procedural elements of the Prepcom. The delegates were asked to consider its contents and then vote on it.

Delegations then expressed their opinions on the content of the Chair's factual summary, while recognising that it represented his own account of the debate. Several non-nuclear weapon states wanted to see stronger references to the negotiations of a nuclear ban treaty and to the series of international conferences on the humanitarian impact of nuclear weapons that had preceded it. Nuclear weapon states expressed their reservations on both topics. Several Arab states and Iran wanted stronger language on the failure to implement the 1995 resolution on the Middle East. Brazil took issue with the text on both the IAEA state level concept and the references in the document they interpreted as suggesting the Additional Protocol should be the verification standard for the Treaty. Finally, both Brazil and South Africa refused to accept what they regarded as an implied relationship in the summary document linking the right to peaceful uses of nuclear energy and nuclear security. In closing the Prepcom, the Chair welcomed the comments that delegations had offered to him and that in his draft he had tried to reflect the richness of the debate as objectively as possible. To close the conference, the procedural report from the Prepcom was then adopted by consensus.

The Second Prepcom Session, Geneva, 23 April – 4 May 2018

The second session of the 2020 NPT review cycle was held in Geneva from 23 April to 4 May 2018 with the participation of 112 state parties. The Prepcom was chaired by Ambassador Adam Bugajski, the Polish Permanent Representative to the UN Office and International Organisations in Vienna.

A tense international environment shaped the context of this Prepcom. Relations between Russia and the US had been on a downward spiral amid increasingly acrimonious accusations of non-compliance with the INF Treaty. A few weeks before the Prepcom, chemical weapons were used in the Syrian city of Douma bringing into focus sharp differences between Russia and the Western Group over the issue of chemical attribution. Earlier in the year, the assassination attempt targeting a Russian defector resident in the UK through the use of a chemical warfare agent caused a diplomatic standoff between the UK, supported by its Western allies, and Russia. The combined impact of the tensions was reflected in the stalling of the regular meetings between the five NPT nuclear weapons states. These meetings had started in 2009, with the aim of considering confidence building measures towards disarmament and non-proliferation but stopped in 2017 and 2018.

The Prepcom was also held amid growing international divisions over the state of nuclear disarmament. Significant nuclear modernisation plans were announced by key nuclear weapons states; most prominently by Russia and the US. The majority of non-nuclear weapon states supported the new Treaty on the Prohibition of Nuclear Weapons (TPNW), which was negotiated and concluded in July 2017 and opened for signature on 20 September 2017. Most of the non-nuclear weapons states endorsed the new Treaty seeing it as a step towards fulfilment of NPT article VI obligations. The five nuclear weapons states, who opposed the Treaty, declared they would not sign the Treaty and explicitly refused to acknowledge it as part of an emerging customary international law. States in formal defence alliances with nuclear armed states also opposed the Treaty.

Concerns over the DPRK's fast-advancing nuclear and missile programmes remained high on the nuclear agenda prior to the Prepcom. In September 2017, the DPRK tested its largest explosive device, and in November 2017, it tested a sophisticated long-range ballistic missile. Yet as the Prepcom was gearing up to start, and following a series of inter-Korean meetings, the DPRK announced a number of measures including the suspension of nuclear and missile tests. It was also announced that the two Koreas would establish a hot line, and that an inter-Korean summit as well as a DPRK-US summit were scheduled. While this opening provided room for optimism, no path for Korean denuclearisation had been charted by the time the Prepcom started.

The election of President Trump in the United States signified a change in US policy toward Iran. This raised doubts about US commitment to the 2015 Joint Comprehensive Plan of Action signed by Iran and the five nuclear weapons states and Germany (P5+1). It also raised tensions between the US government and other signatories who remained committed to the accord.

The 2018 Prepcom started with consideration of procedural matters, and continued to conduct its work on the basis of the agenda adopted at the 2017 Prepcom. Mr Muhammad Shahrul Ikram Yaakob of Malaysia was elected to serve as the Chair of the third session of the Preparatory Committee (later replaced by the Malaysian diplomat Mr Syed Mohamad Hasrin Aidid). The meeting also decided that the 2020 NPT Review Conference will take place from 27 April to 22 May and considered a report by the secretariat on the costs of the conference.

The meeting then proceeded in a fashion similar to previous Prepcoms. A general debate on issues related to all aspects of the work of the Prepcom ensued, followed by a review of the implementation of Treaty provisions as well consideration of three issues: (a) Nuclear disarmament and security assurances; (b) Regional issues, including with respect to the Middle East and the implementation of the 1995 resolution on the Middle East; and (c) Peaceful uses of nuclear energy and other provisions of the Treaty.

The general debate was notable in the frequent use of the 'right of reply' to respond to points raised by other delegations in their statements. Through the use of 'right of reply', Iran, Russia, Syria, the UK and the US traded accusations on a number of issues, including: non-compliance with the INF, responsibility for chemical weapons use in Syria and the UK city of Salisbury, and non-compliance with the Joint Comprehensive Plan of Action (JCPOA).

In addressing the substantive issues, disagreements over progress towards nuclear disarmament continued to play a key role in Prepcom debates. France, the UK and the US referred to post-cold war reductions while making frequent references to the deterioration of the international geopolitical environment. Russia emphasised the importance of the 'phase by phase approach' to disarmament while China highlighted that those possessing the largest arsenals bear 'special and primary responsibility' for disarmament. The US presented a Working Paper advocating a new approach under the title 'Creating the Conditions for Nuclear Disarmament (CCND)' (WP 30). The paper argued that a 'more meaningful and realistic dialogue on disarmament' should address 'underlying security concerns' and elaborated themes that could guide a new focus on disarmament. This initiative has since been renamed "Creating the Environment for Nuclear Disarmament."

Meanwhile, groups that traditionally have been vocal on disarmament politics (NAM, NAC and NPDI) emphasised, to varying degrees, the lack of progress on disarmament including earlier commitments in the NPT review process and highlighted the new nuclear modernisation plans. A new group under the title 'progressive approach' presented a joint statement, delivered by Australia. The statement stressed the importance of engaging the nuclear weapon states to build trust towards further reductions.

Discussions about the TPNW had a light footprint in Prepcom discussions, with positions on the new Treaty being expressed according to familiar fault lines . The five nuclear weapons states all reiterated that they would not join the new Treaty, while several states in nuclear alliances also objected to it. Many of the non-nuclear weapon states announced their support for the Treaty which they saw as a step towards fulfilment of article VI of the NPT.

Discussion on how to handle the Middle East continued along familiar lines. However, the fissures that were on full display within the Arab group in 2017 seemed to have subsided for the most part. While Arab states were not able to agree on a joint working paper in 2017 (particularly on how to address the aftermath of the failure to convene the promised 2012 Conference), in the 2018 Prepcom the group submitted a joint Working Paper (WP 34) and delivered joint statements. The NAM Working Paper (WP 16) included more detailed proposals on the way forward. The paper proposed the establishment of a subsidiary body under main committee II to address the implementation of the 1995 resolution on the Middle East and included a recommendation for the UN Secretary-General to convene a conference on the establishment of a WMDFZ in the Middle East.

Debate on the WMDFZ in the Middle East took a heated turn when the US presented a Working Paper titled 'Establishing Regional Conditions Conducive to a Middle East Free of Weapons of Mass Destruction and Delivery Systems' (WP 33). The paper stressed the importance of addressing the political and security situation in the region, and listed lack of trust, a history of regional noncompliance, regional security considerations and lack of political will as reasons for the lack of progress on the proposed zone. The paper's assertion that the 'NPT review cycle cannot be the primary mechanism for progress on a Middle East WMD-free zone' caused a backlash from Arab states, Iran and other supportive states who interpreted the US position as abandoning the 1995 Middle East Resolution. In response, the Arab group produced an addendum to their Working Paper to specifically respond to US arguments (WP.34/Add.1).

Other notable initiatives during the Prepcom included France's Working Paper in support of peaceful nuclear activities that included a focus on good practices and elements for civil nuclear cooperation agreements (WP 8). This was followed up by a joint statement supportive of efforts to elaborate such a framework, presented on behalf of Canada, Finland, Greece, Romania, Spain, Turkey and France. Australia, Canada and Spain wanted to see nuclear security being addressed by the NPT review cycle, without it being framed as a 'fourth pillar' for the Treaty (WP 14).

Institutional aspects of the NPT were also addressed by some delegations. This includes a Working Paper by the NPDI dedicated to this issue. The paper proposed a 'working group' to generate ideas about how to enhance the review process of the Treaty (WP 24). The NPDI and NAC continued to stress the importance of transparency and reporting by nuclear weapon states and a proposal was made to hold interactive sessions to discuss national implementation reports. The Netherlands (which held the position of Chair in the 2017 Prepcom) highlighted the importance of developing inter-connectivity between successive sessions of the Prepcom in the run-up to 2020 (WP11).

Two separate joint statements were tabled during the Prepcom that

addressed the DPRK and Iran. France presented and promoted a joint statement urging the DPRK to return to the NPT and to abandon its nuclear and ballistic programmes. This statement was supported by more than 60 states attending the Prepcom. At a time when the JCPOA was under duress with speculation over potential US withdrawal, China and Russia presented a joint statement in support of the JCPOA and urged all parties to adhere to it.

On the last day of the Prepcom, the procedural report was adopted by the consensus of attending states parties. The Chair of the Prepcom opened debate on two draft documents that, following precedent, he intended to issue under his own authority rather than as negotiated documents. Following in the footsteps of the Chair of the 2017 Prepcom, the Chair presented a short document containing his broader reflections on the Treaty. The other document was a factual substantive summary of the Prepcom issued under the Chair's responsibility as Working Paper 41. Several delegations and groups took the floor either to voice reservations on parts of the Chair's summary or express broad support for it. Critics included the NAM, the NAC (which produced WP 39 detailing their comments), the Arab Group but also individual delegations including Austria, Brazil (WP 40), Iran, Egypt and South Africa, New Zealand and Ireland. Delegations expressing more favourable views of the document included Canada, Russia, China, Germany, Japan. The US representative mentioned that his delegation 'agreed with many of the views expressed therein but disagreed with many others.' The Prepcom ended on 4 May 2018.

The Third Prepcom Session, New York, 29 April to 10 May 2019

The third session of the 2020 NPT review cycle was held in the United Nations Headquarters in New York from 29 April to 10 May 2019 and chaired by Ambassador Syed Md Hasrin Syed Hussin, the Permanent Representative of Malaysia to the UN. The session was held amid a prevailing perception that some of the bilateral and multilateral nuclear instruments underpinning the global nuclear order were under threat. This included concerns over the possible unravelling of the bilateral arms control process between the US and Russia. The INF treaty had been abandoned after exchanges of non-compliance accusations between the US and Russia. The differences in position between both countries on various arms control issues had raised concerns about the possibility of a timely extension of New START beyond 2021. The JCPOA was in dire straits following the decision by the Trump administration to pull the US out of the agreement. The prospect for a diplomatic solution with the DPRK had dissipated as negotiations with the US entered a stalemate. These, in addition to the continued polarization over some core NPT issues including the pace of disarmament provided the broad context in which the Prepcom was held.

As the final session of the Prepcom before the Review Conference, the session carried particular importance. It had the task to address a list of procedural issues which are key to enable a smooth start of the upcoming Review Conference. Among the procedural tasks was the consideration of the RevCon agenda, the rules of procedures, the allocation of items to main committees of the conference as well as the nomination of the president-designate of the conference. In addition to that and, in accordance with the strengthened review process agreed in 1995 and 2000, the Prepcom was to consider substantive issues related to implementation of the treaty as well as recommendations for the Review Conference.

The session started on a positive note with the adoption of the draft provisional agenda for the 2020 Review Conference on its first day. This was based on the agenda for the 2015 RevCon with some minor technical amendments. This was followed by a general debate where national delegations and various groupings presented their overall positions followed by a more focused debate based in three clusters. The Prepcom then addressed additional organisational issues for the 2020 RevCon and addressed its final reports and considered recommendations. The delivery of national and group statements as well as substantive working papers during the Prepcom reflected familiar positions by state parties on various aspects of treaty implementation. The general debate saw some heated exchanges using 'the right of reply' that concerned three main issues. The first was the accusations traded between the US and Iranian delegations (the latter supported by Russia) over the state of implementation of the JCPOA and US withdrawal from the accord. Second, the Russian delegation, in its general statement, accused NATO states for violating the NPT through accepting 'notorious nuclear-sharing arrangement'. This triggered a response by the Netherlands, on behalf of NATO member states, explaining the nature of nuclear sharing under the agreement and stressing conformity with articles I and II of the NPT. Finally, accusations of noncompliance with the INF were traded between US and NATO allies on the one hand, and Russia on the other hand.

Aside from these exchanges, the tone of the substantive discussions was relatively restrained despite significant and long-standing differences among state parties on the pace of disarmament, the position towards TPNW and how to address the Middle East Free Zone among other issues. National delegations and groups of states continued to update their working papers on key aspects related to the treaty producing close to 50 working papers and many reports and joint statements. Of note is a working paper by the chairs of the two previous Prepcom sessions that carried some joint recommendations including one that related to the working methods of the NPT review process. This was further pushed forward by the Netherlands in Cluster III discussions where its delegation proposed the establishment of a dedicated working group to examine working methods in the context of the review process. Austria, Costa Rica, Indonesia, Mexico, Nigeria, San Marino and Thailand presented a new paper on the link between the NPT and other treaties that particularly advocated the TPNW's compatibility with the NPT (WP.46). Nuclear weapons states continued to explicitly reject the new treaty. In the Prepcom, several states showed increased interest in addressing the issue of Gender. Australia, Canada, Ireland, Namibia, Sweden and UNIDR presented a working paper addressing the linkages of NPT and gender through two working papers (WP 25 and 27). Ireland presented specific recommendations for the RevCon on the topic (WP.48). The Prepcom also saw discussions on a number of new initiatives that found in the Prepcom an opportunity to showcase and advertise their work. This includes initiatives such as the Stockholm Initiative (previously called the 'Stepping Stones' approach) and Creating Environment for Nuclear Disarmament (CEND) proposed by the US. These initiatives organised side events and presented working papers during the Prepcom.

While the Prepcom addressed most of the procedural issues needed for the start of the 2020 RevCon, it was not able to finalize arrangements for the position of the President of the Review Conference. Venezuela (who held NAM's presidency in 2019) was able to block agreement on the nomination of the Argentinian Ambassador Grossi; the only candidate available for the position. Consequently, a decision on his appointment was not possible during the Prepcom and was deferred for finalization during the last quarter of 2019.

Towards the end of the conference, France and the US released two joint statements addressing the DPRK and Syria respectively. These statements enjoyed substantial but not unanimous support. The France-led joint statement was titled 'Addressing the North Korean nuclear challenge' and stressed the importance of DPRK's complete denuclearization and emphasised that the DPRK would not be considered a nuclear weapon state under the NPT. The statement was endorsed by 89 state parties. China, on the other hand argued that the Prepcom was not the appropriate forum to settle the North Korean issue and didn't join the statement. The US-led joint statement on Syria highlighted 'deep concerns' about Syria's noncompliance with its IAEA safeguards agreement and stressing that this in turn constitutes noncompliance with article III of the NPT. The statement was endorsed by 52 states.

Ultimately, the last session of the Prepcom produced a mixed record. Crucially, it reached an agreement on key procedural issues for the RevCon, most prominently the agenda. It also inched closer to an agreement on the nomination of the President. But the Prepcom was not able to reach an agreement on substantive recommendations or conclusions. The last stretch of the Prepcom saw negotiations and discussions over recommendations to the RevCon prepared by the Chair after consultation with various member states. The Chair made two attempts at presenting draft texts for consideration by the Prepcom but neither achieved the consensus needed for their adoption with some states voicing strong objections to the language it included. This led the Chair to issue the draft recommendations as a working paper (WP. 49) under his own responsibility and without prejudice to the position of the state parties. In response, the US issued its objection to these recommendations as a separate working paper (WP.50) As with the tradition of previous Prepcoms, the Chair also issued his own assessment of the implementation of the treaty (NPT/CONF.2020/PC.III/14) issued with the same caveats as the recommendations document. The Chair declared the session closed on 10th of May.

A — The Nuclear Non-Proliferation Treaty (NPT)

Treaty on the Non-Proliferation of Nuclear Weapons

Opened for signature 1 July 1968,
entered into force 5 March 1970

The States concluding this Treaty, hereinafter referred to as the 'Parties to the Treaty',

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the Purposes of the United Nations and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

Have agreed as follows:

Article I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide:

(a) source or special fissionable material, or

(b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

Article IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

Article V

Each Party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate

international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

Article VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

Article VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depository Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depository Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depository Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depository Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositories of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depository Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depository Governments pursuant to Article 102 of the Charter of the United Nations.

Article X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

Article XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depository Governments. Duly certified copies of this Treaty shall be transmitted by the Depository Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight.

Parties to the NPT

as at 15 June 2021

Country	Signature	**Ratification/ Accession/ Succession**
Afghanistan	1 July 1968	4 Feb. 1970
Albania	—	12 Sept 1990
Algeria	—	12 Jan. 1995
Andorra	—	7 June 1996
Angola	—	14 Oct. 1996
Antigua and Barbuda	—	17 June 1985
Argentina	—	17 Feb. 1995
Armenia	—	15 July 1993
Australia	27 Feb. 1970	23 Jan. 1973
Austria	1 July 1968	27 June 1969
Azerbaijan	—	22 Sept. 1992
Bahamas	—	11 Aug. 1976
Bahrain	—	3 Nov. 1988
Bangladesh	—	31 Aug. 1979
Barbados	1 July 1968	21 Feb. 1980
Belarus	—	22 July 1993
Belgium	20 Aug. 1968	2 May 1975
Belize	—	9 Aug. 1985
Benin	1 July 1968	31 Oct. 1972
Bhutan	—	23 May 1985
Bolivia	1 July 1968	26 May 1970
Bosnia and Herzegovina	—	15 Aug 1994
Botswana	1 July 1968	28 Apr. 1969
Brazil	—	18 Sept. 1998
Brunei Darussalam	—	26 Mar. 1985
Bulgaria	1 July 1968	5 Sept. 1969
Burkina Faso	25 Nov. 1968	3 Mar. 1970
Burundi	—	19 Mar. 1971
Cambodia	—	2 June 1972
Cameroon	17 July 1968	8 Jan. 1969
Canada	23 July 1968	8 Jan. 1969

Cabo Verde	—	24 Oct. 1979
Central African Rep.	—	25 Oct. 1970
Chad	1 July 1968	10 Mar. 1971
Chile	—	25 May 1995
China**†	—	9 Mar. 1992
Colombia	1 July 1968	8 Apr. 1986
Comoros	—	4 Oct. 1995
Congo	—	23 Oct. 1978
Costa Rica	1 July 1968	3 Mar. 1970
Côte d'Ivoire	1 July 1968	6 Mar. 1973
Croatia	—	29 June 1992
Cuba	—	4 Nov. 2002
Cyprus	1 July 1968	10 Feb. 1970
Czech Republic	—	1 Jan. 1993
Democratic People's Republic of Korea***	—	12 Dec. 1985
Democratic Republic of Congo	22 July 1968	4 Aug. 1970
Denmark	1 July 1968	3 Jan. 1969
Djibouti	—	16 Oct. 1996
Dominica	—	10 Aug. 1984
Dominican Republic	1 July 1968	24 July 1971
Ecuador	9 July 1968	7 Mar. 1969
Egypt	1 July 1968	26 Feb. 1981
El Salvador	1 July 1968	11 July 1972
Equatorial Guinea	—	1 Nov. 1984
Eritrea	—	16 Mar. 1995
Estonia	—	31 Jan. 1992
Ethiopia	5 Sept. 1968	5 Feb. 1970
Fiji	—	14 July 1972
Finland	1 July 1968	5 Feb. 1969
France†	—	2 Aug. 1992
Gabon	—	19 Feb. 1974
Gambia	4 Sept. 1968	12 May 1975
Georgia	—	7 Mar. 1994
Germany	28 Nov. 1969	2 May 1975
Ghana	1 July 1968	4 May 1970
Greece	1 July 1968	11 Mar. 1970
Grenada	—	2 Sept. 1975
Guatemala	26 Jul 1968	22 Sep 1970
Guinea	—	29 Apr. 1985
Guinea-Bissau	—	20 Aug. 1976
Guyana	—	19 Oct. 1993
Haiti	1 July 1968	2 June 1970
Holy See	—	25 Feb. 1971
Honduras	1 July 1968	16 May 1973
Hungary	1 July 1968	27 May 1969
Iceland	1 July 1968	18 July 1969
Indonesia	2 Mar. 1970	12 July 1979
Iran (Islamic Rep. of)	1 July 1968	2 Feb. 1970
Iraq	1 July 1968	29 Oct. 1969
Ireland	1 July 1968	1 July 1968
Italy	28 Jan. 1969	2 May 1975
Jamaica	14 Apr. 1969	5 Mar. 1970
Japan	3 Feb. 1970	8 June 1976
Jordan	10 July 1968	11 Feb. 1970
Kazakhstan	—	14 Feb. 1994
Kenya	1 July 1968	11 June 1970
Kiribati	—	18 Apr. 1985
Kuwait	15 Aug. 1968	17 Nov. 1989
Kyrgyzstan	—	5 July 1994
Lao People's Democratic Republic	1 July 1968	20 Feb. 1970
Latvia	—	31 Jan. 1992
Lebanon	1 July 1968	15 July 1970
Lesotho	9 July 1968	20 May 1970
Liberia	1 July 1968	5 Mar. 1970
Libya	18 July 1968	26 May 1975
Liechtenstein	—	20 Apr. 1978
Lithuania	—	23 Sept. 1991
Luxembourg	14 Aug. 1968	2 May 1975
Madagascar	22 Aug. 1968	8 Oct. 1970
Malawi	—	18 Feb. 1986
Malaysia	1 July 1968	5 Mar. 1970
Maldives	11 Sept. 1968	7 Apr. 1970
Mali	14 July 1969	10 Feb. 1970
Malta	17 Apr. 1969	6 Feb. 1970
Marshall Islands	—	30 Jan. 1995
Mauritania	—	26 Oct. 1993
Mauritius	1 July 1968	8 Apr. 1969
Mexico	26 July 1968	21 Jan. 1969
Micronesia (Fed. States of)	—	14 Apr. 1995
Monaco	—	13 Mar. 1995
Mongolia	1 July 1968	14 May 1969
Montenegro	—	3 June 2006
Morocco	1 July 1968	27 Nov. 1970
Mozambique	—	4 Sept. 1990
Myanmar	—	2 Dec. 1992
Namibia	—	2 Oct. 1992
Nauru	—	7 June 1982
Nepal	1 July 1968	5 Jan. 1970
Netherlands	20 Aug. 1968	2 May 1975
New Zealand	1 July 1968	10 Sept. 1969
Nicaragua	1 July 1968	6 Mar. 1973
Niger	—	9 Oct. 1992
Nigeria	1 July 1968	27 Sept. 1968
Norway	1 July 1968	5 Feb. 1969
Oman	—	23 Jan. 1997
Palau	—	14 Apr. 1995
Panama	1 July 1968	13 Jan. 1977
Papua New Guinea	—	13 Jan. 1982
Paraguay	1 July 1968	4 Feb. 1970
Peru	1 July 1968	3 Mar. 1970
Philippines	1 July 1968	5 Oct. 1972
Poland	1 July 1968	12 June 1969
Portugal	—	15 Dec. 1977
Qatar	—	3 Apr. 1989
Republic of Korea	1 July 1968	23 Apr. 1975
Republic of Moldova	—	11 Oct. 1994
Romania	1 July 1968	4 Feb. 1970
Russian Federation*†	1 July 1968	5 Mar. 1970
Rwanda	—	20 May 1975
Saint Kitts and Nevis	—	6 Nov 1984
Saint Lucia	—	28 Dec. 1979
Saint Vincent and the Grenadines	—	6 Nov. 1984
Samoa	—	17 Mar. 1975
San Marino	1 Jul 1968	10 Aug 1970
Sao Tome and Principe	—	20 July 1983
Saudi Arabia	—	3 Oct. 1988
Senegal	1 July 1968	17 Dec. 1970
Serbia		5 Sep 2001
Seychelles	—	12 Mar. 1985
Sierra Leone	—	26 Feb. 1975
Singapore	5 Feb. 1970	10 Mar. 1976
Slovakia	—	1 Jan. 1993
Slovenia	—	20 Aug. 1992
Solomon Islands	—	17 June 1981
Somalia	1 July 1968	5 Mar. 1970
South Africa	—	10 July 1991
Spain	—	5 Nov. 1987
Sri Lanka	1 July 1968	5 Mar. 1979
State of Palestine		10/12 Feb2015
Sudan	24 Dec. 1968	31 Oct. 1973
Suriname	—	30 June 1976
Swaziland	24 June 1969	11 Dec. 1969
Sweden	19 Aug. 1968	9 Jan. 1970
Switzerland	27 Nov. 1969	9 Mar. 1977
Syrian Arab Republic	1 July 1968	24 Sept. 1968
Tajikistan	—	17 Jan. 1994
Thailand	—	7 Dec. 1977
The former Yugoslav. Republic of Macedonia	—	30 Mar. 1995
Timor-Leste	—	5 May 2003
Togo	1 July 1968	26 Feb. 1970
Tonga	—	7 July 1971
Trinidad and Tobago	20 Aug. 1968	30 Oct. 1986
Tunisia	1 July 1968	26 Feb. 1970
Turkey	28 Jan. 1969	17 Apr. 1980
Turkmenistan	—	29 Sept. 1994
Tuvalu	—	19 Jan. 1979
Uganda	—	20 Oct. 1982
Ukraine	—	5 Dec. 1994
United Arab Emirates	—	26 Sept. 1995
United Kingdom*†	1 July 1968	29 Nov. 1968
United Republic of Tanzania	—	31 May 1991
United States of America*†	1 July 1968	5 Mar. 1970
Uruguay	1 July 1968	31 Aug. 1970

Uzbekistan	—	7 May 1992
Vanuatu	—	24 Aug. 1995
Venezuela	1 July 1968	25 Sept. 1975
Viet Nam	—	14 June 1982
Yemen	14 Sept. 1968	14 May 1986
Zambia	—	15 May 1991
Zimbabwe	—	26 Sept. 1991

* Depository State † Nuclear-Weapon State

** Taiwan – Province of China, signed the Treaty on 1 July 1968 and ratified on 27 January 1970

*** On 10 January 2003, the DPRK announced its withdrawal from the NPT.

B — Materials related to the Tenth NPT Review Conference

Provisional Agenda for the 2020 NPT Review Conference

NPT/CONF.2020/1
[20 May 2019]

1 Opening of the Conference by the Chair of the third session of the Preparatory Committee.

2. Election of the President of the Conference.

3. Statement by the President of the Conference.

4. Address by the Secretary-General of the United Nations.

5. Address by the Director-General of the International Atomic Energy Agency.

6. Submission of the final report of the Preparatory Committee.

7. Adoption of the rules of procedure.

8. Election of Chairs and Vice-Chairs of the Main Committees, the Drafting Committee and the Credentials Committee.

9. Election of Vice-Presidents.

10. Credentials of representatives to the Conference.

(a) Appointment of the Credentials Committee;

(b) Report of the Credentials Committee.

11. Confirmation of the nomination of the Secretary-General.

12. Adoption of the agenda.

13. Programme of work.

14. Adoption of arrangements for meeting the costs of the Conference.

15. General debate.

16. Review of the operation of the Treaty, as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference, and the conclusions and recommendations for follow-up actions of the 2010 Review Conference:

(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

(i) Articles I and II and preambular paragraphs 1 to 3;

(ii) Article VI and preambular paragraphs 8 to 12;

(iii) Article VII, with specific reference to the main issues in (a) and (b);

(b) Security assurances:

(i) Security Council resolutions 255 (1968) and 984 (1995);

(ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

(c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:

(i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;

(ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

(iii) Article VII;

(d) Implementation of the provisions of the Treaty relating to the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:

(i) Articles III, paragraph 3, and IV, preambular paragraphs 6 and 7, especially in their relationship to article III, paragraphs 1, 2 and 4, and preambular paragraphs 4 and 5;

(ii) Article V;

(e) Other provisions of the Treaty.

17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

18. Reports of the Main Committees.

19. Consideration and adoption of Final Document(s).

20. Any other business.

Allocation of Items to the Main Committees of the 2020 Review Conference

NPT/CONF.2020/1
[20 May 2019]

The Preparatory Committee decides to allocate the following items to the Main Committees at the 2020 Review Conference.

1. Main Committee I

Item 16. Review of the operation of the Treaty, as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions of the 2010 Review Conference:

(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security:

(i) Articles I and II and preambular paragraphs 1 to 3;

(ii) Article VI and preambular paragraphs 8 to 12;

(iii) Article VII, with specific reference to the main issues considered in this Committee;

(b) Security assurances:

(i) Security Council resolutions 255 (1968) and 984 (1995);

(ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security, and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

2. Main Committee II

Item 16. Review of the operation of the Treaty, as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions of the 2010 Review Conference:

(c) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones:

(i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;

(ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

(iii) Article VII;

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security, and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

3. Main Committee III

Item 16. Review of the operation of the Treaty, as provided for in its article VIII, paragraph 3, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions of the 2010 Review Conference:

(d) Implementation of the provisions of the Treaty relating to the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II:

(i) Articles III, paragraph 3, and IV, preambular paragraphs 6 and 7, especially in their relationship to article III, paragraphs 1, 2 and 4, and preambular paragraphs 4 and 5;

(ii) Article V;

(e) Other provisions of the Treaty.

Item 17. Role of the Treaty in the promotion of non-proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security, and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

Background Documentation

NPT/CONF.2020/1
[20 May 2019]

1. The Preparatory Committee decides to invite the Secretary-General to prepare documentation, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions of the 2010 Review Conference.

2. The following general approach should apply to the proposed documentation and papers (similar to the approach applied for the preparation of background documentation for the 1995 Review and Extension Conference, the 2000 Review Conference, the 2010 Review Conference and the 2015 Review Conference): all papers must give balanced, objective and factual descriptions of the relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgments. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly related to any of the foregoing. The papers should focus on the period since the 2015 Review Conference, including implementation of the decisions and the resolution adopted by the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions of the 2010 Review Conference.

3. The Preparatory Committee requests that the following be made available to the 2020 Review Conference:

(a) Documentation prepared by the Secretariat on the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference, taking into account relevant developments and the conclusions and recommendations for follow-on actions of the 2010 Review Conference;

(b) Documentation prepared by the International Atomic Energy Agency regarding its activities relevant to the implementation of the Treaty;

(c) A memorandum from the General Secretariat of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean regarding its activities;

(d) A memorandum from the secretariat of the Pacific Islands Forum regarding its activities related to the South Pacific Nuclear-Free Zone Treaty;

(e) A memorandum from the African Commission on Nuclear Energy regarding its activities related to the African Nuclear Weapon-Free Zone Treaty;

(f) A memorandum from the depositary of the Treaty on the South-East Asia Nuclear-Weapon-Free Zone regarding its activities related to the Treaty;

(g) A memorandum from the depositary of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia regarding its activities related to the Treaty;

(h) A memorandum from Mongolia regarding the consolidation of its international security and nuclear-weapon-free status.

Election of the President and other officers

NPT/CONF.2020/PC.III/DEC.1
[8 May 2019]

1. At its third session, the Preparatory Committee considered the question of the nomination of the President of the 2020 Review Conference and agrees that the nomination of the candidate endorsed by the Latin American and Caribbean Group, Rafael Mariano Grossi (Argentina), will be finalized upon communication by the Chair of the Group of Non-Aligned States Parties to the Treaty, during the last quarter of 2019.

2. The Committee agrees to recommend that Main Committees should be chaired by the Chairs of the consecutive sessions of the Preparatory Committee, or their successors, as follows: Main Committee I should be chaired by a representative of the Group of Non-Aligned States Parties to the Treaty, i.e., the Chair of the third session of the Preparatory Committee; Main Committee II should be chaired by a representative of the Group of Eastern European States, i.e., the Chair of the second session of the Preparatory Committee; and Main Committee III should be chaired by a representative of the Western Group, i.e., the Chair of the first session of the Preparatory Committee.

3. The Committee also agrees to recommend that the post of Chair of the Drafting Committee be assumed by a representative of the Group of Eastern European States and the post of Chair of the Credentials Committee by a representative of the Group of Non-Aligned States Parties to the Treaty.

4. The Committee authorizes its Bureau and the President-designate to handle technical and other organizational matters, as well as to carry out consultations with States parties in the period before the Review Conference. It also decides that the Chair of the third session of the Preparatory Committee should open the Conference.

5. The Committee decides that invitations to observers that, in accordance with the decision on participation, are entitled to

participate in the Review Conference, as well as invitations to the Secretary-General of the United Nations and the Director General of the International Atomic Energy Agency, should be issued by the Chair of the third session of the Preparatory Committee.

Draft Rules of Procedure for the Review Conference

NPT/CONF.2020/1
[20 May 2019]

Draft rules of procedure

I. Representation and credentials

Delegations of parties to the Treaty

Rule 1

1. Each State party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter "the Treaty") may be represented at the Conference of the Parties to the Treaty (hereinafter the "Conference") by a head of delegation and such other representatives, alternate representatives and advisers as may be required.

2. The head of delegation may designate an alternate representative or an adviser to act as a representative.

Credentials

Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the date fixed for the opening of the Conference. Credentials shall be issued either by the head of the State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 3

The Conference shall establish a Credentials Committee composed of the Chair and two Vice-Chairs elected in accordance with rule 5, and six members appointed by the Conference on the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation

Rule 4

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. Officers

Election

Rule 5

The Conference shall elect the following officers: a President and thirty-four Vice-Presidents, as well as a Chair and two Vice-Chairs for each of the three Main Committees, the Drafting Committee and the Credentials Committee. The officers shall be elected so as to ensure a representative distribution of posts.

Acting President

Rule 6

1. If the President is absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Voting rights of the President

Rule 7

The President, or a Vice-President acting as President, shall not vote, but shall appoint another member of his delegation to vote in his place.

III. General Committee

Composition

Rule 8

1. The General Committee shall be composed of the President of the Conference, who shall preside, the thirty-four Vice-Presidents, the Chairs of the three Main Committees, the Chair of the Drafting Committee and the Chair of the Credentials Committee. No two members of the General Committee shall be members of the same delegation, and it shall be so constituted as to ensure its representative character.

2. If the President is unable to attend a meeting of the General Committee, he may designate a Vice-President to preside at such meeting and a member of his delegation to take his place. If a Vice-President is unable to attend, he may designate a member of his delegation to take his place. If the Chair of a Main Committee, the Drafting Committee or the Credentials Committee is unable to attend, he may designate one of the Vice-Chairs to take his place, with the right to vote unless he is of the same delegation as another member of the General Committee.

Functions

Rule 9

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

IV. Conference Secretariat

Duties of the Secretary-General of the Conference

Rule 10

1. There shall be a Secretary-General of the Conference. He shall act in that capacity in all meetings of the Conference, its committees and subsidiary bodies, and may designate a member of the Secretariat to act in his place at these meetings.

2. The Secretary-General of the Conference shall direct the staff required by the Conference.

Duties of the Secretariat

Rule 11

The Secretariat of the Conference shall, in accordance with these rules:

(a) Interpret speeches made at meetings;

(b) Receive, translate and circulate the documents of the Conference;

(c) Publish and circulate any report of the Conference;

(d) Make and arrange for the keeping of sound recordings and summary records of meetings;

(e) Arrange for the custody of documents of the Conference in the archives of the United Nations and provide authentic copies of these documents to each of the depository Governments; and

(f) Generally perform all other work that the Conference may require.

Costs

Rule 12 [It is understood that the financial arrangements provided by rule 12 do not constitute a precedent.]

The costs of the Conference, including the sessions of the Preparatory Committee, will be met by the States parties to the Treaty participating in the Conference in accordance with the schedule for the division of costs as shown in the appendix to these Rules.

V. Conduct of business

Quorum

Rule 13

1. A majority of the States parties to the Treaty participating in the Conference shall constitute a quorum.

2. To determine whether the Conference is quorate, any State party may call for a roll call at any time.

General powers of the President

Rule 14

1. In addition to exercising the powers conferred upon him elsewhere by these Rules, the President shall preside at the plenary meetings of the Conference; he shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these Rules, accord the right to speak, ascertain consensus, put questions to the vote and announce decisions. He shall rule on points of order. The President, subject to these Rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each State may speak on the question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his functions, remains under the authority of the Conference.

Points of order

Rule 15

A representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these Rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Speeches

Rule 16

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 15, 17 and 19 to 22, the President shall call upon speakers in the order in which they signify their desire to speak.

2. Debate shall be confined to the subject under discussion and the President may call a speaker to order if his remarks are not relevant thereto.

3. The Conference may limit the time allowed to speakers and the number of times the representative of each State may speak on a question; permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Precedence

Rule 17

The Chair of a committee may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee.

Closing of list of speakers

Rule 18

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When the debate on an item is concluded because there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 22.

Right of reply

Rule 19

Notwithstanding rule 18, the President may accord the right of reply to a representative of any State participating in the Conference. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day.

Suspension or adjournment of the meeting

Rule 20

A representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 23, be immediately put to the vote.

Adjournment of debate

Rule 21

A representative may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment, after which the motion shall, subject to rule 23, be immediately put to the vote.

Closure of debate

Rule 22

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 23, be immediately put to the vote.

Order of motions

Rule 23

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Submission of proposals and substantive amendments

Rule 24

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, proposals and substantive amendments shall be discussed or decided on no earlier than twenty-four hours after copies have been circulated in all languages of the Conference to all delegations.

Withdrawal of proposals and motions

Rule 25

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decision on competence

Rule 26

Any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be decided upon before a decision is taken on the proposal in question.

Reconsideration of proposals

Rule 27

Proposals adopted by consensus may not be reconsidered unless the Conference reaches a consensus on such reconsideration. A proposal that has been adopted or rejected by a majority or two-thirds vote may be reconsidered if the Conference, by a two-thirds majority, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

VI. Voting and elections

Adoption of decisions

Rule 28

1. The task of the Conference being to review, pursuant to paragraph 3 of article VIII of the Treaty, the operation of the Treaty with a view to ensuring that the purposes of the preamble and the provisions of the Treaty are being realized, and thus to strengthen its effectiveness, every effort should be made to reach agreement on substantive matters by means of consensus. There should be no voting on such matters until all efforts to achieve consensus have been exhausted.

2. Decisions on matters of procedure and in elections shall be taken by a majority of representatives present and voting.

3. If, notwithstanding the best efforts of delegates to achieve a consensus, a matter of substance comes up for voting, the President shall defer the vote for forty-eight hours and during this period of deferment shall make every effort, with the assistance of the General Committee, to facilitate the achievement of general agreement, and shall report to the Conference prior to the end of the period.

4. If by the end of the period of deferment the Conference has not reached agreement, voting shall take place and decisions shall be taken by a two-thirds majority of the representatives present and voting, provided that such majority shall include at least a majority of the States participating in the Conference.

5. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President's ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

6. In cases where a vote is taken, the relevant rules of procedure relating to voting of the General Assembly of the United Nations shall apply, except as otherwise specifically provided herein.

Voting rights

Rule 29

Every State party to the Treaty shall have one vote.

Meaning of the phrase "representatives present and voting"

Rule 30

For the purposes of these Rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting are considered as not voting.

Elections

Rule 31

All elections shall be held by secret ballot, unless the Conference decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.

Rule 32

1. If, when only one elective place is to be filled, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates having obtained the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held among such candidates for the purpose of reducing their number to two; similarly, in the case of a tie among three or more candidates obtaining the largest number of votes, a special ballot shall be held; if a tie again results in this special ballot, the President shall eliminate one candidate by drawing lots and thereafter another ballot shall be held in accordance with paragraph 1.

Rule 33

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot the majority required and the largest number of votes shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, provided that if only one place remains to be filled the procedures in rule 32 shall be applied. The ballot shall be restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the numbers of places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required number; if a tie again results among more than the required number of candidates, the President shall reduce their number to that required by drawing lots.

3. If such a restricted ballot (not counting a special ballot held under the conditions specified in the last sentence of paragraph 2) is inconclusive, the President shall decide among the candidates by drawing lots.

VII. Committees

Main Committees and subsidiary bodies

Rule 34

The Conference shall establish three Main Committees for the performance of its functions. Each such Committee may establish subsidiary bodies so as to provide for a focused consideration of specific issues relevant to the Treaty. As a general rule each State party to the Treaty participating in the Conference may be represented in the subsidiary bodies unless otherwise decided by consensus.

Representation on the Main Committees

Rule 35

Each State party to the Treaty participating in the Conference may be represented by one representative on each Main Committee. It may assign to these Committees such alternate representatives and advisers as may be required.

Drafting Committee

Rule 36

1. The Conference shall establish a Drafting Committee composed of representatives of the same States that are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conference or by a Main Committee, without altering the substance of the texts, and report to the Conference or to the Main Committee as appropriate. It shall also, without reopening the substantive discussion on any

matter, formulate drafts and give advice on drafting as requested by the Conference or a Main Committee.

2. Representatives of other delegations may also attend the meetings of the Drafting Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

Officers and procedures

Rule 37

The rules relating to officers, the Conference secretariat, conduct of business and voting of the Conference (contained in chaps. II (rules 5–7), IV (rules 10–11), V (rules 13–27) and VI (rules 28–33) above) shall be applicable, mutatis mutandis, to the proceedings of committees and subsidiary bodies, except that:

(a) Unless otherwise decided, any subsidiary body shall elect a Chair and such other officers as it may require;

(b) The Chairs of the General, the Drafting and the Credentials Committees and the Chairs of subsidiary bodies may vote in their capacity as representatives of their States;

(c) A majority of the representatives on the General, Drafting and Credentials Committees or on any subsidiary body shall constitute a quorum; the Chair of a Main Committee may declare a meeting open and permit the debate to proceed when at least one quarter of the representatives of the States participating in the Conference are present.

VIII. Languages and records

Languages of the Conference

Rule 38

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Conference.

Interpretation

Rule 39

1. Speeches made in a language of the Conference shall be interpreted into the other languages.

2. A representative may make a speech in a language other than a language of the Conference if he provides for interpretation into one such language. Interpretation into the other languages of the Conference by interpreters of the Secretariat may be based on the interpretation given in the first such language.

Language of official documents

Rule 40

Official documents shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 41

Sound recordings of meetings of the Conference and of all committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the Main Committee concerned, no such recordings shall be made of the meetings of a subsidiary body thereof.

Summary records

Rule 42

1. Summary records of the plenary meetings of the Conference and of the meetings of the Main Committees shall be prepared by the Secretariat in the languages of the Conference. They shall be distributed in provisional form as soon as possible to all participants in the Conference. Participants in the debate may, within three working days of receipt of provisional summary records, submit to the Secretariat corrections on summaries of their own interventions, in special circumstances, the presiding officer may, in consultation with the Secretary-General of the Conference, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after consulting, where necessary, the sound recordings of the proceedings. Separate corrigenda to provisional records shall not normally be issued.

2. The summary records, with any corrections incorporated, shall be distributed promptly to participants in the Conference.

IX. Public and private meetings

Rule 43

1. The plenary meetings of the Conference and the meetings of the Main Committees shall be held in public unless the body concerned decides otherwise.

2. Meetings of other organs of the Conference shall be held in private.

X. Participation and attendance

Rule 44

1. Observers

(a) Any other State which, in accordance with article IX of the Treaty, has the right to become a party thereto but which has neither acceded to it nor ratified it may apply to the Secretary-General of the Conference for observer status, which will be accorded on the decision of the Conference. [It is understood that any such decision will be in accordance with the practice of the General Assembly.] Such a State shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees other than those designated closed meetings and to receive documents of the Conference. An observer State shall also be entitled to submit documents for the participants in the Conference.

(b) Any national liberation organization entitled by the General Assembly of the United Nations [Pursuant to General Assembly resolutions 3237 (XXIX) of 22 November 1974, 3280 (XXIX) of 10 December 1974 and 31/152 of 20 December 1976.] to participate as an observer in the sessions and the work of the General Assembly, all international conferences convened under the auspices of the General Assembly and all international conferences convened under the auspices of other organs of the United Nations may apply to the Secretary-General of the Conference for observer status, which will be accorded on the decision of the Conference. Such a liberation organization shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees other than those designated closed meetings and to receive documents of the Conference. An observer organization shall also be entitled to submit documents to the participants in the Conference.

2. The United Nations and the International Atomic Energy Agency

The Secretary-General of the United Nations and the Director General of the International Atomic Energy Agency, or their representatives, shall be entitled to attend meetings of the plenary and of the Main Committees and to receive the Conference documents. They shall also be entitled to submit material, both orally and in writing.

3. Specialized agencies and international and regional intergovernmental organizations

The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the South Pacific Forum, other international and regional intergovernmental organizations, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and any specialized agency of the United Nations may apply to the Secretary-General of the Conference for observer agency status, which will be accorded on the decision of the Conference. An observer agency shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees, other than those designated closed meetings, and to receive the documents of the Conference. The Conference may also invite them to submit, in writing, their views and comments on questions within their competence, which may be circulated as Conference documents.

4. Non-governmental organizations

Representatives of non-governmental organizations who attend meetings of the plenary or of the Main Committees will be entitled upon request to receive the documents of the Conference.

Final report of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non Proliferation of Nuclear Weapons

NPT/CONF.2020/1
[20 May 2019]

I. Terms of reference and organization of work

1. At its seventieth session, the General Assembly, in its resolution 70/28 of 7 December 2015, took note of the decision of the parties to the Treaty on the Non Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first session of the Preparatory Committee in Vienna from 2 to 12 May 2017.

2. Accordingly, the Preparatory Committee held its first session in Vienna from 2 to 12 May 2017. Following the decisions taken at its first and second sessions, respectively, the Committee held its second session in Geneva from 23 April to 4 May 2018 and its third session in New York from 29 April to 10 May 2019. Reports covering the first two sessions of the Committee were issued as documents NPT/CONF.2020/PC.I/15 and NPT/CONF.2020/PC.II/13, respectively.

3. At the first session of the Preparatory Committee, an understanding was reached among delegations, according to which a representative of the Western Group should be proposed to chair the first session, a representative of the Group of Eastern European States should be proposed to chair the second session, a representative of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed to chair the third session and a representative of the Group of Non-Aligned States Parties to the Treaty should be proposed for the presidency of the 2020 Review Conference. It was further decided that, when not serving as Chairs, the Chairs of the sessions of the Committee would serve as Vice-Chairs of the Committee.

4. Pursuant to that understanding, at its first session, the Preparatory Committee elected Henk Cor van der Kwast (Netherlands) to serve as Chair of the first session. It also elected Adam Bugajski (Poland) to serve as Chair of the second session.

5. At its second session, the Preparatory Committee elected Muhammad Shahrul Ikram Yaakob (Malaysia) to serve as Chair of the third session. Following the resignation of Mr. Yaakob, the Committee elected, at the 1st meeting of its third session, Syed Md Hasrin Syed Hussin (Malaysia) as Chair of the third session.

6. At its third session, the Preparatory Committee authorized its Bureau and the President-designate to handle technical and other organizational matters, as well as to carry out consultations with States parties in the period before the 2020 Review Conference. It also decided that the Chair of the third session of the Committee should open the Conference.

7. At its first session, the Preparatory Committee adopted its agenda as contained in document NPT/CONF.2020/PC.I/7, as follows:

1. Opening of the session.
2. Election of the Chair.
3. Adoption of the agenda.
4. General debate on issues related to all aspects of the work of the Preparatory Committee.
5. Statements by non-governmental organizations.
6. Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference.
7. Organization of work of the Preparatory Committee:
   - (a) Election of officers;
   - (b) Dates and venues for further sessions;
   - (c) Methods of work:
     - (i) Decision-making;
     - (ii) Participation;
     - (iii) Working languages;
     - (iv) Records and documents.
8. Report on the results of the session to the next session of the Preparatory Committee.
9. Organization of the 2020 Review Conference:
   - (a) Dates and venue;
   - (b) Draft rules of procedure;
   - (c) Election of the President and other officers;
   - (d) Appointment of the Secretary-General;
   - (e) Provisional agenda;
   - (f) Financing of the Review Conference, including its Preparatory Committee;
   - (g) Background documentation;
   - (h) Final document(s).
10. Adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.
11. Any other matters.

8. Ioan Tudor, Chief, Weapons of Mass Destruction Branch, Office for Disarmament Affairs, served as Secretary of the Preparatory Committee. Cornel Feruta, Chief Coordinator, Director General's Office for Coordination, International Atomic Energy Agency, represented the Agency at the first, second and third sessions.

9. Delegations of the following 153 States parties participated in one or more sessions of the Preparatory Committee:

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cabo Verde, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Holy See, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, North Macedonia, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar,

Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

10. At its first session, the Preparatory Committee decided to make every effort to adopt its decisions by consensus. In the event that a consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which would be applied mutatis mutandis.

11. At the same session, the Preparatory Committee decided that:

(a) Representatives of States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their countries' nameplates and to receive documents of the Committee. They should also be entitled to submit documents to the participants in the Committee;

(b) Representatives of specialized agencies and international and regional intergovernmental organizations should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the Committee. They should also be entitled to submit, in writing, their views and comments on questions within their competence, which may be circulated as documents of the Committee. Furthermore, the Committee decided, based on the agreement at the third session of the Preparatory Committee for the 2010 Review Conference, which would be applied mutatis mutandis, that specialized agencies and international and regional intergovernmental organizations should be invited to make oral presentations to the Committee upon the decision of the Committee, on a case-by-case basis. Accordingly, the following specialized agencies and international and regional intergovernmental organizations were represented as observers at the meetings of the Committee: the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the African Union, the African Commission on Nuclear Energy, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, the European Union, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, the League of Arab States, the North Atlantic Treaty Organization, the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and the United Nations Institute for Disarmament Research;

(c) Representatives of non-governmental organizations should be allowed, upon request, to attend the meetings of the Committee other than those designated closed, to be seated in the designated area, to receive documents of the Committee and, at their own expense, to make written material available to the participants in the Committee. The Committee would also allocate a meeting to non-governmental organizations to address each session of the Committee. Representatives of 116 non governmental organizations attended one or more sessions of the Committee.

12. Also at the same session, the Preparatory Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as its working languages.

13. In accordance with the Preparatory Committee's decision at its first session, summary records were provided, at each session, for the Committee's opening meetings, the general debate and the closing meetings, as well as for any other meetings during which decisions were taken. The summary records of the first session were issued as documents NPT/CONF.2020/PC.I/SR.1–6 and 16. The summary records of the second session were issued as documents NPT/CONF.2020/PC.II/SR.1–6https://undocs.org/en/NPT/CONF.2020/PC.II/SR.6, 18 and 19. The summary records of the third session (NPT/CONF.2020/PC.III/SR.1–7, 16, 17 and 19) are issued separately from the present report (see annex I).

14. Also, at each session, the Preparatory Committee set aside one meeting for presentations by representatives of non-governmental organizations.

II. Substantive work of the Preparatory Committee

15. The Preparatory Committee held 34 meetings devoted to substantive discussions under agenda item 6.

16. The discussion at each session of the Preparatory Committee was structured according to indicative timetables (first and second session) and a programme of work (third session), which provided equal time for the consideration of three clusters of issues and three specific blocs of issues.

17. The Preparatory Committee considered the following three clusters of issues on the basis of the allocation of items to the Main Committees of the 2015 Review Conference (NPT/CONF.2015/1, annex V):

(a) Implementation of the provisions of the Treaty relating to non proliferation of nuclear weapons, disarmament and international peace and security (articles I and II and preambular paragraphs 1 to 3; article VI and preambular paragraphs 8 to 12; article VII, with specific reference to the main issues considered in this cluster); security assurances (Security Council resolutions 255 (1968) and 984 (1995); effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons);

(b) Implementation of the provisions of the Treaty relating to non proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones (article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7; articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV; article VII);

(c) Implementation of the provisions of the Treaty relating to the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II (articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5; article V); other provisions of the Treaty.

18. The Preparatory Committee considered the following three specific blocs of issues:

(a) Nuclear disarmament and security assurances;

(b) Regional issues, including with respect to the Middle East and the implementation of the 1995 resolution on the Middle East;

(c) Peaceful uses of nuclear energy and other provisions of the Treaty.

The Committee also considered the issue of improving the effectiveness of the strengthened review process.

19. The Preparatory Committee had before it a number of documents submitted by delegations. The list of the documents submitted during the Committee's sessions is contained in annex II to the present report.

III. Organization of the 2020 Review Conference

20. In the course of its sessions, the Preparatory Committee considered the following questions relating to the organization and work of the 2020 Review Conference:

(a) Dates and venue;

(b) Draft rules of procedure;

(c) Election of the President and other officers;

(d) Appointment of the Secretary-General;

(e) Provisional agenda;

(f) Financing of the Review Conference, including its Preparatory Committee;

(g) Background documentation;

(h) Final document(s).

Dates and venue of the 2020 Review Conference

21. At its second session, the Preparatory Committee decided to hold the 2020 Review Conference in New York from 27 April to 22 May 2020.

Draft rules of procedure

22. At its third session, the Preparatory Committee considered the draft rules of procedure for the 2020 Review Conference. It agreed to recommend to the Conference the draft rules of procedure as contained in annex III to the present report.

23. At the same session, the Preparatory Committee agreed to recommend to the Conference that, notwithstanding rule 44, paragraph 3, of the draft rules of procedure, specialized agencies and international and regional intergovernmental organizations be invited to make oral presentations to the Conference upon the decision of the Conference, on a case-by-case basis.

24. Also at the same session, the Preparatory Committee agreed to recommend to the Conference that, in accordance with the draft rules of procedure, representatives of non-governmental organizations be allowed to attend meetings, other than those designated as closed, and to receive documents of the Conference; that, in accordance with past practice, non-governmental organizations be allowed to make written material available, at their own expense, to the participants of the Conference; and that non-governmental organizations be allowed to address the Conference, consistent with the Final Document of the 2000 Review Conference.

Election of the President and other officers

25. At its third session, the Preparatory Committee considered the question of the nomination of the President of the 2020 Review Conference and agreed that the nomination of the candidate endorsed by the Latin American and Caribbean Group, Rafael Mariano Grossi (Argentina), would be finalized upon communication by the Chair of the Group of Non-Aligned States Parties to the Treaty, during the last quarter of 2019.

26. At the same session, the Preparatory Committee agreed to recommend that Main Committees should be chaired by the Chairs of the consecutive sessions of the Preparatory Committee, or their successors, as follows: Main Committee I should be chaired by a representative of the Group of Non-Aligned States Parties to the Treaty, namely, the Chair of the third session of the Preparatory Committee; Main Committee II should be chaired by a representative of the Group of Eastern European States, namely, the Chair of the second session of the Preparatory Committee; and Main Committee III should be chaired by a representative of the Western Group, namely, the Chair of the first session of the Preparatory Committee.

27. The Preparatory Committee also agreed to recommend that the post of Chair of the Drafting Committee be assumed by a representative of the Group of Eastern European States, and the post of Chair of the Credentials Committee by a representative of the Group of Non-Aligned States Parties to the Treaty.

Appointment of the Secretary-General

28. At its first session, the Preparatory Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Committee, to nominate an official to act as provisional Secretary-General of the 2020 Review Conference, a nomination to be confirmed by the Conference itself. At its third session, the Committee was informed of the decision of the Secretary-General, taken after consultations with the members of the Committee, to nominate Ioan Tudor, Chief, Weapons of Mass Destruction Branch, Office for Disarmament Affairs of the United Nations Secretariat, to serve as provisional Secretary-General of the Conference. The Committee took note of the nomination.

Provisional agenda

29. At its third session, the Preparatory Committee adopted the draft provisional agenda of the 2020 Review Conference as contained in annex IV to the present report.

30. At the same session, the Preparatory Committee adopted the draft decision on the allocation of items to the Main Committees of the Conference as contained in annex V to the present report.

Financing of the 2020 Review Conference, including its Preparatory Committee

31. At its second session, the Preparatory Committee had before it the estimated cost of the 2020 Review Conference, including its Preparatory Committee (NPT/CONF.2020/PC.II/1).

32. In order to promote greater financial transparency and accountability and taking into account the practice of multilateral and other organizations, the Preparatory Committee for the 2010 Review Conference, at the 12th plenary meeting of its second session, held on 6 May 2008, adopted a decision in which it requested the Secretary-General of the United Nations to provide a financial report to the Review Conference and each session of its Preparatory Committee, to be circulated as an official document. Pursuant to this decision, financial reports were submitted at each session of the Committee (NPT/CONF.2020/PC.I/6, NPT/CONF.2020/PC.II/4 and NPT/CONF.2020/PC.III/3).

33. At its third session, the Preparatory Committee agreed to the schedule for the division of costs. The schedule for the division of costs is contained in the appendix to the draft rules of procedure, as reflected in annex III to the present report.

Background documentation

34. At its third session, the Preparatory Committee decided to invite the Secretary-General to prepare documentation, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference. The decision on background documentation is contained in annex VI to the present report.

Final document(s)

35. At its third session, the Preparatory Committee decided to defer the consideration of the matter to the 2020 Review Conference.

IV. Participation at the 2020 Review Conference

36. At its third session, the Preparatory Committee decided that invitations to observers which, in accordance with the decision on participation, were entitled to participate in the 2020 Review Conference, as well as invitations to the Secretary-General of the United Nations and the Director General of the International Atomic Energy Agency, should be issued by the Chair of the third session of the Committee.

V. Adoption of the final report

37. The Preparatory Committee adopted its final report at its 19th meeting, on 10 May 2019.

Inter-Chair working paper: conclusions and recommendations for the Preparatory Committee for the 2020 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons

NPT/ CONF.2020/PC.III/WP.4
[15 March 2019]

Introduction

1. The Netherlands and Poland chaired the first and second session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. As Chairs, the Netherlands and Poland consider these to have been overall constructive sessions working towards a productive review cycle of the Treaty on the Non-Proliferation of Nuclear Weapons leading up to the 2020 Review Conference. The Chairs of the 2017 and 2018 Preparatory Committee both issued extensive and elaborate Chair's factual summaries of the proceedings (NPT/CONF.2020/PC.I/WP.40 and NPT/CONF.2020/PC.II/WP.41) and of different positions of States parties. These summaries provide a broad overview of Treaty-related discussions, incorporating as many perspectives as possible, as a basis for further discussions.

2. This working paper conveys, to the Chair of the third session of the Preparatory Committee, substantive recommendations for consideration by the Preparatory Committee with a view to its mandate under paragraph 4 of decision 1 of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. It aims to provide an output-focused outlook on the Preparatory Committee and help increase continuity between its sessions, building on the working paper submitted by the Netherlands to the second session of the Preparatory Committee (NPT/CONF.2020/PC.II/WP.11).

3. The recommendations in this paper build on relevant parts of the Chairs' summaries of 2017 and 2018, which are highlighted below. The focus is on areas where general opinion converged as possible starting points for progress. While discussions on more divisive topics will not be avoided during the Non-Proliferation Treaty review cycle, it is the collective responsibility of the States parties to the Non-Proliferation Treaty to prevent such discussions from interfering with potential progress on other issues.

4. The 2017 Chair also issued a second document entitled "Towards 2020: reflections of the Chair of the 2017 session of the Preparatory Committee" (NPT/CONF.2020/PC.I/14), which contains eight points taken by the Chair from the discussions at the 2017 Preparatory Committee. The 2018 Chair issued a document entitled "Chair's Reflections on the State of the Non-Proliferation Treaty" (NPT/CONF.2020/PC.II/12), which reflects on the role and achievements of the Treaty, as well as the challenges ahead.

5. The Netherlands and Poland consider that these reflections by the Chairs articulate a number of basic views on the Non-Proliferation Treaty and its review cycle that appear to be shared by its States parties.

(a) The Non-Proliferation Treaty remains of central importance to its States parties, which have reaffirmed their commitment to the Treaty and the implementation of its provisions. The Treaty and its review cycle underpin our legal and political efforts on non-proliferation, disarmament and the peaceful uses of nuclear energy.

(b) The Treaty is the cornerstone of the global regime for nuclear non-proliferation and disarmament and is a fundamental part of the global collective peace and security architecture. Current international geopolitical challenges underline the important role of the Treaty and the need to uphold and strengthen it.

(c) As its preamble reflects, the Treaty aims to safeguard its States parties and their peoples from the devastation of nuclear conflict. Regional and global security challenges impact the realization of the Treaty's objectives and therefore are rightfully considered during its review. At the same time, the implementation and development of the Treaty helps ease tensions and build confidence, contributing to a safer, more secure and more peaceful world.

(d) The Treaty contains shared common objectives. Despite disagreements over the pace of its implementation, progress on disarmament, non-proliferation and the use of nuclear energy for peaceful purposes are considered to be mutually enabling, reinforcing and balancing elements.

(e) Therefore, it is the shared responsibility of States Parties to deliver on their commitments across all three pillars, to maintain a common purpose and ownership, and to make sure that all States parties can advance new constructive ideas in order to implement and develop the Treaty.

(f) The Treaty is a dynamic instrument, successfully evolving to adapt to changing political, technological, military and other circumstances. States parties must ensure its vitality and integrity and continue to work towards the universalization of the Treaty.

(g) The Treaty benefits all its States parties and plays an important role in regional dialogues on nuclear disarmament, non-proliferation and the peaceful uses of nuclear energy. The broad ownership of the Treaty is one of its strengths and should be further stimulated.

(h) States parties to the Treaty should aim to maintain an open, inclusive and transparent dialogue at the meetings of the Review Conference and the Preparatory Committee. To the extent discussions on divisive topics belong to the core of the review cycle, they should not impede progress on other issues.

(i) With a view to the fiftieth anniversary of the Treaty's entry into force in 2020, we should work to identify areas where progress is possible, cooperate in order to move forward and search for compromise where necessary. Although approaches regarding the modalities and the pace of disarmament efforts contrast, we must reconcile in order to reinvigorate the review process and pave the way for consensus-based work.

6. Many States parties, as well as independent experts, have stressed the need to increase the effectiveness and efficiency of the Treaty's working methods. As the 2020 Review Conference nears, our ideas on its outcomes will have to mature, along with our ideas on how to achieve them. We should discuss how we can build on the outcomes of the 2017 and 2018 Preparatory Committee sessions and, even more importantly, how we can conclude the 2019 session of the Preparatory Committee successfully. Meetings of the Preparatory Committee should become more output-oriented if they are to serve as important stations in the process of cumulative consensus building. Finding ways to maximize the continuity of the review cycle is of great importance in this context.

II. Chairs' factual summaries of the 2017 and 2018 Preparatory Committee

General considerations

7. Despite differences of opinion between States parties to the Non-Proliferation Treaty, it is important to not lose sight of the common interests all States share under the Treaty. The Chairs' summaries of 2017 and 2018 reflect broad consensus among States parties regarding the fundamental role and importance of the Treaty and its implementation. They reaffirmed the central role of the Treaty as the cornerstone of the global non-proliferation regime, the foundation for the pursuit of nuclear disarmament, and an important element in facilitating the benefits of the peaceful uses of nuclear energy.

8. Noting that balanced implementation of the Treaty is vital to its effective functioning and credibility, States parties also stressed the essential role of the Treaty in the maintenance of international peace, security and stability, its centrality to the rules-based international order and the achievement of a world free of nuclear weapons. They reaffirmed their commitment to the complete and balanced implementation of, and compliance with, all articles of the Non-Proliferation Treaty, underlining the need to implement the decisions and Final Documents of the 1995, 2000 and 2010 Review Conferences. There was a large degree of consensus between States parties regarding the outlook on the 2020 Review Conference, its historical significance marking the fiftieth anniversary of the Treaty's entry into force, and the importance of ensuring universal adherence to the Treaty.

Working methods

9. The 2017 and 2018 Chairs' summaries note that "States parties reaffirmed the purpose of the review process as set out in the relevant decisions of the 1995 Review and Extension

Conference and the 2000 Review Conference". During both sessions of the Preparatory Committee, States parties discussed several specific proposals, reflected in the Chairs' summaries. These include the establishment of a working group at the 2020 Review Conference to provide a dedicated forum for advancing and debating how to best enhance the review process. Ideas furthermore related to enhancing the interactivity of discussions; intersessional mechanisms devoted to specific issues such as the implementation of article VI; a more flexible approach to Review Conference outcome documents; greater connectivity between the Preparatory Committee sessions and the Review Conference, greater engagement with civil society, academia and industry; and ensuring effective time management.

10. More specifically, the Chairs' summaries note that "There was also recognition of the need to ensure efficiency, effectiveness, coordination and continuity throughout the review cycle. In that context, there were calls for, inter alia: the early nomination of Presidents of the Review Conference and Chairs of the Preparatory Committee; encouraging past and incumbent Presidents and Chairs to be available for consultations with the incoming President and Chairs regarding practical matters relating to their responsibilities; and continuing outreach and the practice of holding regional dialogues prior to each session."

11. The review cycle of the Non-Proliferation Treaty has an important function. The Treaty evolves and develops, as a living regime, which means it requires constant maintenance and strengthening to stay relevant, adapt to changing circumstances and meet new challenges. The review process serves to channel these processes. However, a vast majority of experts and officials consulted signaled a lack of effectiveness and efficiency in the working methods of the Treaty review mechanism. Yet the difficulties in translating this emerging consensus into political action at review cycle meetings was noted.

12. The Chairs of these meetings should work closely together in emphasizing the importance of this topic and the fact that improving working methods facilitates, not replaces, substantive progress. Inter-chair cooperation is important, moreover, to avoid duplication of work and make the review cycle more efficient, as pointed out by the States parties at both the 2017 and 2018 session of the Preparatory Committee. In this context, it is necessary to have the nomination of the 2020 Review Conference President and other elected officials as soon as possible.

13. It is crucial to broaden and deepen the sense of ownership of the Non-Proliferation Treaty as a global security instrument benefiting all its members. Transparent and inclusive operation by the Chairs is necessary. The approach consisting of a programme of regional outreach meetings facilitate and increases such transparency and inclusivity and, with that, heighten the sense of ownership of the Treaty regime. This means, inter alia, avoiding decision-making in small groups, taking into account regional input and being available for bilateral discussions with all States parties.

Education and the role of women in non-proliferation and disarmament

14. Paragraph 6 of the 2017 Chair's summary recalls action 22 of the 2010 Action Plan on disarmament and non-proliferation education. Many States parties had, during the meeting, referred to the importance of knowledge transfers, capacity building, and of encouraging critical thinking. States parties in its para 9 of the 2018 Chair's summary reiterated the importance of disarmament and non-proliferation education as a useful and effective means to advance the goals of the Treaty to be implemented by UN agendas, academia as well as the dedicated think-tanks.

15. Paragraph 10 of the 2018 Chair's summary notes that "States parties endorsed the fundamental importance of promoting the equal, full and effective participation and leadership of both women and men in nuclear disarmament, non-proliferation, and the peaceful use of nuclear energy." On the issues of both education and the role of gender in relation to nuclear disarmament and non-proliferation, a high degree of convergence of opinion existed at the 2017 and 2018 Preparatory Committees.

Disarmament

16. On disarmament, paragraph 8 of the 2017 Chair's summary noted that "States parties reaffirmed their commitment to the full and effective implementation of article VI of the Treaty. It was recalled that States parties were committed to pursuing policies that were fully compatible with the Treaty and to contributing to achieving a world without nuclear weapons. In that context, there were calls for States parties to use the current review cycle to identify, elaborate and negotiate effective measures for the full implementation of article VI."

17. The 2018 Chair's summary in paragraph 12 furthermore noted that States parties "recalled the unequivocal undertaking made by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties were committed under Article VI."

18. In that context, the idea was put forward at the 2018 Preparatory Committee that all States had a responsibility to work together to improve the geopolitical environment and to identify and pursue conditions that would be more conducive to further nuclear disarmament. It was pointed out that the security environment should not prevent any further steps in nuclear disarmament and that disarmament, non-proliferation and arms control could help reduce current tensions, in tandem with enhanced measures to build confidence and restore trust.

19. The Chairs' summaries reflect the strong links that were made at the Preparatory Committee between disarmament, international peace, security, stability and confidence-building. The Chair's summary of 2017 highlights the reinforcing nature of disarmament and non-proliferation, reflecting concerns that the continued possession of nuclear weapons could fuel proliferation; at the same time, it was considered that strong non-proliferation guarantees are essential in creating the conditions for further disarmament.

20. States parties also discussed the importance of minimizing the risk of nuclear weapons detonations, including at a special interactive session at the 2018 Preparatory Committee. Paragraph 28 of the 2018 Chair's summary reflects that "the necessity of exploring options for further reducing the risk of such detonations was considered. Strong support was registered for measures to enhance stability, contribute to crisis management, ease tension and avoid miscalculation."

21. States parties at the 2018 Preparatory Committee welcomed the achievement announced on 5 February 2018 by the United States of America and the Russian Federation of the central limits 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 Treaty). The United States of America and the Russian Federation were called upon by the States parties to extend the New START Treaty for a period of up to five years, as provided for in the Treaty's articles. States parties reiterated the importance of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles to regional and international security. They called on the Russian Federation and the United States of America to continue active dialogue to preserve the Treaty.

22. Several treaties, instruments and initiatives were discussed in the context of the implementation of Article VI, including the ratification and entry into force of the Comprehensive Nuclear Test-Ban Treaty. There was a high degree of convergence of opinion among States parties on the role of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization, the development of the International Monitoring System and on the need to refrain from any action that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty pending its entry into force.

23. Paragraph 35 of the 2018 Chair's summary reflects support by States parties for the "commencement of negotiations on a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices." Paragraph 36 reflects that States parties "highlighted the potential for this group to build on the work of the previous Group of Governmental Experts

in preparing the groundwork for future negotiations in the Conference on Disarmament."

24. The 2017 and 2018 Preparatory Committee sessions saw a high degree of convergence of opinion among States parties on the importance of transparency and reporting, especially by nuclear-weapon States, as well as on the importance of nuclear disarmament verification efforts. States parties at the 2018 session of the Preparatory Committee "stated that a robust and credible verification and compliance mechanism for nuclear disarmament was an effective measure under Article VI of the Treaty, and an essential element for achieving and maintaining a world without nuclear weapons. They welcomed efforts to develop nuclear disarmament verification capabilities. In this regard, States parties welcomed the decision by the General Assembly to establish a Group of Governmental Experts to consider the role of verification in advancing nuclear disarmament and looked forward to its conclusions. They also welcomed the various practical contributions to nuclear disarmament verification, including those made by the International Partnership for Nuclear Disarmament Verification and the Quad Nuclear Verification Partnership."

25. The 2017 and 2018 summaries reflected first steps in the discussion between States parties on the negotiations of the Treaty on the Prohibition of Nuclear Weapons. Negotiations on this Treaty have been completed, and a final text was adopted by the negotiating conference in 2017. Views by the States parties to the Non-Proliferation Treaty on the Treaty on the Prohibition of Nuclear Weapons diverge.

Non-proliferation

26. States parties were generally in agreement on broader non-proliferation issues such as the role, development and implementation of nuclear safeguards by the International Atomic Energy Agency (IAEA), the importance of work being done by the Agency on nuclear security, the need to ensure that nuclear-related exports do not directly or indirectly assist the development of nuclear weapons or other nuclear explosive devices and that such exports were in full conformity with the objectives and purposes of the Treaty as stipulated, in particular, in Articles I, II and III, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted in 1995 by the Review and Extension Conference.

27. There was a broad support for the IAEA safeguards as a fundamental component of the nuclear non-proliferation regime playing an indispensable role in the implementation of the Treaty and helping to create an environment conducive to nuclear cooperation. States parties underscored the importance of complying with the non-proliferation obligations, addressing all non-compliance matters in order to uphold the Treaty's integrity and the authority of the IAEA safeguards.

28. The 2017 and 2018 Chairs' summaries reflect that States parties "recognized that the responsibility for nuclear security within a State rests entirely with that State. They recalled that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied by appropriate and effective levels of nuclear security, consistent with States' national legislation and respective international obligations". At the same time, States parties reaffirmed "the central role of IAEA in strengthening the nuclear security framework globally and in coordinating international activities in the field of nuclear security."

29. Moreover, "States parties welcomed the recent accessions to the Amendment to the Convention on the Physical Protection of Nuclear Material, encouraged all parties to the Convention and the Amendment to implement fully their obligations thereunder, and further encouraged States that had not yet done so to become parties to the Convention and its Amendment as soon as possible. States parties also encouraged States that had not yet done so to become parties to the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible."

Regional issues

30. On the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, the 2017 and 2018 Chairs' summaries note that "States parties reaffirmed their support for the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recalled the affirmation of its goals and objectives by the 2000 and 2010 Review Conferences. They reaffirmed that the 1995 resolution remained valid until its goals and objectives had been achieved and that the 1995 resolution, which had been sponsored by the depositary States of the Treaty, was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty was extended indefinitely without a vote in 1995. States parties recalled their resolve to undertake, individually and collectively, all measures necessary for its prompt implementation."

31. The Preparatory Committees discussed the establishment of the Joint Comprehensive Plan of Action, with many States parties welcoming and supporting its ongoing implementation as of 2018. The Chairs' summaries note that "States parties underscored the vital role of the IAEA in verifying and monitoring the implementation by the Islamic Republic of Iran of its nuclear-related commitments under the Plan".

32. There was general convergence of opinion on the proliferation threat posed by the nuclear and ballistic missile programmes by the Democratic People's Republic of Korea. According to the 2018 Chair's summary, "States parties reaffirmed that the nuclear and ballistic missile programmes of the Democratic People's Republic of Korea were a matter of grave concern, continued to pose a serious threat to global and regional security, were a serious challenge to the Treaty and undermined the global non-proliferation regime."

33. At the same time, States parties emphasized the importance of maintaining peace and stability on the Korean Peninsula and a peaceful and diplomatic resolution to the nuclear issue of the Democratic People's Republic of Korea. In this context, States parties noted the "announcement by the Democratic People's Republic of Korea to suspend nuclear tests and ballistic missile launches and to close its nuclear test site as an encouraging development, but stressed the need for further, concrete steps by the Democratic People's Republic of Korea towards its complete denuclearization."

Peaceful uses of nuclear energy

34. There was also broad convergence of opinion on issues related to the right to use nuclear energy for peaceful purposes. The 2017 and 2018 Chairs' summaries reflect that States parties recalled that "nothing in the Treaty should be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II, III and IV of the Treaty" and that "when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied at all stages by commitments to, and ongoing implementation of, safeguards as well as high levels of safety and security, consistent with States parties' national legislation and respective international obligations." This should allow the Preparatory Committee to further develop its discussions in this area.

35. Moreover, the Chairs' summaries note that States parties recognized "the indispensable role of science and technology, including nuclear science and technology, in achieving social and economic development for all States parties." In this context, according to States Parties, nuclear applications play an essential role in areas such as human health, water management, agriculture, food safety and nutrition, energy and environmental protection. States parties noted with appreciation, in this context, the response of IAEA to the Zika and Ebola virus outbreaks.

36. There was also broad support for the IAEA technical activity. In this context the Chairs' summaries note how States parties highlighted "the central role of the IAEA Technical Cooperation Programme in enhancing the application of nuclear science and technology in many States parties, in particular in developing countries, and recognized the Technical Cooperation Fund as the most important mechanism for the implementation" of the Programme.

37. States parties recognized that primary responsibility of the individual States for nuclear safety. At the same time they reaffirmed the central role of IAEA in promoting international cooperation on nuclear safety-related matters, including through the establishment of nuclear safety standards.

III. Recommendations

38. Based on the above considerations, the Netherlands and Poland, under their authority as Chairs of the first and second session of the Preparatory Committee, would like to submit the following recommendations for consideration by the Preparatory Committee in preparation for the 2020 Review Conference.

39. The Netherlands and Poland recommend that the Preparatory Committee:

(a) Elaborate a shared starting point, as a common frame of reference, for discussions in the current review cycle, based on the contents of the 2017 and 2018 Chair's reflections papers and reproduced in paragraph 5 of the present working paper, for consideration at the 2020 Review Conference;

(b) Marking the fiftieth anniversary of its conclusion and entry into force, reaffirm earlier commitments made under the Non-Proliferation Treaty and recommend that the 2020 Review Conference find a balance between review and discussing emerging, current and structural topics related to the subject matter of the Treaty;

(c) Consider ideas and propose measures to improve the output of Non-Proliferation Treaty review cycle meetings through the improvement of its working methods, using the discussions at the 2017 Preparatory Committee, reflected in the Chair's summary, as a basis of that discussion;

(d) Recommend that this issue be further debated at the 2019 Preparatory Committee as well as the 2020 Review Conference in a dedicated body, considering, among others, the idea of establishing a Working Group on review cycle reform issues in the next review cycle;

(e) Emphasize the importance of the nomination of the 2020 President, as well as the Chairs of the main committees and subsidiary bodies, as soon as possible, and further explore ideas for increased continuity and inter-Chair cooperation;

(f) Assess how regional approaches, conferences, instruments, initiatives or organizations can help further the implementation of the Treaty;

(g) Develop the discussion on education, the role of women in disarmament and non-proliferation, and the use of nuclear energy for peaceful purposes using the relevant paragraphs of the 2017 and 2018 Chairs' summaries as a starting point;

(h) Reaffirm its commitment to the full and effective implementation of Article VI of the Treaty, recall the commitment of all the nuclear-weapon States to undertake further efforts to reduce and ultimately eliminate their nuclear arsenals, and reaffirm the importance of the continued implementation of bilateral arms control agreements between the Russian Federation and the United States;

(i) Elaborates the relation between nuclear disarmament, non-proliferation and international peace, security and stability, and discuss the role of risk reduction measures and strategic stability dialogues, with a view to formulating good practices and recommendations for future action at the 2020 Review Conference;

(j) Develop the dialogue on a common vision of Article VI, including what would constitute an international environment optimally conducive to nuclear disarmament and building blocks of a nuclear-weapon-free world;

(k) Advance the discussion on transparency, reporting and nuclear disarmament verification, possibly through special panels, side-events, or expert discussions and calls on all States parties, particularly the nuclear-weapon States, to maximize transparency by submitting reports during the current review cycle;

(l) Encourage pragmatism and reciprocal restraint in discussing the Treaty on the Prohibition of Nuclear Weapons and acknowledge that having such a discussion does not imply endorsement of the Treaty on the Prohibition of Nuclear Weapons or the norms therein;

(m) Reaffirm the crucial importance of complying with the non-proliferation obligations by addressing all non-compliance matters in order to uphold the Treaty's integrity and the authority of IAEA safeguards, and call on all States to extend their cooperation in this regard, including the export control dimension of nuclear non-proliferation;

(n) Welcome the growing number of States parties that have ratified the Model Protocol Additional to the Agreements between States and the International Atomic Energy Agency for the Application of Safeguards as a way to provide assurances about the absence of undeclared nuclear material and trust in the effectiveness of non-proliferation provisions;

(o) Discuss regional issues, including the establishment of a zone free of weapons of mass destruction in the Middle East, and proliferation threats. The Preparatory Committee should take the relevant paragraphs of the 2017 and 2018 Chairs' summaries as its starting point;

(p) Reaffirm the relevant paragraphs on structural issues relating to non-proliferation in the 2017 Chair's summary, and where possible look for opportunities to advance the discussion on issues such as the role and development of nuclear safeguards and the consequences of withdrawal from the Non-Proliferation Treaty;

(q) Emphasize the importance and benefits of nuclear cooperation for peaceful uses, including the nuclear applications, nuclear safety and technical cooperation, as a key pillar of the Non-Proliferation Treaty, and promote responsible and sustainable cooperation in this field, taking into account a key role of IAEA in its practical implementation as recognized by the States parties to the Non-Proliferation Treaty;

(r) Elaborate recommendations to the 2020 Review Conference in the area of nuclear security and nuclear safety based on the work of IAEA.

Reflections of the Chair of the 2019 session of the Preparatory Committee

NPT/CONF.2020/PC.III/14
[13 May 2019]

The points below are the reflections of the Chair on the discussions and proceedings at the 2019 session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. There remain many more points of convergence in the views of States parties than there are divergences. As the third session of the Preparatory Committee has particular mandates and responsibilities on substance and procedure, it is the hope of the Chair that these points will assist in the discussions and considerations at the Review Conference.

1. States parties maintain the conviction that the Non-Proliferation Treaty is the cornerstone of the nuclear disarmament and non-proliferation regime. Continued geopolitical challenges underline the need to maintain and strengthen this conviction.

2. The fiftieth anniversary of the Treaty's entry into force and the twenty-fifth anniversary of its indefinite extension in 2020 require a demonstrable commitment to the Treaty by States parties. Looking beyond 2020 also requires reaffirming and implementing past commitments, and this is needed to maintain the integrity of the Treaty following the commemorations.

3. The positive contributions of the Treaty to strategic stability are well understood and well respected. In the discussions on security and stability, all States are stakeholders.

4. A balance between the three pillars of disarmament, non-proliferation and the peaceful uses of nuclear energy is desired. The important accomplishments and contributions under the non-proliferation and peaceful uses pillars are recognized and applauded. There remain differing views on the implementation of the disarmament pillar, and these views need to be reconciled for there to be considered a balance as a whole.

5. A number of initiatives have been brought forward during the 2020 review cycle thus far. All these initiatives are genuine in their desire to improve the disarmament and non-proliferation regime, and States need to move away from entrenched positions in considering them. Keeping an open mind to new ideas and initiatives is needed to move away from any potential deadlock, and such openness needs to be reciprocated by all.

6. The importance of open, inclusive and transparent dialogue has been emphasized throughout the review cycle. This has been maintained and needs to continue into the 2020 Review Conference and beyond. Civility and diplomacy have also been emphasized. These, too, need to be maintained.

7. States parties remain committed to the substantive work needed to ensure a successful review cycle and did not allow procedural issues to hinder this work. This presents an opportunity for the Review Conference to ensure that it can begin promptly with a focus on its substantive work.

8. Coordination and support among the Bureau are important. As the review cycle moves out of the formal Preparatory Committee phase, the work undertaken and the coordination needed prior to and during the Review Conference can assist in ensuring success.

Recommendations by the Chair of the Third Session of the Preparatory Committee to the 2020 Review Conference

NPT/CONF.2020/PC.III/WP.49
[10 May 2019]

Explanatory note

The 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted decision 1 on "Strengthening the review process for the Treaty" (NPT/CONF.1995/32 (Part I)). The 2000 Review Conference adopted a Final Document, which included "Improving the effectiveness of the strengthened review process for the Treaty", in which it was stated, inter alia: "7. The consideration of the issues at each session of the Preparatory Committee should be factually summarized and its results transmitted in a report to the next session for further discussion. At its third and, as appropriate, fourth sessions, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference." (NPT/CONF.2000/28 (Parts I and II)).

Thus, the first two sessions of the Preparatory Committee are mandated to produce factual summaries, while the third (last) session is mandated to make every effort to produce a consensus report containing recommendations to the Review Conference.

Accordingly, the following recommendations by the Chair to the 2020 Review Conference are presented for the consideration of States parties. They are the Chair's best effort to reflect the views and positions of States at the Preparatory Committee, across their divergences and convergences, without prejudice to the work of the Review Conference, and do not reflect their final positions, which will be presented by them at the 2020 Review Conference.

The work of the third session of the Preparatory Committee was carried out in a positive spirit, which continued to the very end. However, given the lack of time to engage in further consultations and negotiations, the Chair decided to convey the recommendations to the Review Conference in the form of a working paper under his own authority.

The present working paper is submitted under the Chair's own responsibility, without prejudice to the position of any delegation or to the final outcome of the 2020 Review Conference.

* * *

Chair's working paper

Recommendations by the Chair to the 2020 Review Conference

The Preparatory Committee reaffirms the need to continue to move with determination towards the full implementation of the provisions of the Treaty and the realization of its objectives, and accordingly conveys to the 2020 Review Conference the recommendations set out below for consideration, without prejudice to the work of the Review Conference.

1. Reaffirm commitment to the Treaty and its full and urgent implementation, as well as the continued validity of the commitments and undertakings of past review conferences, bearing in mind, inter alia, the fiftieth anniversary of its entry into force and the twenty-fifth anniversary of its indefinite extension.

2. Reaffirm the conviction that the Treaty is the cornerstone of the global nuclear disarmament and non-proliferation regime, is integral to international peace and security and facilitates international cooperation on peaceful uses of nuclear energy.

3. Reaffirm that the full, non-discriminatory and balanced implementation of the three pillars of the Treaty remains essential for promoting its credibility and effectiveness and in realizing its objectives.

4. Reaffirm commitment to the full implementation of the provisions of the Treaty and the realization of its objectives and reaffirm the previous commitments made within the framework of the Non-Proliferation Treaty, including the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions of the 2010 Review Conference.

5. Reaffirm the responsibility of all States parties for the full implementation of the Treaty and the importance of open, inclusive and transparent dialogue to achieve this end.

6. Express concern at the erosion of the treaty-based disarmament architecture and underscore the mutually reinforcing relationship of its relevant treaties.

I. Nuclear disarmament

7. Reaffirm the commitment by all States parties to the full and effective implementation of article VI of the Treaty and the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty, and call for immediate action by the nuclear-weapon States to comply with their relevant obligations.

8. Reaffirm the commitment by all States parties, especially the nuclear-weapon States, to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

9. Call for accelerated actions by the nuclear-weapon States in accomplishing the total elimination of their nuclear arsenals, in an irreversible, transparent and verifiable manner.

10. Reaffirm the importance of the preservation and continued implementation of bilateral arms control agreements between the Russian Federation and the United States, and the need for urgent progress in this regard, including the extension 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 Treaty) and the negotiation of a successor agreement leading to further reductions.

11. Reaffirm the essential contribution of nuclear disarmament and non-proliferation to international peace and security.

12. Call for concrete and measurable steps to reduce the alert status of nuclear-weapon systems in a way that promotes

international stability and security, with a view to the total elimination of nuclear weapons.

13. Call for the elaboration of measures that can contribute to building confidence and reduce the risk of the use of nuclear weapons, whether intentionally, by miscalculation or by accident, in the context of achieving nuclear disarmament.

14. Encourage States parties to report to the 2020 Review Conference and the next review cycle on their implementation of the Treaty, including commitments undertaken during previous review cycles, and to agree to make future regular national reports at specified frequencies to enhance transparency; call upon nuclear-weapon States to agree on a standard reporting form, and also call upon all States parties to use a reporting form that ensures that national reports provide accurate, up-to-date, complete and comparable information; and encourage sufficient time to be allocated at the 2020 Review Conference and during the next review cycle for interactive discussions on the substance of national reports.

15. Call upon nuclear-weapon States to cease the development of new types of nuclear weapons, and refrain from qualitative improvements to existing nuclear weapons, and further minimize the role and significance of nuclear weapons in all military and security concepts, doctrines and policies, with a view to their total elimination.

16. Reiterate the deep concern at the catastrophic humanitarian consequences of nuclear weapons, including any intentional or accidental nuclear explosion, and call for further consideration to prevent the devastation that would be visited upon all humanity by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples; and reaffirm the need for all States at all times to comply with applicable international law, including international humanitarian law.

17. Call for the entry into force as soon as possible of the Comprehensive Nuclear-Test-Ban Treaty, recalling the responsibility of all States to promote that Treaty; call for the urgent signature and/or ratification of the Comprehensive Nuclear-Test-Ban Treaty by the remaining eight Annex 2 States necessary for the entry into force of the Treaty, highlighting the special responsibility of the nuclear-weapon States in this regard; reaffirm, pending the entry into force of the Treaty, the need to maintain moratoriums on nuclear test explosions and to refrain from any action that could defeat the objective and purpose of the Treaty; and call for increased support for the Provisional Technical Secretariat and the International Monitoring System.

18. Call for the immediate commencement of negotiations at the Conference on Disarmament on a verifiable, non-discriminatory, comprehensive convention banning nuclear weapons and other nuclear explosive devices.

19. Call for the immediate commencement of negotiations at the Conference on Disarmament on a verifiable, non-discriminatory and universal treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices.

20. Call for the immediate commencement of negotiations at the Conference on Disarmament on effective, international, legally binding arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

21. Acknowledge the need for a legally binding norm to prohibit nuclear weapons in order to achieve and maintain a world without nuclear weapons.

22. Acknowledge the support of many States parties for the Treaty on the Prohibition of Nuclear Weapons and its complementarity with the Non-Proliferation Treaty.

23. Reaffirm that effective and credible nuclear disarmament verification is essential to achieving and maintaining a world without nuclear weapons and welcome ongoing work in this regard aimed at promoting trust and confidence among nuclear-weapon States and non-nuclear-weapon States, as well as the development of appropriate multilateral technical capabilities.

24. Support the establishment of further nuclear-weapon-free zones and the entry into force of all protocols to nuclear-weapon-free zone treaties, as well as the review of reservations and interpretive statements made by nuclear-weapon States in connection with the aforementioned protocols, taking into account the fourth Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, to be held in April 2020.

II. Nuclear non-proliferation

25. Reaffirm that International Atomic Energy Agency (IAEA) safeguards are a fundamental component of the nuclear non-proliferation regime, play an indispensable role in the implementation of the Treaty and help to create an environment conducive to nuclear cooperation.

26. Reaffirm that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of IAEA and the IAEA safeguards system, compliance by States parties with the safeguards agreements undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty and underscore that nothing should be done to undermine the authority of IAEA in this regard.

27. Urge States parties to the Treaty that have yet to bring into force comprehensive safeguards agreements with IAEA to do so as soon as possible and without further delay. Encourage all States parties with small quantities protocols that have not yet done so to amend or rescind them as soon as possible. Encourage also all States parties that have not yet done so to conclude and bring into force additional protocols as soon as possible.

28. Encourage IAEA to further facilitate and assist the States parties, upon request, in the conclusion, entry into force and implementation of comprehensive safeguards agreements and additional protocols. Encourage also IAEA and States parties to consider specific measures that would promote the universalization of the comprehensive safeguards agreements, and adherence to additional protocols.

29. Recognize that comprehensive safeguards agreements have been successful in their main focus of providing assurance regarding the non-diversion of declared nuclear material and have also provided a limited level of assurance regarding the absence of undeclared nuclear material and activities. Note that the implementation of measures specified in the model additional protocol provides, in an effective and efficient manner, increased confidence about the absence of undeclared nuclear material and activities in a State as a whole. Note also that numerous States are of the view that those measures have been introduced as an integral part of the IAEA safeguards system. Also note that it is the sovereign decision of any State to conclude an additional protocol, but, once in force, the additional protocol is a legal obligation.

30. Note that in the case of a State party with a comprehensive safeguards agreement concluded pursuant to article III, paragraph 1, of the Treaty and supplemented by an additional protocol in force, measures contained in both instruments represent the enhanced verification standard for that State. Note that the additional protocol represents a significant confidence-building measure.

31. Call upon all States parties to ensure that IAEA continues to have all political, technical and financial support so that it is able to effectively meet its responsibility to apply safeguards, as required under article III of the Treaty, and to support and implement decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards.

32. Emphasize the importance of maintaining the credibility, effectiveness and integrity of IAEA safeguards, and stress that the implementation of safeguards should remain technically based, effective, transparent, non-discriminatory and objective.

33. Encourage States parties that have not yet done so to establish and implement effective national rules and regulations and to make use of multilaterally negotiated and agreed guidelines

and understandings in developing their own national export controls.

34. Call upon all States parties, within their responsibility, to achieve and maintain highly effective nuclear security, including physical protection, of nuclear and other radioactive material at all stages in their life cycle and protect sensitive information. Encourage all States parties, in their efforts to strengthen nuclear security, to take into account and apply the IAEA Nuclear Security Series publications.

35. Reaffirm the central role of IAEA in strengthening the nuclear security framework globally and in coordinating international activities in the field of nuclear security. Emphasize the need for States parties to continue providing appropriate technical, human and financial resources, including through the Nuclear Security Fund, for IAEA to implement its nuclear security activities and to enable IAEA to provide the support needed by States.

36. Welcome the organization by IAEA of international conferences on nuclear security and look forward to the International Conference on Nuclear Security to be held in February 2020.

37. Encourage States parties that have not yet done so to become party to the Convention on the Physical Protection of Nuclear Material and its amendment as soon as possible. Welcome efforts to promote further adherence to the amendment with the aim of its universalization. Note the preparations for convening a conference to review the implementation of the amended Convention and encourage all parties to assist with preparations for the conference, which is due to be held in 2021.

38. Encourage States parties that have not yet done so to become parties to the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible. Call upon all States parties to fully implement the Convention and relevant Security Council resolutions.

39. Call upon all States parties to improve their national capabilities to prevent, detect, deter and respond to illicit trafficking in nuclear and other radioactive material throughout their territories, in accordance with their national legislation and relevant international obligations. Call upon the States parties in a position to do so to work to enhance international partnerships and capacity-building in this regard.

III. Peaceful uses of nuclear energy

40. Reaffirm that nothing in the Treaty should be interpreted as affecting the inalienable right of all the parties to the Treaty to develop, research, produce and use nuclear energy for peaceful purposes, without discrimination and in conformity with the Treaty, and that States parties undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

41. Urge that in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment should be given to the non-nuclear-weapon States parties to the Treaty, taking into account in particular the needs of developing countries. Emphasize that transfers of nuclear technology and international cooperation among States parties in conformity with the Treaty should be encouraged, and that they would be facilitated by eliminating undue constraints that might impede such cooperation.

42. Note that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied at all stages by commitments to, and the ongoing implementation of, safeguards, as well as appropriate and effective levels of safety and security, consistent with States parties' national legislation and respective international obligations.

43. Recognize the indispensable role of science and technology, including nuclear science and technology, in achieving social and economic development for all States parties, as reaffirmed in the ministerial declaration adopted at the 2018 IAEA Ministerial Conference on Nuclear Science and Technology. Underline the need for enhanced international cooperation, including through the efforts of IAEA, to expand the extent to which nuclear sciences and applications are utilized to improve the quality of life and the well-being of the peoples of the world, including the achievement of the 2030 Agenda for Sustainable Development (General Assembly resolution 70/1), as well as the objectives of the Paris Agreement under the United Nations Framework Convention on Climate Change. Call upon the United Nations development system to work closely with IAEA to maximize the potential role of nuclear science and technology for development.

44. Commend the contribution of IAEA to peace and development under the motto "Atoms for peace and development". Underline the role of IAEA in assisting developing States parties in the peaceful uses of nuclear energy through the development and delivery of effective and efficient programmes in areas such as health and nutrition, food and agriculture, water and the environment, industrial applications and cultural heritage. Note with appreciation IAEA preparedness to respond to emergencies such as outbreaks of zoonotic disease, as well as natural disasters.

45. Acknowledge the development of competent human resources as a key component for the sustainable use of nuclear energy and underline the importance of collaboration with IAEA, as well as among States parties, in that regard.

46. Acknowledge the central role of the IAEA Technical Cooperation Programme in enhancing the application of nuclear science and technology in many States parties, in particular in developing countries, and recognize the Technical Cooperation Fund as the most important mechanism for the implementation of the Programme. Stress the need to make every effort and to take practical steps to ensure that IAEA resources for technical cooperation activities are sufficient, assured and predictable, in order to meet the objectives set out in the statute of IAEA.

47. Stress that the IAEA Technical Cooperation Programme, as the main vehicle for the transfer of nuclear technology for peaceful purposes, should continue to be formulated and implemented in accordance with the statute of IAEA and the guiding principles, as contained in INFCIRC/267, and in accordance with the relevant directives of IAEA policymaking organs.

48. Welcome the completion of major construction under both the Renovation of the Nuclear Applications Laboratories (ReNuAL) and ReNuAL+ projects. Welcome the contributions made by countries to this project and call upon States parties in a position to do so to make appropriate contributions to support the completion of the renovation of these laboratories in Seibersdorf, Austria.

49. Acknowledge that the IAEA Peaceful Uses Initiative has become instrumental in mobilizing extrabudgetary contributions to support technical cooperation and other unfunded IAEA projects aimed at promoting broad development goals in member States. Welcome the contributions made by countries to the Initiative and encourage States parties in a position to do so to make additional contributions.

50. Acknowledge that each State party has the right to define its national energy policy and that nuclear power is expected to continue playing an important role in the energy mix of many countries. Welcome IAEA support to interested Member States that are building their national capacities in the operation of nuclear power plants and those embarking on new nuclear power programmes.

51. Note developments on the further minimization of highly enriched uranium in civilian stocks and the use of low-enriched uranium. Encourage States parties concerned, on a voluntary basis, to continue these efforts, where technically and economically feasible.

52. Note the significant progress made in the establishment of the IAEA low enriched uranium bank in Kazakhstan. Note also that the creation of mechanisms for the assurance of nuclear fuel supply should not affect States parties' rights under the Treaty and should be without prejudice to their national fuel cycle policies, while tackling the technical, legal and economic complexities surrounding these issues, including, in this regard, the requirement of IAEA full-scope safeguards.

53. Reaffirm the central role of IAEA in promoting international cooperation on nuclear safety-related matters, including through the establishment of nuclear safety standards. Welcome the work of IAEA to support regulatory bodies and other relevant areas of the nuclear infrastructure of Member States, including through peer review services, training and education programmes.

54. Call upon States parties that have not yet done so to become party to the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

55. Encourage States parties to put in place a civil nuclear liability regime, becoming party to relevant international instruments or adopting suitable national legislation, based on the principles established by the main pertinent international instruments.

56. Underline the importance of transporting radioactive materials consistent with relevant international standards of safety, security and environmental protection, and encourage continued efforts to improve communication between shipping and coastal States for the purpose of confidence-building and addressing concerns regarding transport safety, security and emergency preparedness.

57. Recall that all States should abide by the decision, adopted by consensus on 18 September 2009 at the IAEA General Conference, on the prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction.

IV. Regional issues

58. Continue efforts towards the full implementation and the realization of the objectives of the 1995 resolution on the Middle East and take into account the conference for the negotiation of a binding treaty on the creation of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, to be held in 2019.

59. Note the strong support for the continued implementation of the Joint Comprehensive Plan of Action, as endorsed by the Security Council in its resolution 2231 (2015). Stress the need for all parties concerned to maintain their constructive engagement so as to ensure that progress is made towards the full implementation of the Plan.

60. Stress the importance of maintaining peace and stability on the Korean Peninsula, as well as of the peaceful and diplomatic resolution of the Democratic People's Republic of Korea nuclear issue, and encourage efforts towards continuing dialogue and engagement for the full denuclearization of the Korean Peninsula. Stress that all States must fully implement the relevant Security Council resolutions. Urge the Democratic People's Republic of Korea to abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, as required by relevant Security Council resolutions. Reaffirm that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State, in accordance with the Treaty. Urge the Democratic People's Republic of Korea to return, at an early date, to the Treaty and IAEA safeguards. Also urge the Democratic People's Republic of Korea to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty.

V. Universality and other provisions of the Treaty

61. Call upon India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States, promptly and without conditions, and to bring into force comprehensive safeguards agreements, as required by the Treaty.

62. Call upon South Sudan to accede, as soon as possible, to the Treaty.

63. Encourage States parties to be represented at a high level at the 2020 Review Conference.

64. Without supplanting substantive discussion, allocate time for discussion at the 2020 Review Conference with a view to adopting recommendations designed to strengthen the review process, note the various proposals made throughout the sessions of the Preparatory Committee in this regard, and continue to improve the effectiveness of the review process of the Treaty, including through the establishment of a working group that would explore these issues throughout the next review cycle and through implementing measures aimed at reducing costs and increasing the efficiency of the review process; reaffirm the continued implementation of decision 1 adopted at the 1995 Review and Extension Conference and of "Improving the effectiveness of the strengthened review process for the Treaty" agreed as part of the Final Document at the 2000 Review Conference.

65. Support initiatives in the field of disarmament and non-proliferation education and reaffirm that the overall objective of disarmament and non-proliferation education is to impart knowledge and skills to individuals to empower them to make their contribution to the achievement of concrete disarmament and non-proliferation measures, with a view to achieving a world without nuclear weapons.

66. Endorse the fundamental importance of promoting the equal, full and effective participation and leadership of both women and men in nuclear disarmament, non-proliferation and the peaceful use of nuclear energy. Encourage States parties, in accordance with Security Council resolution 1325 (2000), to actively support gender diversity in their delegations to meetings relating to the Non-Proliferation Treaty and through support for sponsorship programmes. Recognize the disproportionate impact of ionizing radiation on women and girls.

67. Promote 26 September as the International Day for the Total Elimination of Nuclear Weapons in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world.

C — Materials from Previous Review Conferences

Final Document. Part I Organization and work of the Conference.2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[NPT/CONF.2015/50 (Part I)] (Procedural report)

[Eds . . .]

Conclusions of the Conference

29. Despite intensive consultations, the Conference was not able to reach agreement on the substantive part of the draft Final Document, as contained in NPT/CONF.2015/R.3. At its 15th and final plenary meeting, on 22 May 2015, the Conference adopted the procedural part of the draft Final Document on the organization and work of the Conference as contained in document NPT/CONF.2015/R.2, as orally amended. [Eds . . .]

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons
Final Document. Volume I. Parts I and II

[NPT/CONF.2010/50 (Vol. I), New York 18 June 2010]

[*Editorial note*: Footnotes, except 1st, not included]

Part I

Review of the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference [The present review is the responsibility of the President and reflects to the best of his knowledge what transpired at the Review Conference with regard to matters under review.]

Articles I and II and first and third preambular paragraphs

1. The Conference reaffirms that the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the regime of non-proliferation in all its aspects has a vital role in promoting international peace and security. The Conference reaffirms that every effort should be made to implement the Treaty in all its aspects and to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty. The Conference remains convinced that universal adherence to the Treaty and full compliance of all parties with all its provisions are the best way to prevent the spread of nuclear weapons and other nuclear explosive devices.

2. The Conference recalls that the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices in the context, inter alia, of the corresponding legally binding commitments by the nuclear-weapon States to nuclear disarmament in accordance with the Treaty.

3. The Conference notes that the nuclear-weapon States reaffirmed their commitment not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices directly, or indirectly, and not in any way to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

4. The Conference notes that the non-nuclear-weapon States parties to the Treaty reaffirmed their commitment not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

5. The Conference reaffirms the commitment of States parties to the effective implementation of the objectives and provisions of the Treaty, the decisions and resolution of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted without a vote, and the Final Document of the 2000 Review Conference, adopted by consensus.

6. The Conference reaffirms that the strict observance of all the provisions of the Treaty remains central to achieving the shared objectives of the total elimination of nuclear weapons, preventing, under any circumstances, the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security.

7. The Conference emphasizes that responses to concerns over compliance with any obligation under the Treaty by any State party should be pursued by diplomatic means, in accordance with the provisions of the Treaty and the Charter of the United Nations.

8. The Conference recognizes that breaches of the Treaty's obligations undermine nuclear disarmament, non-proliferation and peaceful uses of nuclear energy.

Article III and fourth and fifth preambular paragraphs, especially in their relationship to article IV and the sixth and seventh preambular paragraphs

9. The Conference reaffirms that the International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring, in accordance with the statute of IAEA and the IAEA safeguards system, compliance by States parties with their safeguards agreements undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It is the conviction of the Conference that nothing should be done to undermine the authority of IAEA in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. The Conference reaffirms the importance of access to the United Nations Security Council and the General Assembly by IAEA, including its Director General, in accordance with article XII.C of the statute of IAEA and paragraph 19 of IAEA document INFCIRC/153 (Corrected), and the role of the United Nations Security Council and the General Assembly, in accordance with the Charter of the United Nations, in upholding compliance with IAEA safeguards agreements and ensuring compliance with safeguards obligations by taking appropriate measures in the case of any violations notified to it by IAEA.

11. The Conference recognizes that IAEA safeguards are a fundamental component of the nuclear non-proliferation regime, play an indispensable role in the implementation of the Treaty and help to create an environment conducive to nuclear cooperation.

12. The Conference recalls paragraph 12 of decision 2, entitled "Principles and objectives for nuclear non-proliferation and disarmament", of the 1995 Review and Extension Conference, which provides that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the comprehensive IAEA safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. The Conference reaffirms that the implementation of comprehensive safeguards agreements pursuant to article III, paragraph 1, of the Treaty should be designed to provide for verification by IAEA of the correctness and completeness of a State's declaration, so that there is a credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

14. The Conference welcomes that 166 States have brought into

force comprehensive safeguards agreements with IAEA in compliance with article III, paragraph 4, of the Treaty.

15. The Conference welcomes the fact that since May 1997, the IAEA Board of Governors has approved additional protocols (INFCIRC/540 (Corrected)) to comprehensive safeguards agreements for 133 States. Additional protocols are currently being implemented in 102 States.

16. The Conference welcomes that all nuclear-weapon States have now brought into force additional protocols to their voluntary-offer safeguards agreements incorporating those measures provided for in the model additional protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the protocol.

17. The Conference recognizes that comprehensive safeguards agreements based on IAEA document INFCIRC/153 (Corrected) have been successful in their main focus of providing assurance regarding declared nuclear material and have also provided a limited level of assurance regarding the absence of undeclared nuclear material and activities. The Conference notes that the implementation of measures specified in the model additional protocol provides, in an effective and efficient manner, increased confidence about the absence of undeclared nuclear material and activities in a State as a whole. The Conference notes that numerous States were of the view that those measures have been introduced as an integral part of the IAEA safeguards system. The Conference also notes that it is the sovereign decision of any State to conclude an additional protocol, but once in force, the additional protocol is a legal obligation.

18. The Conference notes that many States recognize that comprehensive safeguards agreements and additional protocols are among the integral elements of the IAEA safeguards system. The Conference notes that in the case of a State party with a comprehensive safeguards agreement concluded pursuant to article III, paragraph 1, of the Treaty and supplemented by an additional protocol in force, measures contained in both instruments represent the enhanced verification standard for that State. The Conference notes that the additional protocol represents a significant confidence-building measure. The Conference encourages all States parties that have not yet done so to conclude and bring into force an additional protocol.

19. The Conference stresses the importance of maintaining and observing fully the principle of confidentiality regarding all information related to implementation of safeguards in accordance with safeguards agreements and the IAEA statute.

20. The Conference welcomes the important work being undertaken by IAEA in the conceptualization and development of State-level approaches to safeguards implementation and evaluation, and in the implementation of State-level integrated safeguards approaches, which result in an information-driven system of verification that is more comprehensive, as well as more flexible and effective. The Conference welcomes the implementation by IAEA of integrated safeguards in 47 States parties.

21. The Conference notes that bilateral and regional safeguards can play a key role in the promotion of transparency and mutual confidence between States, and that they can also provide assurances concerning nuclear non-proliferation.

22. The Conference notes the concerns expressed by numerous States parties with respect to matters of non-compliance with the Treaty by States parties, and their calls on those States that are non-compliant to move promptly to full compliance with their obligations.

23. The Conference underscores the importance of IAEA exercising fully its mandate and its authority to verify the declared use of nuclear material and facilities and the absence of undeclared nuclear material and activities in States parties in conformity with comprehensive safeguards agreements and, where relevant, with additional protocols, respectively.

24. The Conference is of the view that the implementation of additional protocols equips IAEA with efficient and effective tools for obtaining additional information about the absence of undeclared nuclear material and activities in non-nuclear-weapon States. The Conference notes that many States were of the view that additional protocols also equip IAEA with access that provides the basis for credible assurance.

25. The Conference welcomes the efforts of IAEA to assist the States parties in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of State systems of accounting for and control of nuclear material.

26. The Conference recognizes that national rules and regulations of States parties are necessary to ensure that the States parties are able to give effect to their commitments with respect to the transfer of nuclear and nuclear-related dual-use items to all States taking into account articles I, II and III of the Treaty, and, for States parties, also fully respecting article IV. The Conference notes that numerous States underline that effective and transparent export controls are important for facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, which, in the view of those States, depends on the existence of a climate of confidence about non-proliferation.

27. The Conference notes the paramount importance of effective physical protection of all nuclear material and the need for strengthened international cooperation in physical protection. The Conference welcomes the adoption in 2005 of the amendments to the Convention on the Physical Protection of Nuclear Material.

28. The Conference emphasizes the important role of IAEA in fostering international cooperation in nuclear security in establishing a comprehensive set of nuclear security guidelines, and in assisting Member States, upon request, in their efforts to enhance nuclear security.

29. The Conference recognizes the need for enhanced international cooperation and coordination among States parties, in accordance with their national legal authorities and legislation, in preventing, detecting and responding to illicit trafficking in nuclear and other radioactive material. In this regard, the Conference notes the work of IAEA in support of the efforts of States parties to combat such trafficking, including the Agency's activities undertaken to provide for an enhanced exchange of information and the continued maintenance of its illicit trafficking database.

30. The Conference notes the entry into force in 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism.

Article IV and sixth and seventh preambular paragraphs

31. The Conference reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II, III and IV of the Treaty. The Conference recognizes that this right constitutes one of the fundamental objectives of the Treaty. In this connection, the Conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle policies.

32. The Conference reaffirms that all States parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy in conformity with all the provisions of the Treaty. States parties to the Treaty in a position to do so should also cooperate in contributing alone or together with other States parties or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for the needs of the developing areas of the world.

33. The Conference urges that in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment be given to the non-nuclear-weapon States parties to the Treaty, taking the needs of developing countries, in particular, into account.

34. The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes. Transfers of nuclear technology

and international cooperation among States parties in conformity with articles I, II and III of the Treaty are to be encouraged. They would be facilitated by eliminating undue constraints that might impede such cooperation.

35. The Conference underlines the role of IAEA in assisting developing States parties in the peaceful uses of nuclear energy through the development of effective and efficient programmes aimed at improving their scientific, technological and regulatory capabilities.

Peaceful uses of nuclear energy: nuclear energy and technical cooperation

36. The Conference emphasizes that cooperation, to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world, in the peaceful uses of nuclear energy, is one of the core objectives enshrined in the IAEA statute.

37. The Conference positively notes and further encourages active cooperation of States parties, among themselves and through IAEA, in the peaceful uses and applications of nuclear energy, including through international technical cooperation.

38. The Conference underlines that IAEA activities in the field of technical cooperation, nuclear power and non-power applications contribute in an important way to meeting energy needs, improving health, combating poverty, protecting the environment, developing agriculture, managing the use of water resources and optimizing industrial processes, thus helping to achieve the Millennium Development Goals, and that these activities, as well as bilateral and other multilateral cooperation, contribute to achieving objectives set forth in article IV of the Treaty.

39. The Conference affirms the importance of public information in connection with peaceful nuclear activities in States parties to help build acceptance of peaceful uses of nuclear energy.

40. The Conference emphasizes the importance of the technical cooperation activities of IAEA, and stresses the importance of nuclear knowledge-sharing and the transfer of nuclear technology to developing countries for the sustainment and further enhancement of their scientific and technological capabilities, thereby also contributing to their socio-economic development in areas such as electricity production, human health, including the application of nuclear technology in cancer therapy, and the use of nuclear techniques in environmental protection, water resources management, industry, food, nutrition and agriculture.

41. The Conference stresses that the IAEA technical cooperation programme, as one of the main vehicles for the transfer of nuclear technology for peaceful purposes, is formulated in accordance with the IAEA statute and guiding principles, as contained in INFCIRC/267, and in accordance with relevant directives of the General Conference and the Board of Governors.

42. The Conference notes the continuous collaborative efforts by IAEA and its member States to enhance the effectiveness and efficiency of the IAEA technical cooperation programme.

43. The Conference recognizes that regional cooperative arrangements for the promotion of the peaceful use of nuclear energy can be an effective means of providing assistance and facilitating technology transfer, complementing the technical cooperation activities of IAEA in individual countries. It notes the contributions of the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology, the Regional Cooperative Agreement for the Advancement of Nuclear Science and Technology in Latin America and the Caribbean, the Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology for Asia and the Pacific and the Cooperative Agreement for Arab States in Asia for Research, Development and Training related to Nuclear Science and Technology, as well as the strategy for the IAEA technical cooperation programme in the European region.

44. The Conference calls on States parties to make every effort and take practical steps to ensure that the IAEA resources for technical cooperation activities are sufficient, assured and predictable to meet the objectives mandated in article II of the IAEA statute, notes with appreciation the 94 per cent rate of attainment level by the end of 2009, and looks forward to reaching the rate of 100 per cent, which is central to reconfirming the commitment of IAEA member States to the IAEA technical cooperation programme, and thus recalls that the financing of technical cooperation should be in line with the concept of shared responsibility and that all members share a common responsibility towards financing and enhancing the technical cooperation activities of IAEA.

45. The Conference welcomes the commitment of the IAEA Director General to ensuring that the work of IAEA continues to meet the basic needs of human beings in the fields of, inter alia, human health, including the application of nuclear technology in cancer therapy, water resources, industry, food, nutrition and agriculture, and especially the initiative of the IAEA Director General to highlight cancer control as a priority for IAEA during 2010.

46. The Conference welcomes the contributions already pledged by countries and groups of countries in support of IAEA activities. Such additional resources can contribute to the achievement of the Millennium Development Goals.

47. The Conference supports national, bilateral and international efforts to train the skilled workforce necessary for developing peaceful uses of nuclear energy.

Nuclear power

48. The Conference acknowledges that each State party has the right to define its national energy policy.

49. The Conference recognizes that a diverse portfolio of energy sources will be needed to allow access to sustainable energy and electricity resources in all regions of the world, and that States parties may pursue different ways to achieve their energy security and climate protection goals.

50. The Conference recognizes the safety and security issues associated with nuclear energy, as well as the important issue of managing spent fuel and radioactive waste in a sustainable manner, while also recognizing the continuing international efforts to address those issues. Nuclear fuel suppliers are encouraged to work with and assist recipient States, upon request, in the safe and secure management of spent fuel.

51. The Conference recognizes that the development of an appropriate infrastructure to support the safe, secure and efficient use of nuclear power, in line with relevant IAEA standards and guidelines, is an issue of central importance, especially for countries that are planning for the introduction of nuclear power.

52. The Conference confirms that, when developing nuclear energy, including nuclear power, the use of nuclear energy should be accompanied by commitments to and ongoing implementation of safeguards, as well as appropriate and effective levels of safety and security, in accordance with IAEA standards and consistent with the national legislation and respective international obligations of States.

53. The Conference notes the importance, for countries developing their capacities in this field, of working to further develop and promote advanced nuclear technologies, nationally and through cooperation in all relevant international initiatives such as the International Project on Innovative Nuclear Reactors and Fuel Cycles (INPRO), the International Thermonuclear Experimental Reactor (ITER) and the Generation IV International Forum.

54. The Conference notes the High-level African Regional Conference on the Contribution of Nuclear Energy to Peace and Sustainable Development, held in Algiers in January 2007, the International Ministerial Conference on Nuclear Energy in the 21st Century, organized by IAEA in Beijing in April 2009, and the International Conference on Access to Civil Nuclear Energy, held in Paris in March 2010.

55. The Conference encourages the States concerned to further develop a new generation of proliferation-resistant nuclear reactors.

Multilateral approaches to the nuclear fuel cycle

56. The Conference notes the adoption by the IAEA Board of Governors in November 2009 of its resolution on the establishment in the Russian Federation of a reserve of low-enriched uranium for

the use of IAEA member States, and the signature in March 2010 of the relevant agreement between the Russian Federation and IAEA.

57. The Conference underlines the importance of continuing to discuss in a non-discriminatory and transparent manner under the auspices of IAEA or regional forums, the development of multilateral approaches to the nuclear fuel cycle, including the possibilities to create mechanisms for assurance of nuclear fuel supply, as well as possible schemes dealing with the back-end of the fuel cycle, without affecting rights under the Treaty and without prejudice to national fuel cycle policies, while tackling the technical, legal and economic complexities surrounding these issues, including in this regard the requirement of IAEA full scope safeguards.

Nuclear safety and nuclear security

58. The Conference stresses the importance of nuclear safety and nuclear security for the peaceful uses of nuclear energy. While nuclear safety and nuclear security are national responsibilities, IAEA should play the key role in the development of safety standards, nuclear security guidance and relevant conventions based on best practice.

59. The Conference notes that a demonstrated global record of safety is a key element for the peaceful use of nuclear energy and that continuous efforts are required to ensure that the technical and human requirements of safety are maintained at the optimal level. Although safety is a national responsibility, international cooperation on all safety-related matters is important. The Conference encourages the efforts of IAEA, as well as of other relevant forums, in the promotion of safety in all its aspects, and encourages all States parties to take the appropriate national, regional and international steps to enhance and foster a safety culture. The Conference welcomes and underlines the intensification of national measures and international cooperation in order to strengthen nuclear safety, radiation protection, the safe transport of radioactive materials and radioactive waste management, including activities conducted in this area by IAEA. In this regard, the Conference recalls that special efforts should be made and sustained to increase awareness in these fields, through participation of States parties, particularly those from developing countries, in training, workshops, seminars and capacity-building in a non-discriminatory manner.

60. The Conference acknowledges the primary responsibility of individual States for maintaining the safety of their nuclear installations, and the crucial importance of an adequate national technical, human and regulatory infrastructure in nuclear safety, radiological protection and spent fuel and radioactive waste management, as well as an independent and effective regulatory body.

61. The Conference encourages all States that have not yet done so to become party to the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

62. The Conference endorses the principles and objectives of the non-legally binding Code of Conduct on the Safety and Security of Radioactive Sources and the Code of Conduct on the Safety of Research Reactors, and underlines the important role of the supplementary Guidance on the Import and Export of Radioactive Sources.

63. The Conference encourages all States that have not yet done so to become party to the Convention on the Physical Protection of Nuclear Material and to ratify its amendment so that it may enter into force at an early date.

64. The Conference encourages all States that have not yet done so to become party to the International Convention for the Suppression of Acts of Nuclear Terrorism.

65. The Conference notes the Nuclear Security Summit held in Washington, D.C., in April 2010.

66. The Conference welcomes the efforts by State parties on a voluntary basis to minimize the use of highly enriched uranium in the civilian sector.

67. The Conference recognizes the importance of applying best practice and basic principles, as developed by IAEA, in mining and processing, including those related to environmental management of uranium mining.

68. The Conference underlines the fundamental importance of sustainable programmes, through international efforts, such as IAEA, and regional and national efforts, for education and training in nuclear, radiation, transport and waste safety and nuclear security, while focusing on building institutional capacity and technical and managerial capabilities in States parties.

69. The Conference encourages State parties to promote the sharing of best practices in the area of nuclear safety and nuclear security, including through dialogue with the nuclear industry and the private sector, as appropriate.

70. The Conference welcomes the attention to problems of safety and contamination related to the discontinuation of nuclear operations formerly associated with nuclear-weapons programmes, including, where appropriate, safe resettlement of any displaced human populations and the restoration of economic productivity to affected areas.

71. The Conference encourages all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in these affected areas, while noting the efforts that have been made to date in this regard.

Safe transport of radioactive materials

72. The Conference recognizes that, historically, the safety record of civilian transport, including maritime transport, of radioactive materials has been excellent, and stresses the importance of international cooperation to maintain and enhance the safety of international transport.

73. The Conference reaffirms maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments.

74. The Conference endorses the IAEA standards for the safe transport of radioactive material and affirms that it is in the interests of all States parties that the transportation of radioactive materials continues to be conducted consistent with international safety, security and environmental protection standards and guidelines. The Conference takes note of the concerns of small island developing States and other coastal States with regard to the transportation of radioactive materials by sea and, in this regard, welcomes efforts to improve communication between shipping and coastal States for the purpose of addressing concerns regarding transport safety, security and emergency preparedness.

Armed attacks against nuclear installations devoted to peaceful purposes

75. The Conference considers that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety, have dangerous political, economic and environmental implications and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations. The Conference notes that a majority of States parties have suggested a legally binding instrument be considered in this regard.

Nuclear liability

76. The Conference recalls the Paris Convention on Third Party Liability in the Field of Nuclear Energy, the Vienna Convention on Civil Liability for Nuclear Damage, the Brussels Convention Supplementary to the Paris Convention, the Joint Protocol related to the Application of the Vienna Convention and the Paris Convention and the protocols amending these conventions, and the objectives thereof, and notes the intention of the Convention on Supplementary Compensation for Nuclear Damage to establish a worldwide nuclear liability regime based on the principles of nuclear liability law, without prejudice to other liability regimes.

77. The Conference recognizes the importance of having in place

effective and coherent nuclear liability mechanisms at the national and global levels to provide compensation, if necessary, for damage inter alia to people, property and the environment due to a nuclear accident or incident, taking fully into account legal and technical considerations, and believing that the principle of strict liability should apply in the event of a nuclear accident or incident, including during the transport of radioactive material.

Article V

78. The Conference affirms that the provisions of article V of the Treaty with regard to the peaceful applications of any nuclear explosions are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.

Article VI and eighth to twelfth preambular paragraphs

79. The Conference notes the reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty.

80. The Conference, while welcoming achievements in bilateral and unilateral reductions by some nuclear-weapon States, notes with concern that the total estimated number of nuclear weapons deployed and stockpiled still amounts to several thousands. The Conference expresses its deep concern at the continued risk for humanity represented by the possibility that these weapons could be used and the catastrophic humanitarian consequences that would result from the use of nuclear weapons.

81. The Conference notes the new proposals and initiatives from Governments and civil society related to achieving a world free of nuclear weapons. The Conference notes the proposals for nuclear disarmament of the Secretary-General of the United Nations to inter alia consider negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.

82. The Conference affirms that the final phase of the nuclear disarmament process and other related measures should be pursued within an agreed legal framework, which a majority of States parties believe should include specified timelines.

83. The Conference reaffirms the essential role of the Comprehensive Nuclear-Test-Ban Treaty within the nuclear disarmament and non-proliferation regime and that by achieving the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, the Treaty combats both horizontal and vertical proliferation. The Conference calls on all States to refrain from any action that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty pending its entry into force, in particular with regard to the development of new types of nuclear weapons.

84. The Conference welcomes that 181 States have signed the Comprehensive Nuclear-Test-Ban Treaty and that 153 States, including 35 whose ratification is necessary for its entry into force, have deposited instruments of ratification. In this respect, the Conference welcomes the ratification by the Central African Republic and by Trinidad and Tobago during the Conference and welcomes the recent expressions by remaining States whose ratifications are necessary for the Treaty to enter into force of their intention to pursue and complete the ratification process, including by Indonesia and the United States of America. The Conference also welcomes the recent expressions by Iraq, Papua New Guinea and Thailand of their intentions to pursue and complete the ratification process.

85. The Conference welcomes the high-level political support for the Treaty expressed during the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, convened in New York in September 2009, in accordance with article XIV of the Comprehensive Nuclear-Test-Ban Treaty, where specific and practical measures to promote the entry into force of that Treaty were adopted. The Conference stresses the importance of the international monitoring system and commends the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization towards its completion.

86. The Conference notes the need for further progress in diminishing the role of nuclear weapons in security policies.

87. The Conference, while welcoming the adoption by consensus of a programme of work in the Conference on Disarmament in May 2009, expresses deep concern that after more than a decade the Conference on Disarmament has been unable to commence negotiations and substantive deliberations pursuant to an agreed programme of work, and urges it to begin work without delay.

88. The Conference takes note of the International Court of Justice advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons*, issued at The Hague on 8 July 1996.

89. The Conference welcomes the signing of the Treaty between the United States and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, as well as the unilateral reduction measures announced and implemented by other nuclear-weapon States, including the closing and dismantling of nuclear weapons related facilities. The Conference also welcomes the reductions announced by some nuclear-weapon States in the role of nuclear weapons in their security doctrines, as well as statements by some nuclear-weapon States regarding measures related to strengthening negative security assurances, and notes that China maintains a declaratory policy based on no first use of nuclear weapons.

90. The Conference recognizes that reductions in the operational status of nuclear weapons and announced measures related to de-targeting contribute to the process of nuclear disarmament through the enhancement of confidence-building measures and a diminishing role for nuclear weapons in security policies.

91. The Conference welcomes the declared moratoriums by some nuclear-weapon States on the production of fissile material for nuclear weapons.

92. The Conference notes the regular reports submitted by States parties within the framework of the strengthened review process on the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision entitled “Principles and objectives for nuclear non-proliferation and disarmament”, and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

93. The Conference notes the first meeting between nuclear-weapon States on confidence-building measures in the context of nuclear disarmament and non-proliferation, held in September 2009.

94. The Conference notes the increased transparency of some nuclear-weapon States with respect to the number of nuclear weapons in their national inventories and encourages all nuclear-weapon States to provide additional transparency in this regard.

95. The Conference welcomes efforts towards the development of nuclear disarmament verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world. The Conference notes the cooperation between Norway and the United Kingdom of Great Britain and Northern Ireland in establishing a system for nuclear warhead dismantlement verification.

96. The Conference underscores the importance of disarmament and non-proliferation education as a useful and effective means to advance the goals of the Treaty in support of achieving a world without nuclear weapons.

Article VII and the security of non-nuclear-weapon States

97. The Conference reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

98. The Conference reaffirms the conviction that the establishment of the internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament.

99. The Conference welcomes the steps that have been taken since 2005 to conclude nuclear-weapon-free zone treaties and recognizes the continuing contributions that the Antarctic Treaty, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), the Treaty on the South-East Asia Nuclear Weapon Free Zone (Bangkok Treaty), the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia are making towards attaining the objective of nuclear disarmament and nuclear non-proliferation.

100. The Conference welcomes the declaration by Mongolia of its nuclear-weapon-free status and supports the measures taken by Mongolia to consolidate and strengthen this status.

101. The Conference welcomes the entry into force of the Pelindaba Treaty on 15 July 2009. The Conference also welcomes actions by various nuclear-weapon-free zones to pursue their objectives, in particular the plan of action for the period 2007-2012 endorsed by the Southeast Asia Nuclear-Weapon-Free Zone Commission to strengthen the implementation of the Bangkok Treaty and the ongoing consultations between the Association of Southeast Asian Nations and nuclear weapon States on the Protocol to the Bangkok Treaty.

102. The Conference welcomes the entry into force of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia on 21 March 2009. The Conference considers that the establishment of a nuclear-weapon-free zone in Central Asia constitutes an important step towards strengthening the nuclear non-proliferation regime and promoting cooperation in the peaceful uses of nuclear energy and in the environmental rehabilitation of the territories affected by radioactive contamination. The Conference urges the States concerned to resolve any outstanding issues regarding the functioning of the Zone in accordance with the guidelines adopted by the United Nations Disarmament Commission in 1999.

103. The Conference welcomes the ratification by some nuclear-weapon States of protocols to nuclear-weapon-free zone treaties and the announcement of the United States of its intention to start the process aimed at the ratification of the protocols to the Pelindaba and Rarotonga treaties and the intention to conduct consultations with the parties to the nuclear-weapon-free zones in Central and South-East Asia, in an effort to sign and ratify relevant protocols. The Conference stresses the importance of the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant protocols to the treaties that establish nuclear-weapon-free zones in order to assure the total absence of nuclear weapons in the respective territories as envisaged in article VII of the Treaty on the Non-Proliferation of Nuclear Weapons.

104. The Conference underscores the importance of the establishment of nuclear-weapon-free zones where they do not exist, especially in the Middle East.

105. The Conference calls on the nuclear-weapon States to bring into effect the security assurances provided by nuclear-weapon-free zone treaties and their protocols.

106. The Conference welcomes the results of the first Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held on 28 April 2005 in Mexico City, and the second Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, held on 30 April 2010 in New York, as an important contribution to achieving a nuclear-weapon-free world. The Conference also welcomes the vigorous efforts made by States parties and signatories to those treaties to promote their common objectives. The Conference encourages fostering cooperation and enhanced consultation mechanisms among the existing nuclear-weapon-free zones through the establishment of concrete measures, in order to fully implement the principles and objectives of the relevant nuclear-weapon-free zone treaties and to contribute to the implementation of the treaty regime. The Conference acknowledges the initiative to hold a meeting of States parties and signatories of treaties establishing nuclear-weapon-free zones and States having declared their nuclear-weapon-free status within the framework of the forthcoming Review Conferences of the Treaty.

South Asia and other regional issues

107. The Conference urges India and Pakistan to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive IAEA safeguards promptly and without conditions. The Conference further urges both States to strengthen their non-proliferation export control measures over technologies, material and equipment that can be used for the production of nuclear weapons and their delivery systems.

108. The Conference deeply deplores the nuclear test explosions announced by the Democratic People's Republic of Korea and declares that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State in accordance with the Treaty in any case. The Conference reaffirms the firm support for the Six-Party Talks, which is the effective mechanism for the verifiable denuclearization of the Korean Peninsula in a peaceful manner. The Conference calls for the resumption of the talks at an appropriate time in the future. The Conference recalls the importance of the implementation of the relevant resolutions of the United Nations Security Council, and urges the Democratic People's Republic of Korea to fulfil its commitments under the Six-Party Talks, in accordance with the September 2005 Joint Statement.

Article VIII

Further strengthening the review process of the Treaty on the Non-Proliferation of Nuclear Weapons

109. The Conference reaffirms the purpose of the review process as set out in the relevant decisions of the 2000 Review Conference and the 1995 Review and Extension Conference. In the context of the 1995 Conference, mindful of the undertaking in decision 1 that "Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality", the Review Conference takes the decisions and recommendations set out below.

110. The Conference recognizes the importance of ensuring optimal coordination and continuity throughout the review cycle. In this context, the Conference encourages past and incumbent Presidents and Chairs to be available for consultations with the incoming President and Chair, if necessary, regarding practical matters relating to their responsibilities. Participation in these meetings will be voluntary and without affecting the costs assessed to States parties.

111. The Conference recommends that a dedicated staff officer to support the Treaty's review cycle should be added to the Office for Disarmament Affairs of the United Nations Secretariat. The dedicated officer will function in an independent manner and be responsible to the meetings of States parties to the Treaty. Pending a further decision by States parties, the costs associated with the staff officer will be funded from voluntary contributions from States parties in a position to do so. Such voluntary contributions will be provided without any conditions. The mandate and functions of this officer will be reviewed in the next review cycle.

112. The Conference affirmed that improving the effectiveness of the strengthened review process is an ongoing responsibility of States parties and therefore, in this regard, deserves further consideration in the next review cycle.

Article IX

113. The Conference welcomes the accessions to the Treaty by Cuba in 2002 and Timor-Leste in 2003, the continued adherence of Serbia to the Treaty in accordance with the successor statement of 29 August 2001, as well as the succession of Montenegro in 2006, bringing the total number of States that have become parties to the Treaty to 190, and reaffirms the urgency and importance of achieving the universality of the Treaty.

114. The Conference reaffirms that the Treaty is vital in promoting nuclear disarmament, preventing the proliferation of nuclear weapons, facilitating the peaceful uses of nuclear energy and providing significant security benefits. The Conference remains convinced that universal adherence to the Treaty can achieve these goals, and it calls upon all States not parties to the Treaty, India, Israel and Pakistan, to accede to it without further delay and without any conditions, and to bring into force the required comprehensive safeguards agreements and additional protocols consistent with the model additional protocol (INFCIRC/540

(Corrected)). The Conference also calls on those three States, which operate unsafeguarded nuclear facilities, to reverse clearly and urgently any policies to pursue any nuclear-weapon development or deployment and to refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of proliferation of nuclear weapons.

115. The Conference reaffirms that the preservation of the integrity of the Treaty, achieving its universality and its strict implementation are essential to regional and international peace and security.

116. The Conference reaffirms the commitment of parties to the Treaty to achieve its universality. States parties express their concern regarding the lack of progress in the achievement of universality and in the implementation of the Resolution on the Middle East adopted at the 1995 Review and Extension Conference, which a majority of States parties believe seriously undermines the Treaty and represents a threat to regional and international peace and security.

117. The Conference reaffirms that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material should require, as a necessary precondition, acceptance of IAEA full-scope safeguards and international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

Article X

118. The Conference reaffirms that each party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized its supreme interests. The Conference also reaffirms that pursuant to article X notice of such withdrawal shall be given to all other parties to the Treaty and to the United Nations Security Council three months in advance, and that such notice shall include a statement of the extraordinary events the State party regards as having jeopardized its supreme interests.

119. The Conference notes that numerous States recognize that the right of withdrawal is established in the provisions of the Treaty. There were divergent views regarding its interpretation with respect to other relevant international law. The Conference notes that many States underscore that under international law a withdrawing party is still responsible for violations of the Treaty committed prior to its withdrawal, and that if done in accordance with the provisions of the Treaty, such withdrawal would not affect any right, obligation or legal situation between the withdrawing State and each of the other States parties created through the execution of the Treaty prior to withdrawal, including those related to the required IAEA safeguards.

120. Without prejudice to the legal consequences of the withdrawal and to the status of compliance by the withdrawing State, the Conference notes that numerous States were of the view that States parties should undertake consultations immediately, as well as regional diplomatic initiatives. Given the particular circumstances envisaged in article X for the exercise of the right to withdraw, the Conference notes that numerous States reaffirm the responsibility entrusted to the Security Council under the Charter of the United Nations.

121. The Conference notes that numerous States acknowledge that nuclear supplying States can consider incorporating dismantling and/or return clauses in the event of withdrawal in arrangements or contracts concluded with other States parties as appropriate in accordance with international law and national legislation.

Conclusions and recommendations for follow-on actions

I. Nuclear disarmament

In pursuit of the full, effective and urgent implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", and building upon the practical steps agreed to in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference agrees on the following action plan on nuclear disarmament which includes concrete steps for the total elimination of nuclear weapons:

A. Principles and objectives

i. The Conference resolves to seek a safer world for all and to achieve the peace and security of a world without nuclear weapons, in accordance with the objectives of the Treaty.

ii. The Conference reaffirms the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.

iii. The Conference reaffirms the continued validity of the practical steps agreed to in the Final Document of the 2000 Review Conference.

iv. The Conference reaffirms that significant steps by all the nuclear-weapon States leading to nuclear disarmament should promote international stability, peace and security, and be based on the principle of increased and undiminished security for all.

v. The Conference expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law.

vi. The Conference affirms the vital importance of universality of the Treaty on the Non-Proliferation of Nuclear Weapons and calls on all States not parties to the Treaty to accede as non-nuclear-weapon States to the Treaty promptly and without any conditions and to commit to achieving the complete elimination of all nuclear weapons, and calls upon States to promote universal adherence to the Treaty and not to undertake any actions that can negatively affect prospects for the universality of the Treaty.

The Conference resolves that:

• Action 1: All States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

• Action 2: All States parties commit to apply the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations.

B. Disarmament of nuclear weapons

i. The Conference reaffirms the urgent need for the nuclear-weapon States to implement the steps leading to nuclear disarmament agreed to in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and security, and based on the principle of undiminished and increased security for all.

ii. The Conference affirms the need for the nuclear-weapon States to reduce and eliminate all types of their nuclear weapons and encourages, in particular, those States with the largest nuclear arsenals to lead efforts in this regard.

iii. The Conference calls on all nuclear-weapon States to undertake concrete disarmament efforts and affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons. The Conference notes the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, inter alia, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.

iv. The Conference recognizes the legitimate interests of non-nuclear-weapon States in the constraining by the nuclear-weapon States of the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons.

The Conference resolves that:

• Action 3: 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.

• Action 4: The Russian Federation and the United States of America commit to seek the early entry into force and full implementation of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms and are encouraged to continue discussions on follow-on measures in order to achieve deeper reductions in their nuclear arsenals.

• Action 5: The nuclear-weapon States commit to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security. To that end, they are called upon to promptly engage with a view to, inter alia:

(a) Rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3;

(b) Address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process;

(c) To further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;

(d) Discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons;

(e) Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security;

(f) Reduce the risk of accidental use of nuclear weapons; and

(g) Further enhance transparency and increase mutual confidence.

The nuclear-weapon States are called upon to report the above undertakings to the Preparatory Committee at 2014. The 2015 Review Conference will take stock and consider the next steps for the full implementation of article VI.

• Action 6: All States agree that the Conference on Disarmament should immediately establish a subsidiary body to deal with nuclear disarmament, within the context of an agreed, comprehensive and balanced programme of work.

C. Security assurances

i. The Conference reaffirms and recognizes that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons and the legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances from nuclear-weapon States which could strengthen the nuclear non-proliferation regime.

ii. The Conference recalls United Nations Security Council resolution 984 (1995) noting the unilateral statements by each of the nuclear-weapon States, in which they give conditional or unconditional security assurances against the use and the threat of use of nuclear weapons to non-nuclear-weapon States parties to the Treaty and the relevant protocols established pursuant to nuclear-weapon-free zones, recognizing that the treaty-based security assurances are available to such zones.

Without prejudice to efforts within the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference resolves that:

• Action 7: All States agree that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced programme of work, immediately begin discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, to discuss substantively, without limitation, with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument. The Review Conference invites the Secretary-General of the United Nations to convene a high-level meeting in September 2010 in support of the work of the Conference on Disarmament.

• Action 8: All nuclear-weapon States commit to fully respect their existing commitments with regard to security assurances. Those nuclear-weapon States that have not yet done so are encouraged to extend security assurances to non-nuclear-weapon States parties to the Treaty.

• Action 9: The establishment of further nuclear-weapon-free zones, where appropriate, on the basis of arrangements freely arrived at among States of the region concerned, and in accordance with the 1999 Guidelines of the United Nations Disarmament Commission, is encouraged. All concerned States are encouraged to ratify the nuclear-weapon-free zone treaties and their relevant protocols, and to constructively consult and cooperate to bring about the entry into force of the relevant legally binding protocols of all such nuclear-weapon free zones treaties, which include negative security assurances. The concerned States are encouraged to review any related reservations.

D. Nuclear testing

i. The Conference recognizes that the cessation of all nuclear test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects.

ii. The Conference reaffirms the vital importance of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty as a core element of the international nuclear disarmament and non-proliferation regime, as well as the determination of the nuclear-weapon States to abide by their respective moratoriums on nuclear test explosions pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

The Conference resolves that:

• Action 10: All nuclear-weapon States undertake to ratify the Comprehensive Nuclear-Test-Ban Treaty with all expediency, noting that positive decisions by nuclear-weapon States would have the beneficial impact towards the ratification of that Treaty, and that nuclear-weapon States have the special responsibility to encourage Annex 2 countries, in particular those which have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and continue to operate unsafeguarded nuclear facilities, to sign and ratify.

• Action 11: Pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, all States commit to refrain from nuclear-weapon test explosions or any other nuclear explosions, the use of new nuclear weapons technologies and from any action that would defeat the object and purpose of that Treaty, and all existing moratoriums on nuclear-weapon test explosions should be maintained.

• Action 12: All States that have ratified the Comprehensive Nuclear-Test-Ban Treaty recognize the contribution of the conferences on facilitating the entry into force of that Treaty and of the measures adopted by consensus at the Sixth Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, held in September 2009, and commit to report at the 2011 Conference on progress made towards the urgent entry into force of that Treaty.

• Action 13: All States that have ratified the Comprehensive Nuclear-Test-Ban Treaty undertake to promote the entry into force and implementation of that Treaty at the national, regional and global levels.

• Action 14: The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization is to be encouraged to fully develop the verification regime for the Comprehensive Nuclear-Test-Ban Treaty, including early completion and provisional operationalization of the international monitoring system in accordance with the mandate of the Preparatory Commission, which should, upon entry into force of that Treaty, serve as an effective, reliable, participatory and non-discriminatory verification system with global reach, and provide assurance of compliance with that Treaty.

E. Fissile materials

i. The Conference reaffirms the urgent necessity of negotiating and bringing to a conclusion a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

The Conference resolves that:

• Action 15: All States agree that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced programme of work, immediately begin negotiation of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices in accordance with the report of the Special Coordinator of 1995 (CD/1299) and the mandate contained therein. Also in this respect, the Review Conference invites the Secretary-General of the United Nations to convene a high-level meeting in September 2010 in support of the work of the Conference on Disarmament.

• Action 16: The nuclear-weapon States are encouraged to commit to declare, as appropriate, to the International Atomic Energy Agency (IAEA) all fissile material designated by each of them 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 17: In the context of action 16, all States are encouraged 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 18: All States that have not yet done so are encouraged to initiate a process towards the dismantling or conversion for peaceful uses of facilities for the production of fissile material for use in nuclear weapons or other nuclear explosive devices.

F. Other measures in support of nuclear disarmament

i. The Conference recognizes that nuclear disarmament and achieving the peace and security of a world without nuclear weapons will require openness and cooperation, and affirms the importance of enhanced confidence through increased transparency and effective verification.

The Conference resolves that:

• Action 19: All States agree on the importance of supporting cooperation among Governments, the United Nations, other international and regional organizations and civil society aimed at increasing confidence, improving transparency and developing efficient verification capabilities related to nuclear disarmament.

• Action 20: States parties should submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the present action plan, as well as of article VI, paragraph 4 (c), of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", and the practical steps agreed to in the Final Document of the 2000 Review Conference, and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

• Action 21: As a confidence-building measure, all the nuclear-weapon States are encouraged to agree as soon as possible on a standard reporting form and to determine appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. The Secretary-General of the United Nations is invited to establish a publicly accessible repository, which shall include the information provided by the nuclear-weapon States.

• Action 22: All States are encouraged to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the United Nations study on disarmament and non-proliferation education, in order to advance the goals of the Treaty in support of achieving a world without nuclear weapons.

II. Nuclear non-proliferation

The Conference recalls and reaffirms the decision of the 1995 Review and Extension Conference entitled "Principles and objectives for nuclear non-proliferation and disarmament", noting paragraph 1 of the principles and the elements relevant to article III of the Treaty, in particular paragraphs 9 to 13 and 17 to 19, and to article VII, in particular paragraphs 5 to 7. It also recalls and reaffirms the Resolution on the Middle East adopted at that Conference. The Conference also recalls and reaffirms the outcome of the 2000 Review Conference.

• Action 23: The Conference calls upon all States parties to exert all efforts to promote universal adherence to the Treaty, and not to undertake any actions that can negatively affect prospects for the universality of the Treaty.

• Action 24: The Conference re-endorses the call by previous review conferences for the application of IAEA comprehensive safeguards to all source or special fissionable material in all peaceful nuclear activities in the States parties in accordance with the provisions of article III of the Treaty.

• Action 25: The Conference, noting that 18 States parties to the Treaty have yet to bring into force comprehensive safeguards agreements, urges them to do so as soon as possible and without further delay.

• Action 26: The Conference underscores the importance in complying with the non-proliferation obligations, addressing all compliance matters in order to uphold the Treaty's integrity and the authority of the safeguards system.

• Action 27: The Conference underscores the importance of resolving all cases of non-compliance with safeguards obligations in full conformity with the IAEA statute and the respective legal obligations of Member States. In this regard, the Conference calls upon Member States to extend their cooperation to the Agency.

• Action 28: The Conference encourages all States parties which have not yet done so to conclude and to bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force.

• Action 29: The Conference encourages IAEA to further facilitate and assist the States parties in the conclusion and entry into force of comprehensive safeguards agreements and additional protocols. The Conference calls on States parties to consider specific measures that would promote the universalization of the comprehensive safeguards agreements.

• Action 30: 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.

• Action 31: The Conference encourages all States parties with small quantities protocols which have not yet done so to amend or rescind them, as appropriate, as soon as possible.

• Action 32: The Conference recommends that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by the IAEA policy bodies aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented.

• Action 33: The Conference calls upon all States parties to ensure that IAEA continues to have all political, technical and financial support so that it is able to effectively meet its responsibility to apply safeguards as required by article III of the Treaty.

• Action 34: The Conference encourages States parties, within the framework of the IAEA statute, to further develop a robust, flexible, adaptive and cost effective international technology base for advanced safeguards through cooperation among Member States and with IAEA.

• Action 35: The Conference 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 and that such exports are in full conformity with the objectives and purposes of the Treaty as stipulated, particularly, in articles I, II and III of the Treaty, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted in 1995 by the Review and Extension Conference.

• Action 36: The Conference encourages States parties to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls.

• Action 37: The Conference encourages States parties to consider whether a recipient State has brought into force IAEA safeguards obligations in making nuclear export decisions.

• Action 38: The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes.

• Action 39: States parties are encouraged to facilitate transfers of nuclear technology and materials and international cooperation among States parties, in conformity with articles I, II, III and IV of the Treaty, and to eliminate in this regard any undue constraints inconsistent with the Treaty.

• Action 40: The Conference encourages all States to maintain the highest possible standards of security and physical protection of nuclear materials and facilities.

• Action 41: The Conference encourages all States parties to apply, as appropriate, the IAEA recommendations on the physical protection of nuclear material and nuclear facilities (INFCIRC/225/Rev.4 (Corrected)) and other relevant international instruments at the earliest possible date.

• Action 42: The Conference calls on all States parties to the Convention on the Physical Protection of Nuclear Material to ratify the amendment to the Convention as soon as possible and encourages them to act in accordance with the objectives and the purpose of the amendment until such time as it enters into force. The Conference also encourages all States that have not yet done so to adhere to the Convention and adopt the amendment as soon as possible.

• Action 43: The Conference urges all States parties to implement the principles of the revised IAEA Code of Conduct on the Safety and Security of Radioactive Sources, as well as the Guidance on the Import and Export of Radioactive Sources approved by the IAEA Board of Governors in 2004.

• Action 44: The Conference calls upon all States parties to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials throughout their territories, in accordance with their relevant international legal obligations, and calls upon those States parties in a position to do so to work to enhance international partnerships and capacity-building in this regard. The Conference also 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.

• Action 45: The Conference encourages all States parties that have not yet done so to become party to the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible.

• Action 46: The Conference encourages IAEA to continue to assist the States parties in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of the State systems of accounting for and control of nuclear material, as well as systems on regional level. The Conference calls upon IAEA Member States to broaden their support for the relevant IAEA programmes.

III. Peaceful uses of nuclear energy

The Conference reaffirms that the Treaty fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence and cooperation within which those uses can take place. The Conference calls upon States parties to act in conformity with all the provisions of the Treaty and to:

• Action 47: Respect each country's choices and decisions in the field of peaceful uses of nuclear energy without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle policies.

• Action 48: Undertake to facilitate, and reaffirm the right of States parties to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

• Action 49: Cooperate with other States parties or international organizations in the further development of nuclear energy for peaceful purposes, with due consideration for the needs of the developing areas of the world.

• Action 50: Give preferential treatment to the non-nuclear-weapon States parties to the Treaty, taking the needs of developing countries, in particular, into account.

• Action 51: Facilitate transfers of nuclear technology and international cooperation among States parties in conformity with articles I, II, III, and IV of the Treaty, and eliminate in this regard any undue constraints inconsistent with the Treaty.

• Action 52: Continue efforts, within IAEA, to enhance the effectiveness and efficiency of its technical cooperation programme.

• Action 53: Strengthen the IAEA technical cooperation programme in assisting developing States parties in the peaceful uses of nuclear energy.

• Action 54: Make every effort and to take practical steps to ensure that IAEA resources for technical cooperation activities are sufficient, assured and predictable.

• Action 55: Encourage all States in a position to do so to make additional contributions to the initiative designed to raise 100 million dollars over the next five years as extra budgetary contributions to IAEA activities, while welcoming the contributions already pledged by countries and groups of countries in support of IAEA activities.

• Action 56: Encourage national, bilateral and international efforts to train the necessary skilled workforce needed to develop peaceful uses of nuclear energy.

• Action 57: Ensure that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied by commitments to and ongoing implementation of safeguards as well as appropriate and effective levels of safety and security, consistent with States' national legislation and respective international obligations.

• Action 58: Continue to discuss further, in a non-discriminatory and transparent manner under the auspices of IAEA or regional forums, the development of multilateral approaches to the nuclear fuel cycle, including the possibilities of creating mechanisms for assurance of nuclear fuel supply, as well as possible schemes dealing with the back-end of the fuel cycle without affecting rights under the Treaty and without prejudice to national fuel cycle policies, while tackling the technical, legal and economic complexities surrounding these issues, including, in this regard, the requirement of IAEA full scope safeguards.

• Action 59: Consider becoming party, if they have not yet done so, to the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the International Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material, and to ratify its amendment so that it may enter into force at an early date.

• Action 60: Promote the sharing of best practices in the area of nuclear safety and security, including through dialogue with the nuclear industry and the private sector, as appropriate.

• Action 61: Encourage States concerned, on a voluntary basis, to further minimize highly enriched uranium in civilian stocks and use, where technically and economically feasible.

• Action 62: Transport radioactive materials consistent with relevant international standards of safety, security and environmental protection, and to continue communication between shipping and coastal States for the purpose of confidence-building and addressing concerns regarding transport safety, security and emergency preparedness.

• Action 63: Put in force a civil nuclear liability regime by becoming party to relevant international instruments or adopting suitable national legislation, based upon the principles established by the main pertinent international instruments.

• Action 64: The Conference calls upon all States to abide by the decision adopted by consensus at the IAEA General Conference

on 18 September 2009 on prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction.

IV. The Middle East, particularly implementation of the 1995 Resolution on the Middle East

1. The Conference reaffirms the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference and recalls the affirmation of its goals and objectives by the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference stresses that the resolution remains valid until the goals and objectives are achieved. The resolution, which was co-sponsored by the depositary States of the Treaty on the Non-Proliferation of Nuclear Weapons (the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America), is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995. States parties renew their resolve to undertake, individually and collectively, all necessary measures aimed at its prompt implementation.

2. The Conference reaffirms its endorsement of the aims and objectives of the Middle East peace process, and recognizes that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

3. The Conference takes note of the reaffirmation at the 2010 Review Conference by the five nuclear-weapon States of their commitment to a full implementation of the 1995 Resolution on the Middle East.

4. The Conference regrets that little progress has been achieved towards the implementation of the 1995 Resolution on the Middle East.

5. The Conference recalls the reaffirmation by the 2000 Review Conference of the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards. The Conference reaffirms the urgency and importance of achieving universality of the Treaty. The Conference calls on all States in the Middle East that have not yet done so to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date.

6. The Conference stresses the necessity of strict adherence by all States parties to their obligations and commitments under the Treaty. The Conference urges all States in the region to take relevant steps and confidence-building measures to contribute to the realization of the objectives of the 1995 Resolution on the Middle East and calls upon all States to refrain from undertaking any measures that preclude the achievement of this objective.

7. The Conference emphasizes the importance of a process leading to full implementation of the 1995 Resolution on the Middle East. To that end, the Conference endorses the following practical steps:

(a) The Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States. The 2012 Conference shall take as its terms of reference the 1995 Resolution;

(b) Appointment by the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, of a facilitator, with a mandate to support implementation of the 1995 Resolution by conducting consultations with the States of the region in that regard and undertaking preparations for the convening of the 2012 Conference. The facilitator will also assist in implementation of follow-on steps agreed by the participating regional States at the 2012 Conference. The facilitator will report to the 2015 Review Conference and its Preparatory Committee meetings;

(c) Designation by the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, of a host Government for the 2012 Conference;

(d) Additional steps aimed at supporting the implementation of the 1995 Resolution, including that IAEA, the Organisation for the Prohibition of Chemical Weapons and other relevant international organizations be requested to prepare background documentation for the 2012 Conference regarding modalities for a zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, taking into account work previously undertaken and experience gained;

(e) Consideration of all offers aimed at supporting the implementation of the 1995 Resolution, including the offer of the European Union to host a follow-on seminar to that organized in June 2008.

8. The Conference emphasizes the requirement of maintaining parallel progress, in substance and timing, in the process leading to achieving total and complete elimination of all weapons of mass destruction in the region, nuclear, chemical and biological.

9. The Conference reaffirms that all States parties to the Treaty, particularly the nuclear-weapon States and the States in the region, should continue to report on steps taken to implement the 1995 Resolution, through the United Nations Secretariat, to the President of the 2015 Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference.

10. The Conference further recognizes the important role played by civil society in contributing to the implementation of the 1995 Resolution and encourages all efforts in this regard.

Other regional issues

1. The Conference strongly urges the Democratic People's Republic of Korea to fulfil the commitments under the Six-Party Talks, including the complete and verifiable abandonment of all nuclear weapons and existing nuclear programmes in accordance with the September 2005 joint statement, and urges the Democratic People's Republic of Korea to return, at an early date, to the Treaty and to its adherence with its IAEA safeguards agreement. The Conference also calls on the Democratic People's Republic of Korea and all States parties to fully implement all relevant nuclear non-proliferation and disarmament obligations. The Conference reaffirms its firm support for the Six-Party Talks and remains determined to achieve the satisfactory and comprehensive resolution to the issues involved through diplomatic means.

Part II

Organization – [Eds]

Conclusions and recommendations of the Conference

30. At its 16th and final plenary meeting, on 28 May 2010, the Conference considered the draft Final Document.

The Conference decided to take note of the "Review of the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference" (see part I above), which is recorded in the footnote as the President's responsibility and reflects to the best of his knowledge what transpired with regard to matters of review.

The Conference decided to adopt the "Conclusions and recommendations for follow-on actions".

2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I – excerpts

[Reproduced from NPT/CONF.2000/28(Part I)]

[Eds…]

Article VI and preambular paragraphs 8 to 12

1. The Conference notes the reaffirmation by the States Parties of their commitment to article VI and preambular paragraphs 8 to 12 of the Treaty.

2. The Conference notes that, despite the achievements in bilateral and unilateral arms reduction, the total number of nuclear weapons deployed and in stockpile still amounts to many thousands. The Conference expresses its deep concern at the continued risk for humanity represented by the possibility that these nuclear weapons could be used.

3. The Conference takes note of the proposal made by the United Nations Secretary-General that the convening of a major international conference that would help to identify ways of eliminating nuclear dangers be considered at the Millennium Summit.

4. The Conference reaffirms that the cessation of all nuclear weapon test explosions or any other nuclear explosions will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the complete elimination of nuclear weapons and, therefore, to the further enhancement of international peace and security.

5. The Conference welcomes the adoption by the General Assembly and subsequent opening for signature of the Comprehensive Nuclear-Test-Ban Treaty in New York on 24 September 1996, and notes that 155 States have signed it and that 56 of them, including 28 whose ratification is necessary for its entry into force, have deposited their instruments of ratification. The Conference welcomes the ratifications by France and the United Kingdom of Great Britain and Northern Ireland and the recent decision by the Duma of the Russian Federation to ratify the Treaty. The Conference calls upon all States, in particular on those 16 States whose ratification is a prerequisite for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, to continue their efforts to ensure the early entry into force of the Treaty.

6. The Conference welcomes the final declaration adopted at the Conference on facilitating the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, convened in Vienna in October 1999, in accordance with Article XIV of the Convention.

7. The Conference notes the International Court of Justice advisory opinion on the "Legality of the threat or use of nuclear weapons" issued at The Hague on 8 July 1996.

8. The Conference notes the establishment, in August 1998, by the Conference on Disarmament, of the Ad Hoc Committee under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament" to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The Conference regrets that negotiations have not been pursued on this issue as recommended in paragraph 4 (b) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

9. The Conference welcomes the significant progress achieved in nuclear weapons reductions made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. Ratification of START II by the Russian Federation is an important step in the efforts to reduce strategic offensive weapons and is welcomed. Completion of ratification of START II by the United States remains a priority.

10. The Conference also welcomes the significant unilateral reduction measures taken by other nuclear-weapon States, including the close-down and dismantling of nuclear weapon related facilities.

11. The Conference welcomes the efforts of several States to cooperate in making nuclear disarmament measures irreversible, in particular, through initiatives on the verification, management and disposition of fissile material declared excess to military purposes.

12. The Conference reiterates the important contribution made by Belarus, Kazakhstan and Ukraine to the implementation of article VI of the Treaty through their voluntary withdrawal of all tactical and strategic nuclear weapons from their territories.

13. The Conference welcomes the signing, in September 1997, by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America, of significant agreements relating to the Anti-Ballistic Missile Treaty, including a Memorandum of Understanding. The Conference welcomes the ratification of these documents by the Russian Federation. Ratification of these documents by the other countries remains a priority.

14. The Conference notes the nuclear-weapon States declaration that none of their nuclear weapons are targeted at any State.

15. The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4(c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament":

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.
2. A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.
3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
9. Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
   - Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
   - Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
   - The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
   - Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
   - A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.
   - The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.
10. Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes 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 of military programmes.
11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.
12. Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of

Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.

13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

Article VII and the security of non-nuclear-weapon States

1. The Conference reaffirms that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.

2. The Conference reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) strengthen the nuclear non-proliferation regime. The Conference calls on the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue.

3. The Conference notes the reaffirmation by the nuclear-weapon States of their commitment to the United Nations Security Council resolution 984 (1995) on security assurances for non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

4. The Conference notes the establishment in March 1998 by the Conference on Disarmament of the Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapon States against the use, or threat of use of nuclear weapons.

5. The Conference recognizes the important role which the establishment of new nuclear-weapon-free zones and the signature to the protocols of new and previously existing zones by the nuclear-weapon States has played in extending negative security assurances to non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in the zones concerned. The Conference underlines the importance of concerned States taking steps to bring into effect the assurances provided by nuclear-weapon-free zone treaties and their protocols.

6. The Conference welcomes and supports the steps taken to conclude further nuclear-weapon-free zone treaties since 1995, and reaffirms the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament.

7. The Conference supports proposals for the establishment of nuclear-weapon-free zones where they do not yet exist, such as in the Middle East and South Asia.

8. The Conference welcomes and supports the declaration by Mongolia of its nuclear-weapon-free status, and takes note of the recent adoption by the Mongolian parliament of legislation defining that status as a unilateral measure to ensure the total absence of nuclear weapons on its territory, bearing in mind its unique conditions as a concrete contribution to promoting the aims of nuclear non-proliferation and a practical contribution to promoting political stability and predictability in the region.

9. The Conference further welcomes the Joint Declaration on the Denuclearization of the Korean Peninsula between the Republic of Korea and the Democratic People's Republic of Korea and urges its rapid implementation.

10. The Conference recognizes the continuing contributions that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards the achievement of nuclear non-proliferation and disarmament objectives, particularly in the southern hemisphere and adjacent areas, and towards keeping the areas covered by these treaties free of nuclear weapons, in accordance with international law. In this context, the Conference welcomes the vigorous efforts being made among States parties and signatories to those treaties in order to promote their common objectives.

11. The Conference stresses the importance of signature and ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, as well as the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant protocols to those treaties, recognizing that security assurances are available to States parties to those Treaties. In this context, the Conference takes note of the statement of the five nuclear-weapon States that the internal processes are under way to secure the few lacking ratifications to the treaties of Rarotonga and Pelindaba, and that consultations with the States parties to the Treaty of Bangkok have been accelerated, paving the way for adherence by the five nuclear-weapon States to the protocol to that Treaty.

12. The Conference welcomes the consensus reached in the General Assembly since its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security. The Conference urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons, and pending the establishment of the zone, to agree to place all their nuclear activities under IAEA safeguards.

13. The Conference further welcomes the report on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, adopted by consensus by the Disarmament Commission on 30 April 1999.

14. The Conference regards the establishment of additional nuclear-weapon-free zones as a matter of priority, and in this respect supports the intention and commitment of the five Central Asian States to establish a nuclear-weapon-free zone in their region, welcomes the practical steps they have taken towards implementation of their initiative and notes with satisfaction the substantial progress they have made in drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.

15. The Conference, taking note of all initiatives by States parties, believes that the international community should continue to promote the establishment of new nuclear-weapon-free zones in accordance with the relevant UNDC guidelines and in that spirit welcomes the efforts and proposals that have been advanced by the States parties since 1995 in various regions of the world.

Regional issues

The Middle East, particularly implementation of the 1995 Resolution on the Middle East:

1. The Conference reaffirms the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognizes that the resolution remains valid until the goals and objectives are achieved. The resolution, which was co-sponsored by the depositary States (the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America), is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995.

2. The Conference reaffirms its endorsement of the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

3. The Conference recalls that operative paragraph 4 of the 1995 Resolution on the Middle East "calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards." The Conference notes, in this connection, that the report of the United Nations Secretariat on the Implementation of the 1995 Resolution on the Middle East (NPT/CONF.2000/7) states that several States have acceded to the Treaty and that, with these accessions, all States of the region of the Middle East, with the exception of Israel, are States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference welcomes the accession of these States and reaffirms the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

4. The Conference notes the requirement under article III of the

Non-Proliferation Treaty for non-nuclear-weapon States parties to conclude agreements with the IAEA to meet the requirements of the Statute of the IAEA. In this regard, the Conference notes paragraph 44 of the review of article III that nine States parties in the region have yet to conclude comprehensive safeguards agreements with the IAEA and invites those States to negotiate such agreements and bring them into force as soon as possible. The Conference welcomes the conclusion of an Additional Protocol by Jordan and invites all other States in the Middle East, whether or not party to the Treaty, to participate in the IAEA's strengthened safeguards system.

5. The Conference notes the unanimous adoption by the United Nations Disarmament Commission, at its 1999 session, of guidelines on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned (A/54/42). The Conference notes that, at that session, the Disarmament Commission encouraged the establishment of a nuclear-weapon-free zone in the Middle East, as well as the development of zones free from all weapons of mass destruction. The Conference notes the adoption without a vote by the General Assembly, for the twentieth consecutive year, of a resolution proposing the establishment of a nuclear-weapon-free zone in the region of the Middle East.

6. The Conference invites all States, especially States of the Middle East, to reaffirm or declare their support for the objective of establishing an effectively verifiable Middle East zone free of nuclear weapons as well as other weapons of mass destruction, to transmit their declarations of support to the Secretary-General of the United Nations, and to take practical steps towards that objective.

7. The Conference requests all States Parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 NPT Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of such a zone and the realization of the goals and objectives of the 1995 Resolution on the Middle East. It requests that the Secretariat prepare a compilation of these reports in preparation for consideration of these matters at the Preparatory Committee meetings and the 2005 Review Conference.

8. The Conference requests the President of the 2000 NPT Review Conference to convey the Final Document of the Conference, including its conclusions and recommendations, to the Governments of all States, including those States Parties unable to attend the Conference and to States that are not party to the Treaty.

9. Recalling paragraph 6 of the 1995 Resolution on the Middle East, the Conference reiterates the appeal to all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems. The Conference notes the statement by the five nuclear-weapon States reaffirming their commitment to the 1995 Resolution on the Middle East.

10. Bearing in mind the importance of full compliance with the NPT, the Conference notes the statement of 24 April 2000 by the IAEA Director-General that, since the cessation of IAEA inspections in Iraq on 16 December 1998, the Agency has not been in a position to provide any assurance of Iraq's compliance with its obligations under UN Security Council Resolution 687. The Conference further notes that the IAEA carried out an inspection in January 2000 pursuant to Iraq's safeguards agreement with the IAEA during which the inspectors were able to verify the presence of the nuclear material subject to safeguards (low enriched, natural and depleted uranium). The Conference reaffirms the importance of Iraq's full continuous cooperation with the IAEA and compliance with its obligations.

South Asia and other regional issues:

11. The Conference emphasizes that nuclear disarmament and nuclear non-proliferation are mutually reinforcing.

12. With respect to the nuclear explosions carried out by India and then by Pakistan in May 1998, the Conference recalls Security Council Resolution 1172 (1998), adopted unanimously on 6 June 1998, and calls upon both States to take all of the measures set out therein. Notwithstanding their nuclear tests, India and Pakistan do not have the status of nuclear-weapon States.

13. The Conference urges India and Pakistan to accede to the Non-Proliferation Treaty as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive Agency safeguards. The Conference further urges both States to strengthen their non-proliferation export control measures over technologies, material and equipment that can be used for the production of nuclear weapons and their delivery systems.

14. The Conference notes that India and Pakistan have declared moratoriums on further testing and their willingness to enter into legal commitments not to conduct any further nuclear testing by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty. The Conference urges both States to sign the Treaty, in accordance with their pledges to do so.

15. The Conference notes the willingness expressed by India and Pakistan to participate in the negotiation in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Pending the conclusion of a legal instrument, the Conference urges both countries to observe a moratorium on the production of such material. The Conference also urges both States to join other countries in actively seeking an early commencement of negotiations on this issue, in a positive spirit and on the basis of the agreed mandate, with a view to reaching early agreement.

16. The Conference notes with concern that, while the Democratic People's Republic of Korea remains a party to the Non-Proliferation Treaty, IAEA continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the Democratic People's Republic of Korea and is therefore unable to conclude that there has been no diversion of nuclear material in the Democratic People's Republic of Korea. The Conference looks forward to the fulfilment by the Democratic People's Republic of Korea of its stated intention to come into full compliance with its safeguards agreement with IAEA, which remains binding and in force. The Conference emphasizes the importance of action by the Democratic People's Republic of Korea to preserve and make available to IAEA all information needed to verify its initial inventory.

Article IX

1. The Conference reaffirms its conviction that the preservation of the integrity of the Treaty and its strict implementation is essential to international peace and security.

2. The Conference recognizes the crucial role of the Treaty in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.

3. The Conference reaffirms that in accordance with article IX, States not currently States parties may accede to the Treaty only as non-nuclear-weapon States.

4. The Conference undertakes to make determined efforts towards the achievement of the goal of universality of the Treaty. These efforts should include the enhancement of regional security, particularly in areas of tension such as the Middle East and South Asia.

5. The Conference reaffirms the long-held commitment of parties to the Treaty to universal membership and notes that this goal has been advanced by the accession to the Treaty of several new States since the 1995 Review and Extension Conference, thereby bringing its membership to 187 States parties. The Conference reaffirms the importance of the Treaty in establishing a norm of international behaviour in the nuclear field.

6. The Conference therefore calls on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept IAEA safeguards on all their nuclear activities. These States are Cuba, India, Israel, and Pakistan. In this context, the Conference welcomes the signature by Cuba of the protocol additional to its safeguards agreements with IAEA.

7. The Conference particularly urges those non-parties to the Treaty that operate un-safeguarded nuclear facilities - India, Israel and Pakistan — to take similar action, and affirms the important contribution this would make to regional and global security.

8. The Conference also takes note that the widening of the entry into force of protocols additional to safeguards agreements with IAEA will strengthen the nuclear safeguards regime and facilitate the exchange of nuclear and nuclear-related material in peaceful nuclear cooperation.

9. In this connection, the Conference underlines the necessity of universal adherence to the Treaty and of strict compliance by all

existing parties with their obligations under the Treaty.
10. The Conference requests the President of the Conference to convey formally the views of States parties on this issue to all non-parties and to report their responses to the parties. Such efforts should contribute to enhancing the universality of the Treaty and the adherence of non-parties to it.

Improving the effectiveness of the strengthened review process for the NPT

1. The States parties reaffirmed the provisions in the Decision on "Strengthening the Review Process for the Treaty" adopted at the 1995 Review and Extension Conference.
2. The States parties stressed that three sessions of the Preparatory Committee, normally for a duration of 10 working days each, should be held in the years prior to the review conference. A fourth session, would, if necessary, be held in the year of the review conference.
3. The States parties recommended that specific time be allocated at sessions of the Preparatory Committee to address specific relevant issues.
4. Recalling the Decision on subsidiary bodies of the 2000 Review Conference (NPT/CONF.2000/DEC.1), subsidiary bodies can be established at the Review Conference to address specific relevant issues.
5. The States parties, recalling paragraph 4 of Decision 1 of the 1995 NPT Review and Extension Conference, agreed that the purpose of the first two sessions of the Preparatory Committee would be to "consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality". To this end, each session of the Preparatory Committee should consider specific matters of substance relating to the implementation of the Treaty and Decisions 1 and 2, as well as the Resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty.
6. The States parties also agreed that the Chairpersons of the sessions of the Preparatory Committee should carry out consultations with the States parties to prepare the ground for the outcome of the sessions as well as their agenda.
7. The consideration of the issues at each session of the Preparatory Committee should be factually summarized and its results transmitted in a report to the next session for further discussion. At its third and, as appropriate, fourth session, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference.
8. The States parties agreed that the procedural arrangements for the Review Conference should be finalized at the last session of the Preparatory Committee.
9. The States parties also agreed that a meeting be allocated to non-governmental organizations to address each session of the Preparatory Committee and the Review Conference.

Strengthening the Review Process for the Treaty

[Reproduced from NPT/CONF.1995/32/DEC.1.
Presented to the Conference as NPT/CONF.1995/L.4,
proposed by the President]

1. The Conference examined the implementation of article VIII,3, of the Treaty and agreed to strengthen the review process for the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized.
2. The States party to the Treaty participating in the Conference decided, in accordance with article VIII,3, of the Treaty, that Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2000.
3. The Conference decided that, beginning in 1997, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the three years prior to the Review Conference. If necessary, a fourth preparatory meeting may be held in the year of the Conference.
4. The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.
5. The Conference also concluded that the present structure of three Main Committees should continue and the question of an overlap of issues being discussed in more than one Committee should be resolved in the General Committee, which would coordinate the work of the Committees so that the substantive responsibility for the preparation of the report with respect to each specific issue is undertaken in only one Committee.
6. It was also agreed that subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues. The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference.
7. The Conference agreed further that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.

Principles and Objectives for Nuclear Non-Proliferation and Disarmament

[Reproduced from NPT/CONF.1995/32/DEC.2
Presented to the Conference as NPT/CONF.1995/L.5
proposed by the President]

Reaffirming the preamble and articles of the Treaty on the Non-Proliferation of Nuclear Weapons,

Welcoming the end of the cold war, the ensuing easing of international tension and the strengthening of the trust between States,

Desiring a set of principles and objectives in accordance with which nuclear non-proliferation, nuclear disarmament and international cooperation in the peaceful uses of nuclear energy should be vigorously pursued and progress, achievements and shortcomings evaluated periodically within the review process provided for in article VIII (3) of the Treaty, the enhancement and strengthening of which is welcomed,

Reiterating the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,

The Conference affirms the need to continue to move with determination towards the full realisation and effective implementation of the provisions of the Treaty, and accordingly adopts the following principles and objectives:

Universality

1. Universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent priority. All States not yet party to the Treaty are called upon to accede to the Treaty at the earliest date, particularly those States that operate unsafeguarded nuclear facilities. Every effort should be made by all States parties to achieve this objective.

Non-proliferation

2. The proliferation of nuclear weapons would seriously increase the danger of nuclear war. The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preventing the proliferation of nuclear weapons. Every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty.

Nuclear disarmament

3. Nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold

war. The undertakings with regard to nuclear disarmament as set out in the Treaty on Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

4. The achievement of the following measures is important in the full realization and effective implementation of article VI, including the programme of action as reflected below:

(a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint;

(b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;

(c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

Nuclear-weapon-free zones

5. The conviction that the establishment of internationally recognized nuclear-weapon-free zones, on the basis of arrangements freely arrived at among the States of the region concerned, enhances global and regional peace and security is reaffirmed.

6. The development of nuclear-weapon-free zones, especially in regions of tension, such as in the Middle East, as well as the establishment of zones free of all weapons of mass destruction should be encouraged as a matter of priority, taking into account the specific characteristics of each region. The establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000 would be welcome.

7. The cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is necessary for the maximum effectiveness of such nuclear-weapon-free zones and the relevant protocols.

Security assurances

8. Noting United Nations Security Council resolution 984 (1995), which was adopted unanimously on 11 April 1995, as well as the declarations by the nuclear-weapon States concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.

Safeguards

9. The International Atomic Energy Agency (IAEA) is the competent authority responsible to verify and assure, in accordance with the statute of the IAEA and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III(1) of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the IAEA in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. IAEA safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of IAEA safeguards should be supported and implemented and the IAEA's capability to detect undeclared nuclear activities should be increased. Also States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the IAEA.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of IAEA full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under IAEA safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

Peaceful uses of nuclear energy

14. Particular importance should be attached to ensuring the exercise of the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II as well as III of the Treaty.

15. Undertakings to facilitate participation in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy should be fully implemented.

16. In all activities designed to promote the peaceful uses of nuclear energy, preferential treatment should be given to the non-nuclear-weapon States party to the Treaty, taking the needs of developing countries particularly into account.

17. Transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty.

18. All States should, through rigorous national measures and international cooperation, maintain the highest practicable levels of nuclear safety, including in waste management, and observe standards and guidelines in nuclear materials accounting, physical protection and transport of nuclear materials.

19. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety. The IAEA should also be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.

20. Attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.

The Conference requests that the President of the Conference bring this decision, the Decision on Strengthening the Review Process of the Treaty and the Decision on the Extension of the Treaty to the attention of the heads of State or Government of all States and seek their full cooperation on these documents and in the furtherance of the goals of the Treaty.

Extension of the Treaty on the Non-Proliferation of Nuclear Weapons

[Reproduced from NPT/CONF.1995/32/DEC.3
Presented to the Conference as NPT/CONF.1995/L.6
proposed by the President]

The Conference of the States Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as 'the Treaty') convened in New York from 17 April to 12 May 1995, in accordance with articles VI II,3 and X,2 of the Treaty,

Having reviewed the operation of the Treaty and affirming that there is a need for full compliance with the Treaty, its extension and its universal adherence, which are essential to international peace and security and the attainment of the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,

Having reaffirmed article VIII,3 of the Treaty and the need for

its continued implementation in a strengthened manner and, to this end, emphasizing the Decision on Strengthening the Review Process for the Treaty and the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament also adopted by the Conference,

Having established that the Conference is quorate in accordance with article X,2 of the Treaty,

Decides that, as a majority exists among States party to the Treaty for its indefinite extension, in accordance with its article X,2, the Treaty shall continue in force indefinitely.

Resolution on the Middle East

[Reproduced from NPT/CONF.1995/32/RES. 1, sponsored by: Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America]

The Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons,

Reaffirming the purpose and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons,

Recognizing that, pursuant to article VI I of the Treaty on the Non-Proliferation of Nuclear Weapons, the establishment of nuclear-weapon-free zones contributes to strengthening the international non-proliferation regime,

Recalling that the Security Council, in its statement of 31 January 1992, affirmed that the proliferation of nuclear and all other weapons of mass destruction constituted a threat to international peace and security,

Recalling also General Assembly resolutions adopted by consensus supporting the establishment of a nuclear-weapon-free zone in the Middle East, the latest of which is resolution 49/71 of 15 December 1994,

Recalling further the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency concerning the application of Agency safeguards in the Middle East, the latest of which is GC(XXXVIII)/RES/21 of 23 September 1994, and noting the danger of nuclear proliferation, especially in areas of tension,

Bearing in mind Security Council resolution 687 (1991) and in particular paragraph 14 thereof,

Noting Security Council resolution 984 (1995) and paragraph 8 of the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted by the Conference on 11 May 1995,

Bearing in mind the other Decisions adopted by the Conference on 11 May 1995,

1. *Endorses* the aims and objectives of the Middle East peace process and recognizes that efforts in this regard as well as other efforts contribute to, *inter alia,* a Middle East zone free of nuclear weapons as well as other weapons of mass destruction;

2. *Notes with satisfaction* that in its report Main Committee III of the Conference (NPT/CONF.1995/MC.III/1) recommended that the Conference 'call on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept International Atomic Energy Agency safeguards on all their nuclear activities';

3. *Notes with concern* the continued existence in the Middle East of un-safeguarded nuclear facilities, and reaffirms in this connection the recommendation contained in paragraph VI/3 of the report of Main Committee III urging those non-parties to the Treaty which operate un-safeguarded nuclear facilities to accept full scope International Atomic Energy Agency safeguards;

4. *Reaffirms* the importance of the early realization of universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, and *calls upon* all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full scope International Atomic Energy Agency safeguards;

5. *Calls upon* all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia,* the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective;

6. *Calls upon* all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.

D – Materials Related to the Proposal to Establish a Zone Free of Weapons of Mass Destruction in the Middle East

Section 1: 2010 Action Plan & regional positions

Postponement of 2012 Conference on Middle East Zone Free of Nuclear Weapons and all other Weapons of Mass-Destruction

[23 November 2012]

Press statements:

I. Ministry for Foreign Affairs of Finland

"We regret that the conference will not be convened this year. However, the conveners have reaffirmed their commitment to convene the conference and Finland as the host Government remains prepared to organise it once convened. We will continue our efforts to prepare the ground together with the conveners and the States of the region for the earliest possible convening of a successful conference, to be attended by all states of the region. To that end, I propose multilateral consultations to be held as soon as possible", says Ambassador Jaakko Laajava from the Finnish Foreign Ministry, who is in charge of undertaking preparations for the conference as the facilitator.

II. UN Secretary-General

I reaffirm my firm resolve and commitment together with the Russian Federation, the United Kingdom and the United States, in consultation with the States of the region, to convene a conference, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region.

I have worked closely with the co-conveners to support the facilitator, Mr. Jaakko Laajava. He has conducted intensive consultations with the States of the region to prepare the convening of the conference in 2012. I have also personally engaged with the States of the region at the highest level to underline the importance of the Conference in promoting long-term regional stability, peace and security on the basis of equality.

I have taken note of the national statements issued by the co-conveners. I wish to reaffirm the collective responsibility of the conveners to make every effort to convene the conference, as mandated. I will continue to work with them on that basis. I fully support the proposal by the facilitator to conduct multilateral consultations in the shortest possible time which will allow the conference to be convened at the earliest opportunity in 2013. I reaffirm my strong support for the facilitator and for Finland as the host Government for the Conference and express my deep appreciation for their continuing efforts.

I encourage all States of the region to continue their constructive engagement with the facilitator. I also appeal to them to seize this rare opportunity to initiate a process that entails direct engagement on security issues – a critical shortcoming at the moment – and follow-on steps leading to achieving the complete elimination of all weapons of mass destruction in the region, nuclear, chemical and biological and their delivery systems.

III. Ministry for Foreign Affairs of the Russian Federation

The decisions of the 2010 NPT Review Conference entrusted Russia, the United Kingdom and the United States, as the depositaries of the Treaty and the co-sponsors of the 1995 Resolution on the Middle East, as well as the UN Secretary-General to convene in 2012 a Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction and their means of delivery (MEWMDFZ).

Since 2010 the "co-conveners" of the Conference have been making significant efforts for the preparation of the event. Finland was selected as the "host country" of the Conference. The Facilitator responsible for the preparation and organization of the Conference – Under Secretary of the MFA of Finland J.Laajava – was appointed and has started active work since taking office in October 2011. The “co-conveners” and the Facilitator held numerous joint and individual consultations with representatives of the States of the region. Considerations on organizational modalities and substance of upcoming Conference are at an advanced stage.

Unfortunately, not all of the States in the Middle East have so far agreed to participate in the Conference. In this regard, there are voices in favor of postponing the Conference for 2013.

The Russian Federation, being strictly committed to its commitments and the "conveners'" mandate, believes that in the given conditions a decision to postpone the Conference can be justified only if there is a clearly expressed consent of the countries of the Middle East and the dates for the Conference are fixed.

Moscow presumes that in case of the expressed consent of the regional States to the postponement of the Conference, the new dates should be fixed right now in order to convene the Conference at the earliest possibility, but no later than April next year. We are convinced that these several extra months would be enough for proper preparation and success of the Helsinki Conference on the establishment of MEWMDFZ.

Russia intends to make all the necessary efforts to this end and to continue to work closely with the other "co-conveners" and the Facilitator.

IV. UK Foreign and Commonwealth Office

The British Government supports the objective of a Weapons of Mass Destruction Free Zone in the Middle East. We regret that it will not be possible to convene a successful conference to be attended by all states of the region as planned in 2012. More preparation and direct engagement between states of the region will be necessary to secure arrangements that are satisfactory to all.

We support the convening of a conference as soon as possible. We endorse fully the work of the Conference Facilitator, Finnish Under-Secretary of State Jaakko Laajava, to build consensus on next steps. We welcome his commitment to conduct further multilateral consultations with the countries of the region to agree arrangements for a conference in 2013.

We will continue to work with our fellow convenors (the US, Russia, and the UN), with the Facilitator, and with countries of the region, to meet our undertakings to convene a conference on this important issue, as soon as possible.

V. US State Department

As a co-sponsor of the proposed conference on a Middle East zone free of weapons of mass destruction (MEWMDFZ), envisioned in the 2010 Non-Proliferation Treaty Review Conference Final Document, the United States regrets to announce that the conference cannot be convened because of present conditions in the Middle East and the fact that states in the region have not reached agreement on acceptable conditions for a conference.

The United States will continue to work seriously with our partners to create conditions for a meaningful conference. We are particularly grateful for the tireless efforts of Ambassador Jaakko Laajava, the appointed facilitator, supported by the United States, the United Kingdom, the Russian Federation and the UN Secretary General, to lay the groundwork for a successful conference against the backdrop of turmoil and dramatic political change taking place in the Middle East and Iran’s continuing defiance of its international non-proliferation obligations.

The United States believes that a deep conceptual gap persists in the region on approaches toward regional security and arms

control arrangements. These differences can only be bridged through direct engagement and agreement among the states in the region. Outside states cannot impose a process on the region any more than they can dictate an outcome. The mandate for a MEWMDFZ must come from the region itself. That principle must underlie any serious undertaking on this issue.

Looking ahead, we encourage states in the region to take a fresh look at the obstacles standing in the way of convening a conference and to begin to explore terms for a successful meeting. This will require that all parties agree on the purpose and scope of a conference and on an agenda and process that takes into account the legitimate security interests of all states in the region. We believe that this conference should discuss a broad agenda that covers regional security and all WMD issues, and that it must operate solely on the basis of consensus among regional parties.

These are appropriate guidelines for official dialogue on security issues in the Middle East where none currently exists. They provide the necessary assurance that states can attend a conference on an equal footing. We would not support a conference in which any regional state would be subject to pressure or isolation.

The United States will continue to work with our partners to support an outcome in which states in the region approach this issue on the basis of mutual respect and understanding and with acknowledgement of the challenges inherent in advancing regional security and arms control. A conference handled this way, with direct engagement of the regional states, will enjoy the greatest prospects for success.

The United States fully supports the goal of a Middle East free of all weapons of mass destruction and we stand by our commitments. We further note our view that a comprehensive and durable peace in the region and full compliance by all regional states with their arms control and non-proliferation obligations are essential precursors for the establishment of such a zone.

Submission by Israel. Towards a regional dialogue in the Middle East: an Israeli perspective

NPT/CONF.2015/36
[30 April 2015]

1. Israel's long-held vision of a more secure and peaceful Middle East requires that all regional States engage in a process of direct and sustained dialogue to address the broad range of regional security challenges in the Middle East. Such a dialogue, based on the widely accepted principle of consensus, can only emanate from within the region and address in an inclusive manner the threat perceptions of all regional parties with a view to enhancing and improving their security. Direct contact, combined with trust and confidence-building, is an essential basis for the creation of a new security paradigm in a region that is increasingly fraught with wars, conflicts, disintegration of national territories and human suffering.

2. Accordingly, Israel agreed in 2011 to the request of the Under-Secretary of State for Foreign and Security Policy of Finland, Jaakko Laajava, to engage in consultations to advance a regional dialogue. Subsequently, Israel was the first country in the region to respond positively to Mr. Laajava's proposal in February 2013 to participate in multilateral consultations in Switzerland to discuss the arrangements and conditions necessary for convening a conference on establishing the Middle East as a zone free of all weapons of mass destruction and means of delivery. It took the Arab Group an additional eight months to agree to participate in the consultations.

3. Between October 2013 and June 2014, five rounds of multilateral consultations were held in Switzerland between Israel and several of its Arab neighbours. The central purpose of the meetings was to seek regional consensus on all the essential aspects of a conference in Helsinki, including the agenda, the concluding document and the necessary modalities. The consultations were conducted in a business-like manner and were the first direct engagement between Israel and its neighbours on this issue in more than 20 years, since the arms control and regional security process in the 1990s.

4. While not all regional States attended, the consultations presented an important opportunity for direct regional engagement. Indeed, Israel's participation at a senior and authoritative level in all the five meetings attested to the importance that Israel ascribed to the need to redefine a new regional security paradigm for the Middle East. During the consultations, Israel submitted, including in writing, some creative ideas and formulations that could advance consensus, as well as understandings and trust, between the regional parties. Indeed, Israel stated unequivocally, also in public, that, if agreement were reached on the agenda, the concluding document and terms of reference of a conference in Helsinki, the regional States could proceed to set a date for such an event.

5. In June 2014, the Arab representatives at the fifth round of consultations in Geneva felt that they required new instructions and in effect discontinued the talks. Since June 2014, Mr. Laajava has been attempting to convene a sixth round of consultations in Geneva. Israel responded positively on 20 October 2014 and 7 January 2015 to formal invitations in that regard. Despite Israel 's positive attitude towards continued engagement, the sixth round of consultations in Geneva was postponed several times and was not held, preventing necessary progress towards a consensual agreement on a conference in Helsinki.

6. Regrettably, in recent years the Arab countries have preferred to focus their efforts on promoting contentious resolutions in the International Atomic Energy Agency General Conference and the First Committee of the General Assembly. That negative approach has reinforced the lack of trust and confidence and prevented a meaningful dialogue between the States of the Middle East.

7. Ultimately, it is difficult to understand how any disarmament, arms control and regional security issues can be addressed without any direct dialogue between the regional States, as the Group of Arab States suggests. Such strident opposition to conducting a direct dialogue with Israel, coupled with the demand that a conference be convened by a deadline on the basis of terms of reference conceived by one side only, underlines and reinforces the mistrust and suspicion between the States in the region. If a serious regional effort has not emerged in the Middle East during the past five years it is not because of Israel.

8. It should be emphasized that notions of direct engagement and consensus are fundamental norms in international diplomacy and have been accepted in other regions. In that context, the Group of Seven recently declared that: "The regional parties must engage actively with each other in order to reach consensus on a date and an agenda for the Helsinki Conference as soon as possible. We emphasize that the Conference can only lead to a meaningful process if the interests of all participants are taken into account."

9. To promote any significant regional security architecture in the Middle East, it is imperative that the regional States do not adopt positions that prevent the other side from participating in what should be an inclusive regional process between all relevant stakeholders. Decisions that seek to circumvent and substitute direct engagement or the building of trust and agreement among regional parties will neither assist a regional process nor hasten a successful outcome.

10. A meaningful process will require:

(a) That regional States assume responsibility for the promotion of a direct regional dialogue, without external auspices that do not emanate from the region;

(b) That regional States address the broad range of security challenges facing the region;

(c) That all decisions be reached by consensus between the regional parties.

11. Israel, for its part, will continue to adopt a positive and constructive approach towards a meaningful regional discussion that could lead to a more peaceful and secure Middle East free from wars, conflicts and all weapons of mass destruction.

Working Paper by Group of Arab States. Specific regional issues and implementation of the 1995 resolution on the Middle East.

NPT/CONF.2020/PC.III/WP.20
[26 April 2019]

1. The international community has acknowledged the importance of establishing nuclear-weapon-free zones throughout the world. Such zones serve many purposes, the most important of which are strengthening the nuclear non-proliferation regime and achieving nuclear disarmament, and would bring us closer to the ultimate objective of achieving and maintaining international peace and security. The Group of Arab States is concerned at the catastrophic humanitarian consequences that would result from any use of nuclear weapons. That concern was expressed in the outcomes of the conferences concerning this matter that were held in Norway, Mexico and Austria, and in the relevant resolutions of the General Assembly.

2. The nuclear-weapon-free zones that have been established in several regions of the world have furthered the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons. The Group reaffirms that tangible steps and immediate measures must be taken towards the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, so that the positive effects of such zones can be felt in that region.

3. The Group of Arab States calls on the three States that sponsored the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to assume their responsibilities in respect of the implementation of that resolution, which was one the key outcomes of that Conference and the basis on which the Parties decided, by consensus, to extend the Treaty indefinitely. The Group reaffirms its resolve to make every effort to establish a zone free of nuclear weapons and other weapons of mass destruction in the Middle East region, with a view to enhancing the potential for achieving peace, security and stability.

4. Neither the 1995 resolution on the Middle East nor the practical steps that were endorsed by the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have been implemented. At the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Group of Arab States proposed an initiative to break the deadlock that received the unreserved support of the vast majority of the States Parties to the Treaty. However, three States, two of which are sponsors and depositaries of the 1995 resolution on the Middle East, prevented the 2015 Review Conference from adopting a final document in order to serve the interests of Israel, a State that is not a party to the Treaty. That course of action has adversely affected the credibility and sustainability of the regime established by the Treaty.

5. The Group reaffirms its commitment to the outcomes and outputs concerning the elimination of nuclear weapons and other weapons of mass destruction from the Middle East region that were adopted at the 1995, 2000 and 2010 Review Conferences. It hopes that the international community will support the implementation of those outcomes and outputs.

6. Saying that nuclear-weapon-free zones should be established freely by the States concerned cannot justify disregarding or failing to implement the relevant international resolutions. The Group calls on the international community to fulfil its responsibilities in that regard. It is disappointed that no pressure of any kind has been placed on Israel, which is the only State in the Middle East that has not acceded to the Treaty and that refuses to place its nuclear installations under the comprehensive safeguards regime of the International Atomic Energy Agency (IAEA). Moreover, Israel refuses to implement the relevant international resolutions, ignores the resolutions adopted at the Review Conferences and impedes all serious efforts to conduct preparatory negotiations concerning the convening of a conference on the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East.

7. The international community's failure to fulfil its commitments concerning the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East has had repercussions, perpetuated a policy of ambiguity regarding the nuclear safety and security standards that Israel has put in place at its nuclear facilities, and increased tension and instability in the Middle East. The international community's failure to fulfil its commitments in that regard has also impeded efforts to prevent the proliferation of weapons of mass destruction around the world, and that, in turn, has an adverse effect on the international non-proliferation regime.

8. The Group looks forward to seeing the States Parties to the Treaty, particularly the nuclear-weapon States, and even more particularly the sponsors of the 1995 resolution on the Middle East, translate their commitments into tangible steps and immediate measures to implement that resolution. The Group also calls for the implementation of Security Council resolution 487 (1981), pursuant to which Israel must place all its nuclear facilities under the IAEA comprehensive safeguards regime, without any precondition and any negotiations, and calls upon Israel to accede to the Treaty as a non-nuclear-weapon State.

9. In view of the foregoing, the Group calls on the third session of the Preparatory Committee, in its recommendations to the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to do the following:

(a) Affirm that responsibility for ridding the Middle East of nuclear weapons and other weapons of mass destruction is a collective international responsibility; that the 1995 resolution on the Middle East is an integral part of the package of decisions that led to the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons in 1995; and that the 1995 resolution on the Middle East shall remain in force until it is fully implemented and its objectives are realized;

(b) Welcome the adoption by the United Nations General Assembly at its seventy-third session of General Assembly decision 73/546 authorizing the Secretary-General of the United Nations to convene a conference for the negotiation of a binding treaty on the creation of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, and to provide support for such a conference to be held in the context of implementation of 1995 decision on the Middle East; urge all parties invited, and in particular, Israel, to take part; and ask the Secretary-General of the United Nations to submit a periodic report on the implementation of the above-mentioned decision to the Review Conference and its Preparatory Committee meetings;

(c) Stress the need to implement Security Council resolution 487 (1981) and draw attention to the importance of achieving the universality of the Treaty, as stated in the Final Documents of the 1995, 2000 and 2010 Review Conferences, and in particular the call made therein upon States that have not acceded to the Treaty to do so as non-nuclear-weapon States and to place all of their nuclear facilities under the IAEA comprehensive safeguards regime;

(d) Affirm that nuclear-weapon-States must fulfil their responsibility to provide the assistance required and make every effort to bring about the early establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, in accordance with resolutions adopted by the General Assembly and Review Conferences, as well as other relevant resolutions, and point out that the Security Council, in view of its obligation to maintain international peace and security, bears responsibility for establishing that zone.

(e) Urge Israel to accede to the Treaty as a non-nuclear-weapon State, place all its facilities under the IAEA comprehensive safeguards regime, eliminate its entire stockpile of nuclear weapons and ratify the Comprehensive Nuclear-Test-Ban Treaty;

(f) Call upon all States Parties to put pressure on Israel

and compel it to comply with internationally binding resolutions and accede to the Treaty; reiterate the call that IAEA made upon Israel in 1991 to comply with Security Council resolution 487 (1981), which provides that all Israeli nuclear facilities must be placed under the IAEA comprehensive safeguards regime; and call for the elimination of all weapons of mass destruction, in particular nuclear weapons, with a view to achieving the objective set out in paragraph 14 of Security Council resolution 687 (1991), which was adopted under Chapter VII of the Charter of the United Nations, and in keeping with the relevant General Assembly resolutions;

(g) Call upon the international community to fulfil its responsibilities with regard to the implementation of the 1995 resolution on the Middle East concerning the establishment a zone free of nuclear weapons and other weapons of mass destruction by convening a conference on the establishment of such a zone, in accordance with the 1995 resolution on the Middle East and in implementation of the outcomes of the 2000 and 2010 Review Conferences;

(h) Emphasize the role of the international community and its responsibility to make it easier to take practical measures in the relevant forums, with a view to making progress towards the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East, and that the international community must take appropriate action in response to any measures that preclude achieving that objective.

Working Paper by Iran. Establishment of a nuclear-weapon-free zone in the Middle East

NPT/CONF.2020/PC.III/WP.9
[20 March 2019]

1. The Islamic Republic of Iran, pursuant to article VII of the Treaty on the Non-Proliferation of Nuclear Weapons, supports efforts to establish nuclear-weapon-free zones and believes that such zones are not an end in themselves but rather a means to an end, i.e. contributing to the nuclear non-proliferation objective and enhancing global and regional peace and security.

2. The Islamic Republic of Iran attaches great importance to, and strongly supports, the establishment of a nuclear-weapon-free zone in the Middle East, an initiative which was originally presented by Iran in 1974.

3. Consistent with this principled position, Iran has already taken various practical steps aimed at making progress towards, inter alia, the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction, in particular by becoming a party to all international legally binding instruments on weapons of mass destruction. Such a high record of accession testifies to the strong commitment of the Islamic Republic of Iran to achieving the objective of the prohibition of the development, production, stockpiling, use or threat of use of weapons of mass destruction, in the Middle East in particular and at the global level in general.

4. The adoption, by the 1995 Review and Extension Conference of the Parties to the Non-Proliferation Treaty, of the resolution on the Middle East, as an essential and integral element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995 marks a turning point in advancing the proposal for the establishment of a nuclear-weapon-free zone in the Middle East. The Islamic Republic of Iran has always supported and called for the speedy implementation of this resolution and the full realization of its objective in establishing such a zone.

5. Iran also supported the adoption of the 2010 plan of action on the implementation of the 1995 resolution on the Middle East, which called for the convening of a conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction. On 6 November 2012, Iran officially declared its decision to participate in that conference, which had been scheduled to be held in December 2012 in Helsinki.

6. However, not only was the 2010 plan of action on the implementation of the 1995 resolution on the Middle East not implemented and, consequently, the 2012 conference not convened, but in addition, the 2015 Review Conference of the Parties to the Non-Proliferation Treaty was unable to reach an agreement on its outcome document as a result of the objection of only the United States of America, the United Kingdom of Great Britain and Northern Ireland and Canada to a decision contained therein on the implementation of the 2010 plan of action on the Middle East.

7. Now, 24 years after the adoption of the 1995 resolution on the Middle East and 9 years after the adoption of the 2010 action plan for the implementation of that resolution, and despite the strong support of the overwhelming majority of the States parties, as well as the efforts by Iran and all Arab countries in the region for their implementation, there are valid questions: why were they not implemented, and why have all efforts under the 2005 and 2015 Review Conferences for their implementation failed? The answer is clear: the Israeli regime, which is the only non-party to the Treaty and also the only possessor of nuclear weapons in the region, is the main obstacle to the establishment of such a zone. In addition, in practice, certain parties to the Treaty, by representing the Israeli regime in the Treaty's Review Conferences, object to decisions on the actual realization of this zone. One day after the conclusion of the 2010 Review Conference of the Parties to the Non-Proliferation Treaty, the Israeli regime, in its statement dated 29 May 2010, rejected outright the Final Document of that Conference as "deeply flawed" and stated that "Israel will not be able to take part in its implementation."

8. The Final Document of the 2010 Review Conference called on all States to refrain from undertaking any measures that preclude the achievement of the objective of the 1995 resolution on the Middle East. However, the United States, as one of the co-sponsors of the 1995 resolution and as one of the co-conveners of the 2012 conference, by supporting the obstructive positions of the Israeli regime and setting preconditions for the implementation of the 2010 action plan, acted as a stumbling block in the way of convening the 2012 conference and, on 23 November 2012, unilaterally announced that the conference could not be convened and that it would not support a conference in which Israel would be subject to pressure or isolation. This unilateral decision of the United States was wholly inconsistent with its declaratory commitment to the implementation of the 1995 resolution on the Middle East.

9. Subsequently, during the 2015 Review Conference, Israeli officials expressed concern over taking any decision by the Conference "to force Israel to come clean on its nuclear capabilities" as an essential step towards establishing a nuclear-weapon-free zone in the Middle East. In order to avoid that, Israel placed the United States under pressure to block such a decision. When the United States, along with the United Kingdom and Canada, objected to the adoption of the draft outcome document of the Conference, which contained a decision on the implementation of the 1995 resolution and the 2010 action plan on the Middle East, the Prime Minister of Israel thanked the United States President for such action.

10. But why was the Israeli regime not willing to support the establishment of a nuclear-weapon-free zone in the Middle East, and why is it still not willing to do so? First and foremost, it is because this regime possesses nuclear weapons and other weapons of mass destruction and the establishment of a nuclear-weapon-free zone in the Middle East requires the prompt and unconditional accession of Israel, as a non-nuclear weapon party, to the Non-Proliferation Treaty, renouncing possession of nuclear weapons and placing all of its clandestine nuclear activities and facilities under the comprehensive safeguards of the International Atomic Energy Agency (IAEA).

11. Moreover, a short look at the practices of the Israeli regime in the Middle East and its record in the fields of disarmament and international security provides a clear picture of the seriousness of the security threat posed by this regime against the peace and security of the States parties to the Treaty in the Middle East. It

also proves, once again, how essential and urgent the establishment of a Middle East zone free of nuclear and all other weapons of mass destruction is for the maintenance of peace and security in the region and beyond. That record includes, but is not limited to, the following: since its inception, the Israeli regime has waged 17 wars, which means one war almost every four years; committed aggression against all of its neighbours, without exception; even attacked several other non-neighbouring countries in the region and beyond; attacked, in 1981, the peaceful nuclear installations of a State party to the Treaty in the Middle East (in this case, the Security Council strongly condemned the military attack by Israel as a clear violation of the Charter of the United Nations and the norms of international conduct); threatened to attack the peaceful nuclear facilities of States parties to the Treaty in the region that are under the IAEA safeguards; has recently threatened a party to the Treaty in the region with nuclear annihilation; still has under occupation the territories of several neighbouring countries, as it is called, in United Nations resolutions, the "occupying Power"; is not party to the Non-Proliferation Treaty or any other international instrument banning weapons of mass destruction, in defiance of repeated calls, including by the Security Council, the General Assembly, the General Conference of the IAEA, the Review Conferences of the Parties to the Non-Proliferation Treaty, the summits and ministerial conferences of the Non-Aligned Movement and the Organization of Islamic Cooperation; and is the only possessor of all types of weapons of mass destruction, including hundreds of nuclear warheads, in the Middle East.

12. In addition, such realities make it completely clear that the only way to establish a nuclear-weapon-free zone in the Middle East is for the international community to exert and maintain sustained pressure on the Israeli regime to compel it to accede, promptly and unconditionally, as a non-nuclear-weapon party, to the Non-Proliferation Treaty, and to place all of its nuclear activities and installations under the full-scope IAEA safeguards. This approach was acknowledged by the 2000 and 2010 Review Conferences, which reaffirmed "the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East".

13. The Islamic Republic of Iran expresses its deep concern over the persistent and long delay in the implementation of the 1995 resolution and the lack of any progress in the implementation of the respective plan of action of the 2010 Review Conference. Iran stresses that, as reaffirmed by the successive Review Conferences of the Treaty since 1995, the resolution remains valid until its goals and objectives are achieved. This, without doubt, is the individual and collective responsibility of all States parties to the Treaty, in particular the nuclear-weapon States, especially the three depositary States of the Treaty that co-sponsored the 1995 resolution on the Middle East. It should be recalled that the conclusions and recommendations for follow-on actions of the 2010 Review Conference had clearly stipulated that "the States parties renew their resolve to undertake, individually and collectively, all necessary measures aimed at its prompt implementation."

14. In this context and given the above-mentioned considerations, the third session of the Preparatory Committee for the 2020 Review Conference should recommend:

(a) Establishing a subsidiary body under Main Committee II of the 2020 Review Conference to consider the urgent implementation of the 1995 resolution and the 2010 plan of action on the Middle East and, building upon past experience, agree on concrete steps for their speedy implementation;

(b) Noting the consensus reached by the General Assembly since its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the region of the Middle East would greatly enhance international peace and security;

(c) Expressing concern about the lack of progress towards the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference, as well as the action plan on the Middle East adopted at the 2010 Review Conference;

(d) Reaffirming the urgent need for the prompt and full implementation of the 1995 resolution and the 2010 plan of action on the Middle East;

(e) Reiterating the firm commitment of all States parties to the Treaty, and in particular the nuclear-weapon States, to undertake all necessary measures aimed at the prompt and full implementation of the 1995 resolution and the 2010 plan of action on the Middle East and to extend their cooperation in this regard;

(f) Emphasizing the essential role of the United Nations in the establishment of a nuclear-weapon-free zone in the Middle East;

(g) Expressing serious concern about the continued existence in the Middle East of unsafeguarded nuclear facilities, as well as the threat posed by the proliferation of nuclear weapons to the security and stability of the Middle East;

(h) Expressing deepest concern over the fact that the refusal of Israel is the main obstacle to the implementation of the 1995 resolution and the 2010 plan of action on the Middle East;

(i) Reaffirming the importance of the accession of Israel to the Non-Proliferation Treaty without precondition and further delay and the placement of all of its nuclear activities and facilities under the comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East;

(j) Urging Israel to renounce possession of nuclear weapons and to place all of its unsafeguarded nuclear facilities under the full-scope IAEA safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;

(k) Reaffirming the commitment of all States parties to the effective prohibition of the transfer of all nuclear-related equipment, information, materials and facilities, resources or devices and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel so long as it remains a non-party to the Treaty and has not placed all of its nuclear activities and facilities under the full-scope IAEA safeguards;

(l) Deciding to establish a standing committee, comprising the members of its Bureau, to follow up on the implementation of the recommendations of the Review Conference concerning the prompt accession of Israel to the Non-Proliferation Treaty and the placement of all of its nuclear activities and facilities under the full-scope IAEA safeguards, and to report to the 2025 Review Conference and its Preparatory Committee meetings.

Section 2: Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction

Decision. Convening a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction

A/C.1/73/L.22/Rev.1
[17 October 2018]

The General Assembly decides:

(a) To entrust to the Secretary-General the convening, no later than 2019 for a duration of one week at United Nations Headquarters, of a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction, to which all States of the Middle East, the three co-sponsors of the resolution on t he Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, in the light of their responsibility for the implementation of that resolution, the other two nuclear-weapon States and the relevant international organizations shall be invited, provided that:

(i)The conference shall take as its terms of reference the resolution on the Middle East adopted by the 1995 Review and Extension Conference;

(ii)The conference shall aim at elaborating a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region;

(iii)All decisions emanating from the conference shall be taken by consensus by the States of the region;

(b)To affirm the special responsibility of the three co-sponsors of the resolution on the Middle East adopted by the 1995 Review and Extension Conference, as the depository States of the Treaty on the Non-Proliferation of Nuclear Weapons, and to call upon them to fulfil their relevant obligations in accordance with the agreed outcomes of the 1995, 2000 and 2010 Review Conferences;

(c)To request the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons and the Biological Weapons Convention Implementation Support Unit to prepare the background documents necessary for the conference;

(d) To request the Secretary-General to convene annual sessions of the conference for a duration of one week at United Nations Headquarters until the conference concludes the elaboration of a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction;

(e) To also request the Secretary-General to report annually to the General Assembly on developments in this regard.

Report of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction on the work of its first session

A/CONF.236/6
[28 November 2019]

I. Introduction

1. In its decision 73/546, the General Assembly entrusted the Secretary-General with convening, no later than 2019 at Headquarters, a conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction. In the decision, the Assembly also requested the Secretary-General to convene annual sessions of the Conference, for a duration of one week, at Headquarters, until the Conference concluded the elaboration of a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction.

II. Organizational matters and proceedings of the Conference

A. Opening and duration of the Conference

2. The first session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction was held from 18 to 22 November 2019 at Headquarters. Twenty-three participating States from the region, four observer States and three relevant international organizations or entities participated in the session. The list of participants is contained in document A/CONF.236/INF/3.

3. The Conference was opened on 18 November 2019 by the Under-Secretary-General and High Representative for Disarmament Affairs, Izumi Nakamitsu. The Conference elected by acclamation Jordan as President of the Conference and invited the Permanent Representative of Jordan to the United Nations, Sima Sami I. Bahous, to preside over the Conference. The Secretary-General and the President of the General Assembly for the seventy-fourth session, Tijjani Muhammad-Bande (Nigeria), made statements at the opening of the session. Other Member States, relevant international organizations, United Nations entities and non-governmental organizations were invited to attend the opening meeting. Nineteen of the participating States made remarks at the opening meeting.

B. Agenda and programme of work

4. At its 2nd meeting, on 18 November, the Conference adopted the agenda for the first session, as contained in document A/CONF.236/1, as follows:

1. Opening of the Conference.
2. Election of the President of the Conference.
3. Address by the President of the Conference.
4. Address by the Secretary-General.
5. Address by the President of the General Assembly.
6. Adoption of the agenda.
7. Adoption of the programme of work.
8. Adoption of the rules of procedure.
9. Credentials of representatives.
10. General debate.
11. Thematic debate.
12. Adoption of the report and political declaration.
13. Any other business.
14. Closure of the session.

5. At the same meeting, the Conference adopted the programme of work for the session (A/CONF.236/5). The Conference also agreed to structure the thematic debate on the basis of the indicative topics proposed in a concept note by the President.

C. Rules of procedure

6. At its 4th meeting, on 19 November, the Conference agreed to proceed on the basis of the following statement made by the President, pending a final agreement on the rules of procedure:

In order to prepare for the Conference being held pursuant to General Assembly decision 73/546, the presidency has conducted consultations with participating States on the preparations for the Conference, including its rules of procedure. I highly appreciate the spirit of cooperation and compromise demonstrated in the process.

While participating States agree to consider the draft rules of procedure of the Conference, and agree thereon by consensus, I declare that the participating States hereby agree that, pending the final agreement on the text of the rules of procedure of the Conference, consensus will be the only method of decision-making on procedural and substantive issues, except for rulings by the President on procedural motions related to points of order, and suspension or adjournment of meetings.

7. At its 10th meeting, on 22 November, the Conference agreed to continue its consideration of the draft rules of procedure during the intersessional period.

D. Attendance of relevant international organizations, United Nations entities and non-governmental organizations

8. At its 2nd meeting, the Conference decided to invite several relevant international organizations, United Nations entities and non-governmental organizations to attend public meetings of the first session as observers (see A/CONF.236/DEC.1 and A/CONF.236/DEC.2).

E. Documentation

9. The documentation before the Conference is available on the website of the Conference (www.un.org/disarmament/topics/conference-on-a-mezf-of-nwandowomd).

III. Credentials

10. The credentials of representatives and the names of

alternate representatives and advisers, to be issued either by the Head of State or Government or by the Minister for Foreign Affairs, were submitted to the Secretary-General of the Conference, who, having examined the credentials received, noted that, as at 22 November 2019:

(a) Formal credentials in due form had been received for the representatives of the following three participating States: Algeria, Kuwait and Qatar;

(b) Provisional credentials for the representatives of the following 17 participating States had been communicated by means of a facsimile communication from the Head of State or Government or Minister for Foreign Affairs or by means of a note verbale or letter from the permanent mission in New York: Bahrain, Djibouti, Egypt, Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Libya, Morocco, Oman, State of Palestine, Saudi Arabia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen;

(c) Credentials or other information concerning their representatives had not been received from the following three participating States: Comoros, Mauritania and Somalia.

11. On the proposal of the Secretary-General of the Conference, the Conference agreed to accept the credentials of all the States referred to in paragraph 10 (a) and (b) above, on the understanding that the originals of the credentials of the representatives of those States referred to in paragraph 10 (b), as well as for the representatives of those States referred to in paragraph 10 (c), where applicable, would be submitted as soon as possible.

IV. General debate

12. At its 3rd and 4th meetings, on 19 November, the Conference held its general debate. At its 3rd meeting, the Conference heard statements by representatives of Egypt, the United Arab Emirates, Bahrain, Tunisia, Yemen, Lebanon, Algeria, Iraq, the Sudan, the Islamic Republic of Iran, the Syrian Arab Republic, Qatar and Saudi Arabia. At its 4th meeting, the Conference heard statements by the representatives of the State of Palestine, Morocco, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, France, China and the Biological Weapons Convention Implementation Support Unit.

V. Thematic debate

13. At its 5th and 6th meetings, on 20 November, the Conference held a thematic debate. Representatives of participating States exchanged views on a range of related issues, including principles and objectives, general obligations regarding nuclear weapons, general obligations regarding other weapons of mass destruction, peaceful uses and international cooperation, institutional arrangements and other aspects. The Conference agreed that representatives of existing nuclear-weapon-free zones organizations should be invited to share good practices and lessons learned with respect to the implementation of treaties establishing such zones prior to the second session of the Conference.

VI. Political declaration

14. At its 9th meeting, on 22 November, the Conference adopted a political declaration, which is contained in the annex to the present report.

VII. Preparations for the second session

15. At its 10th meeting, on 22 November, the Conference adopted decisions on the preparations for its second session (see A/CONF.236/DEC.3 and A/CONF.236/DEC.4).

16. At the same meeting, the Conference decided that its second session would be held from 16 to 20 November 2020 at Headquarters.

17. The Conference agreed that the President, in consultation with participating States, should undertake efforts to prepare for the second session.

Political declaration adopted at the first session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction

A/CONF.236/6
[28 November 2019]

We, the representatives of participating States at the first session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction, having met at Headquarters from 18 to 22 November 2019, pursuant to General Assembly decision 73/546:

(a) Welcome all initiatives, resolutions, decisions and recommendations on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction;

(b) Believe that the establishment of a verifiable Middle East zone free of nuclear weapons and other weapons of mass destruction would greatly enhance regional and international peace and security;

(c) Declare our intent and solemn commitment to pursue, in accordance with relevant international resolutions, and in an open and inclusive manner with all invited States, the elaboration of a legally binding treaty to establish a Middle East zone free of nuclear weapons and other weapons of mass destruction, on the basis of arrangements freely arrived at by consensus by the States of the region;

(d) Call upon all States of the Middle East and all other States to refrain from taking any measures that preclude the achievement of the objectives of the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction;

(e) Convinced that the realization of this long-standing goal would be facilitated by the participation of all States of the Middle East, extend an open-ended invitation to all States of the region to lend their support to the present declaration and to join the process;

(f) In that spirit, believe that the Conference, through the elaboration of a legally binding treaty establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction, could contribute to building regional and international confidence therein;

(g) Commit to undertaking efforts to follow up on the declaration and on the outcomes of the Conference and to engaging in preparations for the second session of the Conference, commend the efforts of the Secretary-General in convening the first session of the Conference, and request his continued efforts and those of relevant international organizations and the strong support of the international community towards the success of the Conference in establishing a Middle East zone free of nuclear weapons and other weapons of mass destruction.

Report of Second Session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction

A/CONF.236/2021/4
[3 December 2021]

I. Introduction

1. In its decision 73/546, the General Assembly requested the Secretary-General to convene annual sessions of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction, for the duration of one week, at the United Nations Headquarters, until the Conference concluded the elaboration of a legally binding treaty establishing the Middle East zone free of nuclear weapons and other weapons of mass destruction. The first

session of the Conference was held in New York from 18 to 22 November 2019.

II. Organizational matters and proceedings of the Conference

A. Opening and duration of the second session

2. The second session of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction was held from 29 November to 3 December 2021 at the United Nations Headquarters in New York. 19 members to the conference from the region, four observer States and three relevant international organizations or entities participated in the session. The list of participants is contained in document A/CONF.236/2021/INF/3.

3. The Conference was opened on 29 November 2021 by Deputy Permanent Representative of the Hashemite Kingdom of Jordan to the United Nations, Mr. Sudqi Al Omoush on behalf of the Presidency of the first session of the Conference. In accordance with the decision taken by the first session of the Conference as contained in A/CONF.236/DEC.4, the Conference endorsed by acclamation Kuwait as President of the Conference and invited the Permanent Representative of the State of Kuwait to the United Nations, Mr. Mansour Alotaibi to preside over the Conference. The Secretary-General and the President of the General Assembly for the seventy-sixth session, Mr. Abdulla Shahid (Republic of Maldives), made statements at the opening of the session.

B. Agenda and programme of work

4. Following the opening remarks, the Conference adopted the agenda for the second session, as contained in document A/CONF.236/2021/1, as follows:

1. Opening of the session
2. Endorsement of the President of the Conference
3. Address by the President of the Conference
4. Address by the Secretary-General of the United Nations
5. Address by the President of the General Assembly
6. Adoption of the agenda
7. Adoption of the programme of work
8. Adoption of the rules of procedure
9. Credentials of representatives to the Conference
10. General debate
11. Thematic debate
12. Consideration and adoption of the report of the Conference
13. Any other business.
14. Closure of the session

5. At the same meeting, the Conference adopted the programme of work for the session (A/CONF.236/2021/2). The Conference also agreed to structure the thematic debate on the basis of an informal paper by the President, which contained a non-exhaustive list of topics.

C. Rules of procedure

6. At its first meeting, pending a final agreement on the rules of procedure, the Conference decided to proceed on the basis of the President's statement made during the first session of the Conference on the rules of procedure.

7. At its ninth meeting, the Conference adopted the rule of procedure as contained in document A/CONF.236/2021/3.

D. Attendance of relevant international organizations, United Nations entities and non-governmental organizations

8. At its first meeting, the Conference decided to invite several relevant international organizations, United Nations entities and non-governmental organizations to attend public meetings of the second session as observers (see A/CONF.236/2021/DEC.1 and A/CONF.236/2021/DEC.2).

E. Documentation

9. The documentation before the Conference is available on the website of the Conference (https://meetings.unoda.org/meeting/me-nwmdfz-2021/).

III. Credentials

10. The credentials of representatives and the names of alternate representatives and advisers, to be issued either by the Head of State or Government or by the Minister for Foreign Affairs, were submitted to the Secretary-General of the Conference, who, having examined the credentials received, noted that, as 3 December 2021:

(a) Formal credentials in due form have been received for the representatives of the following seven Members to the Conference: Egypt, Jordan, Kuwait, Morocco, Saudi Arabia, the United Arab Emirates and Yemen.

(b) Provisional credentials for the representatives of the following ten Members to the Conference have been communicated by means of a facsimile communication from the Head of State or Government or Minister for Foreign Affairs or by means of a note verbale or letter from the permanent mission in New York: Algeria, Bahrain, Iran (Islamic Republic of), Iraq, Libya, Mauritania, Oman, State of Palestine, Qatar, Syrian Arab Republic, and Tunisia.

(c) Credentials or other information concerning their representatives had not been received from the following seven members to the conference: Comoros, Djibouti, Israel, Lebanon, Somalia, and Sudan. The Secretariat received a note verbale from Lebanon (2 November 2021) informing of the composition of its delegation and the credentials would be sent in due course.

11. On the proposal of the Secretary-General of the Conference, the Conference agreed to accept the credentials of all the States referred to in paragraph 10 (a) and (b) above, on the understanding that the originals of the credentials of the representatives of those States referred to in paragraph 10 (b), as well as for the representatives of those States referred to in paragraph 10 (c), where applicable, would be submitted as soon as possible.

IV. General debate

12. The Conference commenced the general debate at its first meeting and continued the general debate at its second and third meetings. The Conference heard statements by representatives of Jordan, Bahrain, Lebanon, Saudi Arabia, Tunisia, the Islamic Republic of Iran, Iraq, Qatar, and Kuwait. At its second meeting, the Conference heard statements by the representatives of Mauritania, Algeria, the State of Palestine, the Syrian Arab Republic, and Egypt. At its third meeting, the Conference heard statements by the representatives of Morocco, Yemen, China, the United Kingdom of Great Britain and Northern Ireland, France, Russian Federation, Biological Weapons Convention - Implementation Support Unit, Organisation for the Prohibition of Chemical Weapons, and International Atomic Energy Agency.

V. Thematic debate

13. At its third, fourth and fifth meetings, the Conference held a thematic debate. Representatives of Members to the Conference exchanged preliminary views on topics noted as follows.

14. The structured thematic debate represented an important opportunity for the Members to the Conference to engage formally in a conference setting to exchange preliminary views in a systematic way on core issues related to the negotiation of a legally binding instrument on a Middle East zone free of nuclear weapons and other weapons of mass destruction in accordance with General Assembly decision 73/546.

15. The thematic debate was undertaken on the basis of an informal paper by the President, which contained a non-exhaustive list of issues, including Principles and objectives; Core obligations related to nuclear, chemical, and biological weapons, including verification; Transparency and security through implementation of the treaty; Definitions, clarifications, consultations and cooperation; Peaceful uses and international cooperation; Institutional arrangements, entry into force and dispute settlement; Protocols including security assurances; and other relevant issues. The deliberations proceeded with the understanding that any Member of the Conference may raise any additional topics for the thematic debate, and they may also supplement and consolidate their views on those issues at any time.

Principles and objectives of a Middle East zone free of nuclear weapons and other weapons of mass destruction

16. Primary objectives of the treaty should include enhancing regional and international peace and security through the complete elimination and prohibition of nuclear weapons and other weapons of mass destruction in the region of the Middle East.

17. The Middle East zone treaty should be established based on article VII of the Non-Proliferation Treaty (NPT), the Resolution on the Middle East, which was adopted as an integral part of the outcomes the 1995 NPT Review and Extension Conference; the relevant paragraphs from the final document of the 2010 NPT Review Conference; and on the basis on the guidelines adopted by the Disarmament Commission in its report of 30 April 1999 on establishing nuclear-weapon-free zones.

18. Members of the Conference reaffirmed the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, as reflected in the final document of the 2000 NPT Review Conference and stressed that the Resolution on the Middle East is an integral part of the package that led to the indefinite extension of the NPT during the1995 NPT. They urged all Members to the Conference and the three co-sponsors of the resolution to ensure its early implementation. They also called on all Members to the Conference and observers to take part in future sessions of the Conference on the establishment of the Middle East zone free of weapons of mass destruction and to contribute to the realization of its objective.

19. The obligations of all the Members to the treaty should be clearly defined and legally binding, and the Members to the treaty should fully comply with such obligations.

20. Nothing in the treaty shall be interpreted as affecting the inalienable right of all Members to the treaty to develop, research, produce, and use nuclear, chemical and biological materials, equipment and technology for peaceful purposes, in conformity with article IV of the Non-Proliferation Treaty, article XI of the Chemical Weapons Convention (CWC), and article X of the Biological and Weapons Convention (BWC). All Members to the treaty shall have the right to participate in the fullest possible exchange of equipment, materials, and scientific and technological information for the peaceful uses of nuclear, chemical, and biological materials, equipment and technology for peaceful purposes. Each Member's choices and decisions in the field of peaceful uses of nuclear, chemical, and biological materials, equipment and technology should be respected.

21. The treaty should recognize the catastrophic humanitarian and environmental consequences that would result from any use of nuclear, chemical, or biological weapons and the need to prevent such horrors from occurring again. It should also affirm that any use or threat of use by any state is unacceptable.

22. The preamble of the treaty could reaffirm support for the primary international treaties addressing weapons of mass destruction, such as the NPT, CWC, BWC.

23. A point was raised that that treaty should not be linked to the Middle East peace process.

Core obligations related to nuclear chemical and biological weapons, including verification

24. The treaty should include obligations for its Member not to research, develop, manufacture, test, stockpile, acquire, possess or have any control over nuclear weapons or any other nuclear explosive device, as well as any chemical or biological weapons; not seek or receive assistance in any of the above; nor to assist in or encourage such actions by any other party.

25. The treaty should include prohibitions on the development, production, stockpiling, testing, transfer, transit, receipt, storage, installation or any other form of possession of any nuclear weapon or nuclear explosive device, as well as other weapons of mass destruction on the territory of Members to the treaty or any territories under their jurisdiction. It was suggested that these prohibitions should also extend to the territorial sea or archipelagic waters of Members to the treaty.

26. It should also prohibit any transit of nuclear materials or other waste removed from nuclear weapons through the territory of Members to the treaty or any territories under their jurisdiction.

27. The treaty should also require Members to the treaty to prohibit and prevent in their respective the diversion of nuclear, chemical, and biological materials for prohibited military purposes.

28. It should also prohibit any transit through the territory of Members to the treaty or any territories under their jurisdiction of nuclear materials or other waste removed from nuclear weapons.

29. The treaty's provisions should be non-discriminatory and provide the same rights and obligations to each of its Members.

30. With respect to verification, the treaty should avoid duplicating other existing international arrangements and could rely on existing instruments, including the comprehensive safeguards of the International Atomic Energy Agency (IAEA) and the verification regime of the Organization for the Prohibition of Chemical Weapons.

31. It was also suggested that the Members to the treaty could consider a regional verification mechanism to supplement existing multilateral verification regimes.

32. The voluntary nature of the adherence to the Additional Protocol of the IAEA and that it cannot be considered as a condition for the supply of nuclear technology for peaceful purposes, was emphasized.

Definitions, clarifications, consultations and cooperation

33. The inclusion of clear definitions of key terms employed in the treaty and its protocols contributes to the effective implementation of a treaty.

34. The non-prohibited purposes should be clearly defined to include industrial, agricultural, research, medical, pharmaceutical, or any measures linked to the prevention of nuclear, chemical, or biological incidents.

35. With regard to the definition of the territory covered by the treaty, it was suggested that it cover all land holdings, internal waters, territorial seas, and archipelagic waters.

36. Clarification, consultation, and cooperation serve as effective tools that contribute to effective implementation.

Peaceful uses and international cooperation

37. It was emphasized that the treaty should uphold the right to develop and use nuclear, chemical, and biological materials, equipment, and technologies for peaceful purposes. This included the reaffirmation of the inalienable right of Members to the treaty to develop research, production and use of nuclear energy, as well chemical, biological materials, equipment and technology for peaceful purposes without discrimination.

38. The treaty should facilitate and provide for the fullest possible exchange of equipment, materials and scientific as well as technological information for peaceful uses. The point was made in this regard, that the treaty should actively promote the peaceful uses or nuclear energy, especially given the environmentally friendly nature of nuclear power.

39. It was emphasized that the application of comprehensive safeguard would not, in any way, hamper the legitimate peaceful uses or their developmental benefits or infringe on the sovereign decisions of Members to the treaty in this regard.

40. The treaty should promote the exchange of information and cooperation to ensure that nuclear, chemical, and biological materials and technologies do not fall into the hands of criminal organizations.

41. The treaty should emphasize the importance of peaceful uses of nuclear, chemical, and biological materials and technologies in fields such as industrial, agricultural, research, medical, pharmaceutical, or any measures linked to the prevention of nuclear, chemical or biological incidents, or any other peaceful uses that are proven to be essential.

42. The treaty could call on developed countries to play a key role in sharing their knowledge and exchange equipment, materials and scientific, as well as technological information for

peaceful uses.

43. The view was expressed that any measures imposed that would hinder civil cooperation projects with developing countries should be avoided, and that the treaty should ensure that, under no circumstances, would international cooperation on the peaceful use of nuclear energy and other related technologies be hindered, in accordance with art. IV of the NPT.

Institutional arrangements, entry into force, and dispute settlement

44. There were several proposals on the establishment and the functions of various bodies for the treaty, such as a Meeting of Members to the treaty, a Secretariat and Review Conference of the treaty. These bodies could oversee the implementation of the treaty, address cases of non-compliance, coordinate exchanges of information among Members to the treaty, and convene periodical sessions, as well as any other matters pursuant to and consistent with the provisions of the treaty.

45. The treaty should include the designation of a national authority that will act as a national focal point, which will be responsible for both national implementation as well as liaising with the treaty implementation body and other national focal points.

Protocols including negative security assurances

46. The treaty should be respected by and get the full cooperation of nuclear-weapon states. It should also include protocols containing legally binding obligations for nuclear-weapon states not to use or threaten to use nuclear weapons against Members to the treaty; not to deploy nor station nuclear weapons within the zone; and not to provide any assistance to any countries in any acts prohibited by the treaty.

Any other relevant issues

47. Treaty provisions should include peaceful settlement of disputes, amendments, duration, withdrawal, annexes, signature, ratification, accession, entry into force, reservations, depository, and authentic texts.

48. It was suggested that the treaty should remain in force indefinitely.

49. Based on lessons learned from other nuclear weapon-free zone treaties, it should establish a minimum period of notification of withdrawal of 12 months.

50. It was proposed that the Secretary-General of the United Nations should be designated as the depository of the treaty.

51. In addition to the deliberations reflected in the paragraphs above, the Conference agreed to continue its discussion on, but not limited to, the following issues:

a. Accession by Members to the Conference to relevant multilateral legal instruments related to weapons of mass destruction.
b. Conditions for entry into force of the treaty.
c. Verification mechanism for biological weapons.
d. Other verification measures and the Model Protocol Additional to the Agreement(s) Between State(s) and the International Atomic Energy Agency for the Application of Safeguards.
e. Unilateral Coercive Measures.
f. Secretariat of the treaty.
g. Depository of the treaty.

VI. Intersession work

52. The Conference adopted a decision on the work of the Conference during the intersessional period of the conference on the establishment of a Middle East Zone free of nuclear weapons and other weapons of mass destruction, as contained in document A/CONF.236/2021/DEC.3,

a. To establish, in accordance with the Rules of Procedure of the Conference, a working committee, on an informal basis, open to all Members to the Conference, to continue deliberations during the intersessional period between annual sessions of the Conference on the Establishment of a Middle East Zone Free of Nuclear Weapons and Other Weapons of Mass Destruction, on issues related to the mandate of the Conference as contained in General Assembly decision 73/546 based on the outcomes of each annual session of the Conference.
b. The working committee will be convened by the President of the Conference with the support of the Secretariat of the Conference, which will hold two meetings, at a minimum, during each intersessional period.
c. The working committee may decide to invite observers and experts to contribute to its work.
d. The working committee can decide to report on its work to the subsequent session of the Conference.

VII. Preparations for the third session

53. At its tenth meeting, the Conference decided that its third session would be held from 14 to 18 November 2022 at United Nations Headquarters.

54. The Conference agreed that the President, in consultation with Members to the Conference, should undertake efforts to prepare for the third session.

Section 3: Resolutions related to the Middle East

First Committee Resolution. Establishment of a nuclear-weapon-free zone in the region of the Middle East

A/C.1/76/L.1
[4 October 2021]

[Eds . . .]

1. Urges all parties directly concerned seriously to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and, as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. Calls upon all countries of the region that have not yet done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards;

3. Takes note of resolution GC(65)/RES/14, adopted on 23 September 2021 by the General Conference of the International Atomic Energy Agency at its sixty- fifth regular session, concerning the application of Agency safeguards in the Middle East;

4. Notes the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral Working Group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including the establishment of a nuclear-weapon-free zone;

5. Invites all countries of the region, pending the establishment of a nuclear- weapon-free zone in the region of the Middle East, to declare their support for establishing such a zone, consistent with paragraph 63 (d) of the Final Document of the Tenth Special Session of the General Assembly, and to deposit those declarations with the Security Council;

6. Also invites those countries, pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices;

7. Invites the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at

the same time to refrain from any action that runs counter to both the letter and the spirit of the present resolution;

8. Takes note of the report of the Secretary-General on the implementation of resolution 75/33;

9. Invites all parties to consider the appropriate means that may contribute towards the goal of general and complete disarmament and the establishment of a zone free of weapons of mass destruction in the region of the Middle East;

10. Requests the Secretary-General to continue to pursue consultations with the States of the region and other concerned States, in accordance with paragraph 7 of resolution 46/30 and taking into account the evolving situation in the region, and to seek from those States their views on the measures outlined in chapters III and IV of the study annexed to the report of the Secretary-General of 10 October 19904 or other relevant measures, in order to move towards the establishment of a nuclear- weapon-free zone in the region of the Middle East;

11. Also requests the Secretary-General to submit to the General Assembly at its seventy-seventh session a report on the implementation of the present resolution;

12. Decides to include in the provisional agenda of its seventy-seventh session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

First Committee Resolution. The risk of nuclear proliferation in the Middle East

A/C.1/76/L.2
[4 October 2021]

[Eds . . .]

1. *Recalls* the conclusions on the Middle East of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and calls for the speedy and full implementation of the commitments contained therein;

2. *Stresses* that the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995;

3. *Reiterates* that the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty remains valid until its goals and objectives are achieved;

4. *Calls for* immediate steps towards the full implementation of that resolution;

5. *Reaffirms* the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East;

6. *Calls upon* that State to accede to the Treaty without further delay, not to develop, produce, test or otherwise acquire nuclear weapons, to renounce possession of nuclear weapons and to place all its unsafeguarded nuclear facilities under full-scope Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;

7. *Requests* the Secretary-General to report to the General Assembly at its seventy-seventh session on the implementation of the present resolution;

8. *Decides* to include in the provisional agenda of its seventy-seventh session the item entitled "The risk of nuclear proliferation in the Middle East".

65th General Conference of IAEA Resolution, Application of IAEA safeguards in the Middle East

GC(65)/RES/14

September 2021

[Eds…]

1. Takes note of the Director General's report in document GC(65)/14;

2. Calls upon all States in the region to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

3. Calls upon all States in the region, to accede to and implement, all relevant nuclear disarmament and non-proliferation conventions, to fulfil in good faith international obligations and commitments relating to safeguards, and to cooperate fully with the IAEA within the framework of their respective obligations;

4. Affirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a NWFZ;

5. Calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region, and invites the countries concerned which have not yet done so to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region;

6. Further calls upon all States of the region, pending the establishment of the zone, not to pursue actions that would undermine the goal of establishing the zone, including developing, producing, testing or otherwise acquiring nuclear weapons;

7. Further calls upon all States in the region to take measures, including confidence-building and verification measures, aimed at establishing a NWFZ in the Middle East;

8. Urges all States to render assistance in the establishment of the zone and at the same time to refrain from any action that would hinder efforts aiming at its establishment;

9. Mindful of the importance of establishing the Middle East as a nuclear weapons free zone, and in this context, emphasizing the importance of establishing peace therein;

10. Requests the Director General to pursue further consultations with the States of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of a NWFZ in the region, referred to in resolution GC(XXXVII)/RES/627;

11. Calls upon all States in the region to extend their fullest cooperation to the Director General in the fulfilment of the tasks entrusted to him in the preceding paragraph;

12. Calls upon all other States, especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director General by facilitating the implementation of this resolution; and

13. Requests the Director General to submit to the Board of Governors and the General Conference at its sixty-sixth (2022) regular session a report on the implementation of this resolution and to include in the provisional agenda for that session an item entitled "Application of IAEA safeguards in the Middle East".

E– P5 Conferences on Confidence Building and Nuclear Disarmament (CBND)

Joint Statement on the First P5 Conference

[London, 2009]

The P5 states (China, France, Russia, UK and US) met in London on 3-4 September for a conference on confidence building measures towards disarmament and non-proliferation issues. After the conference they issued a statement reaffirming their commitment to all objectives of the Non-Proliferation Treaty.

The conference was originally proposed by the UK Defence Secretary at the Conference on Disarmament in February 2008 and was referred to by the UK Prime Minister, Gordon Brown, in a speech on 17 March 2009.

The P5 reaffirmed their commitment to all objectives of the Non-Proliferation Treaty and that we should advance on all fronts to achieve them. They reiterated their enduring commitment to the fulfilment of their obligations under Article VI of the NPT and noted that these obligations apply to all NPT States Parties. They stressed their intention to work with all States Parties to the NPT in creating the conditions to enable further progress under Article VI. They called upon on all non NPT States to work towards the same objective.

In a wide ranging discussion, the P5 considered the confidence-building, verification and compliance challenges associated with achieving further progress toward disarmament and non-proliferation, and steps to address those challenges. They looked at ways to increase mutual understanding by sharing definitions of nuclear terminology and information about their nuclear doctrines and capabilities. They made presentations on enhancing P5 strategic stability and building mutual confidence through voluntary transparency and other measures. They also considered the international challenges associated with responding to nuclear accidents and undertook to consider ways to co-operate to address these challenges.

Joint Statement on the Second P5 Conference

[Paris, 2011]

The P-5 met in Paris on 30 June – 1 July for their first follow-up meeting to the NPT Review Conference, with a view to considering progress on the commitments they made at this Conference, as well as to following up on the London Conference on Confidence Building Measures towards Nuclear Disarmament in September 2009.

They reaffirmed their unconditional support for the NPT, which remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, and for the peaceful uses of nuclear energy. They also reaffirmed the recommendations set out in the balanced Action Plan agreed in the Final Document of the 2010 NPT Review Conference, and called on all States Parties to the NPT to work together to advance its implementation.

They met with the determination to work together in pursuit of their shared goal of nuclear disarmament under Article VI of the NPT, including engagement on the steps outlined in Action 5, as well as reporting and other efforts called for in the 2010 Review Conference Action Plan. They called on all States, both States Parties and Non Parties, to contribute to this nuclear disarmament objective, including by ensuring that the international nuclear non-proliferation regime remains robust and reliable.

The P-5 continued their previous discussions on the issues of transparency and mutual confidence, including nuclear doctrine and capabilities, and of verification, recognizing such measures are important for establishing a firm foundation for further disarmament efforts. In order to increase efficiency of P-5 nuclear consultation, they approved to continue working on an agreed glossary of definitions for key nuclear terms and established a dedicated working group.

The P-5 discussed the particular political and technical challenges associated with verification in achieving further progress towards disarmament and ensuring non-proliferation. They shared information on their respective bilateral and multilateral experiences in verification. They will continue their discussion of this issue later this year at an expert-level meeting in London.

As a follow-up to the 2010 NPT RevCon discussions, the P-5 shared their views on how to respond to notifications of withdrawal from the Treaty, while recognizing the provisions of Article X. They also stressed the need for strengthening IAEA safeguards, including through promoting the adoption of the Additional Protocol and the reinforcement of IAEA's resources and capabilities for deterring and detecting non-compliance.

The P-5 States recalled their commitment to promote and ensure the swift entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) and its universalization. They called upon all States to uphold the moratorium on nuclear weapons-test explosions or any other nuclear explosion, and to refrain from acts that would defeat the objective and purpose of the treaty pending its entry into force. They reiterated their support for immediate commencement of negotiations at the Conference on Disarmament (CD) on a Fissile Material Cut-Off Treaty (FMCT) banning the production of fissile material for nuclear weapons or other nuclear explosive devices, including verification provisions. In order to sustain the potential of negotiations in the CD, the P-5 will, prior to the next United Nations General Assembly, renew their efforts with other relevant partners to promote such negotiations.

The P-5 welcomed the steps taken by the U.S., Russia and the UK towards holding a Conference on a Middle East WMD Free Zone (MEWMDFZ) in 2012.

The P-5 will follow on their discussions and hold a third P-5 Conference in the context of the next NPT Preparatory Committee.

Joint Statement on the Third P5 Conference

[Washington DC, 2012]

The five Nuclear Nonproliferation Treaty (NPT) nuclear-weapon states, or "P5," met in Washington on June 27-29, 2012, in the wake of the 2009 London and 2011 Paris P5 conferences to review progress towards fulfilling the commitments made at the 2010 NPT Review Conference, and to continue discussions on issues related to all three pillars of the NPT – nonproliferation, the peaceful uses of nuclear energy and disarmament, including confidence-building, transparency, and verification experiences.

The P5 reaffirmed their commitment to the shared goal of nuclear disarmament and emphasized the importance of working together in implementing the 2010 NPT Review Conference Action Plan. The P5 reviewed significant developments in the context of the NPT since the 2011 Paris P5 Conference. In particular, the P5 reviewed the outcome of the 2012 Preparatory Committee for the 2015 NPT Review Conference, continued their discussion of how to report on their relevant activities, and shared views, across all three pillars of the NPT, on objectives for the 2013 Preparatory Committee and the intersessional period. The 2012 PrepCom outcome included issuance of a P5 statement comprehensively addressing issues in all three pillars (NPT/CONF.2015/PC.I/12).

The P5 continued their previous discussions on the issues of transparency, mutual confidence, and verification, and considered proposals for a standard reporting form. The P5 recognize the importance of establishing a firm foundation for mutual confidence and further disarmament efforts, and the P5 will continue their discussions in multiple ways within the P5, with a view to reporting to the 2014 PrepCom, consistent with their commitments under Actions 5, 20, and 21 of the 2010 RevCon final document.

Participants received a briefing from the United States on U.S. activities at the Nevada National Security Site. This was offered with a view to demonstrate ideas for additional approaches to transparency.

Another unilateral measure was a tour of the U.S. Nuclear Risk Reduction Center located at the U.S. Department of State, where the P5 representatives have observed how the United States maintains a communications center to simultaneously implement notification regimes, including under the New Strategic Arms Reduction Treaty (New START), Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC), and Organization for Security and Co-operation in Europe (OSCE) Vienna Document.

The P5 agreed on the work plan for a P5 working group led by China, assigned to develop a glossary of definitions for key nuclear terms that will increase P5 mutual understanding and facilitate further P5 discussions on nuclear matters.

The P5 again shared information on their respective bilateral and multilateral experiences in verification, including information on the P5 expert level meeting hosted by the UK in April, at which the UK shared the outcomes and lessons from the UK-Norway Initiative disarmament verification research project. The P5 heard presentations on lessons learned from New START Treaty implementation, were given an overview of U.S.-UK verification work, and agreed to consider attending a follow-up P5 briefing on this work to be hosted by the United States.

As a further follow-up to the 2010 NPT Review Conference, the P5 shared their views on how to discourage abuse of the NPT withdrawal provision (Article X), and how to respond to notifications made consistent with the provisions of that article. The discussion included modalities under which NPT States Party could respond collectively and individually to a notification of withdrawal, including through arrangements regarding the disposition of equipment and materials acquired or derived under safeguards during NPT membership. The P5 agreed that states remain responsible under international law for violations of the Treaty committed prior to withdrawal.

The P5 underlined the fundamental importance of an effective International Atomic Energy Agency (IAEA) safeguards system in preventing nuclear proliferation and facilitating cooperation in the peaceful uses of nuclear energy. The P5 discussed concrete proposals for strengthening IAEA safeguards, including through promoting the universal adoption of the Additional Protocol; and the reinforcement of the IAEA's resources and capabilities for effective safeguards implementation, including verification of declarations by States.

The P5 reiterated their commitment to promote and ensure the swift entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and its universalization. The P5 reviewed progress in developing the CTBT's verification regime in all its aspects and efforts towards entry into force. Ways to enhance the momentum for completing the verification regime, including the on-site inspection component, were explored. The P5 called upon all States to uphold their national moratoria on nuclear weapons-test explosions or any other nuclear explosion, and to refrain from acts that would defeat the object and purpose of the Treaty pending its entry into force. The moratoria, though important, are not substitutes for legally binding obligations under the CTBT.

The P5 discussed ways to advance a mutual goal of achieving a legally binding, verifiable international ban on the production of fissile material for use in nuclear weapons. The P5 reiterated their support for the immediate start of negotiations on a treaty encompassing such a ban in the Conference on Disarmament (CD), building on CD/1864, and exchanged perspectives on ways to break the current impasse in the CD, including by continuing their efforts with other relevant partners to promote such negotiations within the CD.

The P5 remain concerned about serious challenges to the non-proliferation regime and in this connection, recalled their joint statement of May 3 at the Preparatory Committee of the NPT.

An exchange of views on how to support a successful conference in 2012 on a Middle East zone free of weapons of mass destruction was continued.

The P5 agreed to continue to meet at all appropriate levels on nuclear issues to further promote dialogue and mutual confidence. The P5 will follow on their discussions and hold a fourth P5 conference in the context of the next NPT Preparatory Committee.

Joint Statement on the Fourth P5 Conference

[Geneva, 2013]

The five Nuclear Non-Proliferation Treaty (NPT) nuclear-weapon states, or "P5," met in Geneva on April 18-19, 2013 under the chairmanship of the Russian Federation to build on the 2009 London, 2011 Paris, and 2012 Washington P5 conferences. The P5 reviewed progress towards fulfilling the commitments made at the 2010 NPT Review Conference, and continued discussions on issues related to all three pillars of the NPT – non-proliferation, the peaceful uses of nuclear energy, and disarmament, including confidence-building, transparency, and verification experiences. The P5 also had a positive exchange with representatives of civil society during the Geneva P5 Conference.

The P5 reaffirmed their commitment to the shared goal of nuclear disarmament and general and complete disarmament as provided for in Article VI of the NPT, and emphasized the importance of continuing to work together in implementing the 2010 NPT Review Conference Action Plan. The P5 reviewed the outcome of the 2012 Preparatory Committee for the 2015 NPT Review Conference, and significant developments in the context of the NPT since the 2012 Washington P5 Conference. They assessed issues relating to strategic stability and international security, and exchanged views concerning prospects for further steps to promote dialogue and mutual confidence in this area, including in a multilateral format.

In addition, the P5 welcomed a briefing by the Russian Federation and the United States on the ongoing implementation of the New START Treaty and its success to date. The P5 were also briefed by the Russian Federation and the United States on the joint 2012 inspection in Antarctica conducted pursuant to the Antarctic Treaty of 1959 and its Environmental Protocol. This joint inspection included verification that the international stations are implementing relevant environmental rules and that facilities are used only for peaceful purposes. The P5 shared views on objectives for the 2013 Preparatory Committee, the intersessional period thereafter, and looked ahead to the 2014 Preparatory Committee and 2015 Review Conference.

The P5 discussed the latest developments in the area of multilateral disarmament initiatives including the situation at the Conference on Disarmament. They expressed their shared disappointment that the Conference on Disarmament continues to be prevented from agreeing on a comprehensive program of work, including work on a legally binding, verifiable international ban on the production of fissile material (FMCT) for use in nuclear weapons, and discussed efforts to find a way forward in the Conference on Disarmament, including by continuing their efforts with other relevant partners to promote such negotiations within the CD. The P5 reiterated their support for the immediate start of negotiations on a treaty encompassing such a ban in the Conference on Disarmament. They noted the Group of Governmental Experts (GGE) on FMCT, and expressed the hope that its work will help spur negotiations in the Conference on Disarmament. The P5 reaffirmed the historic contribution of the pragmatic, step-by-step process to nuclear disarmament and stressed the continued validity of this proven route. In this context, they also emphasized their shared understanding of the serious consequences of nuclear weapon use and that the P5 would continue to give the highest priority to avoiding such contingencies.

The P5 advanced their previous discussions of an approach to reporting on their relevant activities across all three pillars of the NPT Action Plan at the 2014 NPT Preparatory Committee Meeting, consistent with the NPT Action Plan, and resolved to continue working on this issue under France's leadership. They plan to continue their discussions in multiple ways within the P5 with a view to reporting to the 2014 PrepCom, consistent with their commitments under Actions 5, 20, and 21 of the 2010 RevCon Final Document. They welcomed the progress made on the development of the P5 glossary of key nuclear terms under China's leadership and discussed next steps. They stressed the importance of this work, which will increase P5 mutual understanding and facilitate further P5 discussions on nuclear matters. The P5 reaffirmed their objective to submit a P5 glossary of key nuclear terms to the 2015 NPT Review Conference. The P5 are working toward the establishment of a firm foundation for mutual confidence and further disarmament efforts. They shared

further information on their respective bilateral and multilateral experiences in verification and resolved to continue such exchanges.

The P5 recalled their Joint Statement of 3 May 2012 at the Preparatory Committee of the NPT Review Conference and pledged to continue their efforts in different formats and at various international fora to find peaceful diplomatic solutions to the outstanding problems faced by the non-proliferation regime. They reiterated their call on the states concerned to fulfill without delay their international obligations under the appropriate UN Security Council resolutions, undertakings with the International Atomic Energy Agency (IAEA), and other appropriate international commitments. In the context of the nuclear test conducted by the DPRK on 12 February 2013 and the continued pursuit of certain nuclear activities by Iran, both contrary to the relevant UN Security Council resolutions and IAEA Board of Governors resolutions, the P5 reaffirmed their concerns about these serious challenges to the non-proliferation regime.

The P5 underlined the fundamental importance of an effective IAEA safeguards system in preventing nuclear proliferation and facilitating cooperation in the peaceful uses of nuclear energy. The P5 stressed the need for strengthening IAEA safeguards including through the promotion of the universal adoption of the Additional Protocol and the development of approaches to IAEA safeguards implementation based on objective state factors. They also discussed the role of the P5 in assisting the IAEA in cases involving possible detection of nuclear weapon programs in non-nuclear weapons states (NNWS) in conformity with the provisions of the NPT.

The P5 continued their previous discussions of efforts to achieve the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), and reviewed the recent UK-hosted P5 Experts Meeting on CTBT, at which the P5 identified a number of areas for future P5 collaboration and decided to pursue further intersessional work, in particular ahead of the Integrated Field Exercise in 2014. The P5 called upon all States to uphold their national moratoria on nuclear weapons-test explosions or any other nuclear explosions, and to refrain from acts that would defeat the object and purpose of the Treaty pending its entry into force.

The P5 shared their views on how to prevent abuse of NPT withdrawal (Article X). The discussion included modalities under which NPT States Party could respond collectively and individually to a notification of withdrawal, including through arrangements regarding the disposition of equipment and materials acquired or derived under safeguards during NPT membership. They resolved to make efforts to broaden consensus among NPT States Party on the latter issue at the 2014 PrepCom, thus making a further contribution to the NPT Review Process.

The P5 reiterated the importance of the implementation of the 2010 NPT Review Conference decisions related to the 1995 Resolution on the Middle East, in particular those related to the convening of a conference to be attended by all the States of the Middle East on the establishment of the Middle East zone free of nuclear weapons and all other weapons of mass destruction on the basis of arrangements freely arrived at by the states of the region. They underlined their support for all States concerned, making all efforts necessary for the preparation and convening of the Conference in the nearest future. They also reiterated their full support to the ongoing efforts of the facilitator.

The P5 reviewed their efforts to bring about the entry into force of the relevant legally binding protocols of nuclear-weapon-free zone treaties. They reaffirmed their view that establishment of such zones helps to build confidence between nuclear and non-nuclear weapon states, enhance regional and international security, and reinforce the NPT and the international nuclear non-proliferation regime. They reaffirmed their readiness to sign the Protocol to the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone as soon as possible. They underlined the importance of holding consultations, including on the margins of the Second PrepCom, with the States Party to the Treaty on a Nuclear Weapon-Free-Zone in Central Asia. They noted also the parallel declarations, adopted by the P5 and Mongolia concerning Mongolia's nuclear-weapon-free status, at the United Nations headquarters in New York on 17 September 2012.

The P5 pledged to continue to meet at all appropriate levels on nuclear issues to further promote dialogue and mutual confidence. The P5 plan to follow up their discussions and hold a fifth P5 conference in 2014.

Joint Statement on the Fifth P5 Conference

[Beijing, 2014]

1. The five Nuclear Non-Proliferation Treaty (NPT) nuclear-weapon states, or P5, met in Beijing on April 14-15, 2014, under the chairmanship of the People's Republic of China, to build on the 2009 London, 2011 Paris, 2012 Washington, and 2013 Russian-hosted Geneva P5 conferences. The P5 reviewed progress towards fulfilling the commitments made at the 2010 NPT Review Conference (RevCon), and continued discussions on issues related to all three pillars of the NPT – disarmament, nonproliferation, and the peaceful uses of nuclear energy. The P5 also had a useful discussion with representatives of civil society during the Conference.

2. The P5 reviewed significant developments at the 2013 Preparatory Committee (PrepCom) for the 2015 NPT Review Conference and in the context of the NPT since the 2013 Geneva P5 Conference. The P5 reaffirmed that the NPT remains the essential cornerstone for the nuclear nonproliferation regime and the foundation for the pursuit of nuclear disarmament, and they remain committed to strengthening the NPT. They emphasized the importance of continuing to work together in implementing the Action Plan adopted by consensus at the 2010 NPT Review Conference, and reaffirmed their commitment to the shared goal of nuclear disarmament and general and complete disarmament as provided for in Article VI of the NPT. The P5 intend to continue to seek progress on the step-by-step approach to nuclear disarmament, which is the only practical path to achieving a world without nuclear weapons and in keeping with our NPT obligations.

3. The P5 intend to strengthen P5 engagement to advance progress on NPT obligations and 2010 NPT Review Conference Action Plan commitments. The P5 advanced their previous discussions on the issues of transparency, confidence-building, and verification, and welcomed the achievement under France's leadership of P5 consensus on a reporting framework. They introduced to each other their national reports consistent with this reporting framework and Actions 5, 20, and 21 of the 2010 NPT RevCon Final Document, with a view to reporting to the 2014 PrepCom. They encourage other NPT States Party to submit reports, consistent with Action 20 of the NPT RevCon Final Document.

4. The P5 reviewed the work carried out by the Working Group on the Glossary of Key Nuclear Terms under China's leadership, and in this regard, noted the success of the Second Experts' Meeting of the Working Group held on 26-27 September 2013, in Beijing, which established milestones for the completion of the first phase of the Glossary effort for the 2015 RevCon. The progress made in this effort provides a solid foundation for the Working Group to submit its outcome on the terms currently under discussion to the 2015 NPT Review Conference. The P5 stressed again the importance of this work, which is increasing mutual understanding and will facilitate further P5 discussions beyond 2015 on nuclear issues.

5. The P5 had an exchange of views on their nuclear doctrines, strategic stability, and international security from their individual country perspectives to gain better understanding and build strategic trust. They also discussed the importance of verification in achieving progress towards further disarmament and ensuring the success of nonproliferation efforts. The P5 welcomed briefings by the Russian Federation and the United States on aspects of the New START Treaty's implementation, as well as on implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly-Enriched Uranium Extracted From Nuclear Weapons, signed in Washington, D.C. on 18 February 1993, and its related Protocol on HEU Transparency Arrangements. The P5 shared further information on their respective experiences in verification and resolved to continue such exchanges.

6. The P5 visited the Chinese National Data Centre for the implementation of the Comprehensive Nuclear Test-Ban Treaty (CTBT), as an endeavor to enhance transparency and mutual understanding. They recalled their commitment in the 2010 NPT RevCon Final Document to promote and take concrete steps towards early entry into force of the CTBT and its universalization. They called upon all States to uphold their national moratoria on nuclear weapons-test explosions or any other nuclear explosions, and to refrain from acts that would defeat the object and purpose of the treaty pending its entry into force. The P5 intend to continue their cooperative work to strengthen the CTBT verification regime. The P5 confirmed their support for the ad referendum arrangement for collaborative work by their CTBT technical experts towards improved critical on-site inspection techniques and technology.

7. The P5 supported efforts to revitalize the Conference on Disarmament (CD) and continue to be concerned with the impasse at the CD. They discussed efforts to find a way forward in the CD and reiterated their support for a comprehensive program of work, which includes the immediate start of negotiations in the CD on a legally binding, verifiable international ban on the production of fissile material (Fissile Material Cut-off Treaty or FMCT) for use in nuclear weapons or other nuclear explosive devices on the basis of CD/1299 and the mandate contained therein. The P5 participated fully in the first session of the UN Group of Governmental Experts (GGE) on FMCT, established in UNGA/A/RES/67/53, and look forward to further engagement in this group.

8. In reaffirming the historic contribution of the pragmatic, step-by-step process to nuclear disarmament and stressing the continued validity of this proven route, the P5 also emphasized their shared understanding of the severe consequences of nuclear weapon use and their resolve to continue to give the highest priority to avoiding such contingencies, which is in the interests of all nations.

9. The P5 shared their views on topical proliferation issues and remain concerned about serious challenges to the nonproliferation regime. They pledged to continue their efforts in different formats and at various international fora to find peaceful diplomatic solutions to the outstanding issues faced by the nonproliferation regime. As they did previously, and looking ahead to the 2014 PrepCom, they called on the states concerned to fulfill without delay their international obligations under the appropriate UN Security Council resolutions, undertakings with the IAEA and other appropriate international commitments.

10. The P5 shared their views on how to prevent abuse of NPT withdrawal (Article X). They resolved to make efforts to broaden consensus among NPT States Party on the withdrawal issue at the 2014 PrepCom, thus making a further contribution to the NPT Review Process.

11. The P5 reviewed their efforts to bring about the entry into force of the relevant legally binding protocols of nuclear-weapon-free zone treaties as soon as possible. They also reiterated their support for the early convening of a conference, to be attended by all the States of the Middle East, on the establishment of the Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region.

12. The P5 discussed issues related to strengthening the International Atomic Energy Agency (IAEA) safeguards system. They stressed the need for strengthening IAEA safeguards including through the promotion of the universal adoption of the Additional Protocol and the development of approaches to IAEA safeguards implementation based on objective state factors. The P5 also discussed the role of the nuclear-weapon-states, in conformity with the provisions of the NPT, in assisting the IAEA in cases involving possible detection of nuclear weapon programs in non-nuclear weapon states.

13. The P5 noted that they are now more engaged than ever in regular interactions on disarmament, arms control, and nonproliferation issues. The P5 pledged to continue to meet at all appropriate levels on nuclear issues to further promote dialogue and mutual confidence. In addition to meeting at all appropriate levels, the P5 intend to hold a sixth P5 conference. The P5 welcomed the offer by the United Kingdom to host this conference in London in 2015.

Joint Statement on the Sixth P5 Conference

[London, 2015]

The Nuclear Non-Proliferation Treaty (NPT) Nuclear-Weapon States (NWS), or P5, met in London, 4-5 February 2015, for the sixth P5 Conference to review progress towards fulfilling the commitments made at the 2010 NPT Review Conference and to discuss the next steps for the P5 Process. In particular the P5 considered the implementation of the 2010 Action Plan adopted by consensus as a roadmap for long term action. The P5 also considered a wide array of issues related to and steps towards making progress on all three pillars of the NPT: disarmament, non-proliferation and the peaceful uses of nuclear energy. In addition, the P5 had constructive and productive discussions with a number of non-nuclear-weapon states and civil society representatives.

In reaffirming their commitment towards achieving a world without nuclear weapons in accordance with the goals of the NPT, the P5 reflected on the contribution that the P5 Process has made in developing the mutual confidence and transparency among the P5 that is essential to make progress towards multilateral nuclear disarmament. At the start of the second cycle of the process, all of the P5 noted the value of having an established dialogue, with each P5 state having now hosted a conference at least once. They welcomed how each conference had built on the success of the last and the increasing amount of intersessional work on issues such as the Comprehensive Nuclear-Test-Ban Treaty, the achievement of P5 consensus on a common reporting framework and the Glossary of Key Nuclear Terms, which have all contributed towards the implementation of the 2010 Action Plan.

At their 2015 Conference the P5 restated their belief that the Nuclear Non-Proliferation Treaty remains the essential cornerstone for the nuclear non-proliferation regime and the foundation for the pursuit of nuclear disarmament, and is an essential contribution to international security and stability. They reviewed the NPT Preparatory Committee process over the course of this Review Cycle and considered the upcoming 2015 Review Conference, where the P5 intend to make a joint statement. The P5 looked forward to working with all States Parties to the NPT to ensure a positive outcome to the Review Conference that is balanced across the three mutually reinforcing pillars.

The P5 reaffirmed that a step-by-step approach to nuclear disarmament that promotes international stability, peace and undiminished and increased security for all remains the only realistic and practical route to achieving a world without nuclear weapons. To this end, the P5 discussed issues related to international security and strategic stability and their nuclear doctrines in order to enhance mutual understanding in these areas. This included updates on New START implementation and the verification experiences of both the Russian Federation and the United States in relation to the New START Treaty. It was noted that, since the entry into force of the NPT, the step-by-step approach has already dramatically reduced the number of nuclear weapons held by the NWS from their Cold War peak. The P5 all reaffirmed the importance of full compliance with existing, legally-binding arms control, nonproliferation, and disarmament agreements and obligations as an essential element of international peace and security.

The P5 stressed that addressing further prospects for nuclear disarmament would require taking into account all factors that could affect global strategic stability. In doing so they stressed the importance of engaging in frank and constructive dialogue to that end.

The P5 reiterated their shared understanding about the severe consequences of nuclear weapon use and underlined their resolve to prevent such an occurrence from happening. They also reaffirmed their commitment to existing security assurances regarding the use, or threat of use, of nuclear weapons, including, in accordance with UNSCR 984 (1995), their readiness to assist non-nuclear-weapon States Parties to the NPT that may become the victims of a nuclear attack (terrorist or otherwise).

The P5 discussed efforts to achieve entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and recalled their commitment in the 2010 NPT Review Conference Final Document to promote and take concrete steps towards early entry

into force of the CTBT and its universalization. They called upon all states to uphold national moratoria on conducting any nuclear explosion. It was noted that all members of the P5 have such a voluntary moratorium in place. P5 collaboration on improving and maintaining the International Monitoring System was reviewed. The P5 intend to release a joint statement on minimizing the impact of medical isotope production on the International Monitoring System. Further, particular note was made of the successful completion of the Integrated Field Exercise 2014 in Jordan, to which all members of the P5 contributed equipment, personnel and effort. The P5 decided to continue regular technical meetings aimed at enhancing the verification regime and to hold a workshop on data quality objectives for radionuclide measurements for on-site inspections.

The P5 reiterated their full support for the United Nation's disarmament machinery, including the Conference on Disarmament (CD), and the Disarmament Commission. Whilst there was shared disappointment over the long-standing lack of consensus on a Programme of Work in the CD, the P5 welcomed the increased activity of the CD in its 2014 session and in particular informal substantive discussions held on all CD agenda items under the Schedule of Activities and the efforts of the Informal Working Group which sought to produce a Programme of Work robust in substance and progressive over time in implementation. The P5 discussed efforts to find a way forward in the CD and reiterated their support for a comprehensive and balanced Programme of Work which includes the immediate start of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices (Fissile Material Cut-off Treaty (FMCT)) on the basis of CD/1299 and the mandate contained therein. The P5 stressed in this regard the importance of the ongoing discussions of the Group of Governmental Experts established by United Nations General Assembly Resolution 67/53.

The P5 also decided that they should increasingly engage with the wider disarmament community. To this end, a number of non-nuclear-weapon states were invited, for the first time, to a briefing and discussion session as part of the P5 Conference. The P5 delivered a briefing on the Conference before discussing a number of NPT-related matters in greater depth and expressed their desire to continue such discussions when preparing for the important steps of the next review cycle, building on the increased engagement that has taken place in recent months with the NNWS. In addition to this an outreach event was organised in conjunction with Chatham House, providing civil society the opportunity to engage with the P5.

The P5 co-operative work featured heavily during the discussions and progress was made on the Glossary of Key Nuclear Terms. The P5 announced their intention to release the first edition for the Ninth Review Conference. The P5 intend to revise and update the Glossary as appropriate in due course.

The P5 received updates on a variety of bilateral and multilateral projects regarding disarmament verification, including from some P5 members.

The P5 reiterated the need to find peaceful and diplomatic solutions to challenges to the non-proliferation regime. The P5 welcome the ongoing diplomatic process between the Islamic Republic of Iran and the P5+1, and highlighted their continued commitment to negotiations on a comprehensive settlement that would guarantee the exclusively peaceful nature of Iran's programme. Regarding the interaction between the International Atomic Energy Agency (IAEA) and Iran, they noted the urgent need for full co-operation in order to resolve all outstanding issues, including those related to possible military dimensions. Additionally, the P5 stressed their resolve for a diplomatic resolution to the nuclear issue on the Korean Peninsula so as to achieve its complete, verifiable and irreversible denuclearization in accordance with the 19 September 2005 Joint Statement of the Six-Party Talks.

The P5 stressed the importance of maintaining and strengthening the IAEA's safeguards system. Discussions covered matters such as the universalisation of the Additional Protocol.

In discussing nuclear-weapon-free zones, the P5 welcomed the signing of the Protocol to the Treaty on the Central Asia Nuclear Weapon Free Zone in 2014 and its subsequent ratification by France and the UK, and noted the relevant efforts by others to bring about the Protocol's entry into force. The P5 also expressed hope that progress would be made on the signature of the Protocol to the South East Asian Nuclear Weapon Free Zone Treaty, and encouraged the parties to that Treaty to continue to engage constructively in order to find solutions to outstanding issues. Furthermore, the P5 reaffirmed their full support for the efforts of the facilitator and co-conveners in holding a conference on establishing a weapons of mass destruction free zone in the Middle East, and urged all states of the region to redouble their efforts to reach consensus on arrangements so that a conference could be convened.

The P5 continued their discussion on the issue of withdrawal from the NPT. Whilst noting that every State Party has the right to withdraw under the provisions of Article X.1, the P5 expressed the hope that the Review Conference would reach consensus on recommendations concerning potential abuse of the exercise of the right of withdrawal.

The P5 reviewed actions by each of the P5 to promote the peaceful uses of nuclear energy by States Parties to the NPT in conformity with Articles I, II, and III of the NPT, and reaffirmed their support for the programs of the IAEA in this area, including the Technical Cooperation Programme.

The NWS looked forward to continuing their dialogue in order to make progress on NPT obligations. The P5 welcomed France's generous offer to host the next P5 Conference. They looked forward to a consensual, balanced outcome to the 2015 Review Conference, which would do much to enhance the P5's continuing efforts to strengthen the NPT.

Joint Statement on the Seventh P5 Conference

[Washington DC, 15 September 2016]

1. As Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America met in Washington, D.C., 14-15 September 2016, for the seventh P5 Conference to demonstrate continued commitment to the NPT, and to review progress made on nuclear disarmament, nonproliferation, and peaceful uses of nuclear energy including in fulfilling commitments made at the 2010 NPT Review Conference. The P5 reaffirmed the ongoing relevance of all provisions of the Action Plan adopted by consensus at the 2010 NPT Review Conference that remains an indispensable roadmap for the implementation of all the three pillars of the NPT. The P5 took stock of the 2015 NPT Review Conference and discussed ways to enhance prospects for the 2020 NPT Review Cycle. The P5 look forward to working with all States Parties to the NPT to ensure a positive outcome to the 2020 NPT Review Cycle.

2. The P5 recognized the considerable progress made together through the P5 process since the first such conference in 2009 and reaffirmed the value of this format for fostering dialogue, transparency, and cooperation among Nuclear Weapons States (NWS) and with international partners. The development of a common reporting framework for the 2015 NPT Review cycle, the work of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) Experts Group, and the publishing of a Glossary of Key Nuclear Terms provide a sound foundation for further cooperative work. They resolved to continue working together through the P5 process to make further progress during the 2020 NPT Review Cycle.

3. The P5 reaffirmed that the NPT remains the cornerstone of the international nuclear nonproliferation regime, a framework for expanding the peaceful uses of nuclear energy amongst States Parties to the Treaty, and the foundation for the collective pursuit of nuclear disarmament. The P5 committed to working together and with other States Parties to strengthen in a balanced and effective

manner each of the NPT's mutually reinforcing pillars – disarmament, nonproliferation, and the peaceful uses of nuclear energy. The P5 reaffirmed that the preservation of the integrity of the NPT, achieving its universality and its strict implementation are essential to regional and international peace and security.

4. At their 2016 Conference, the P5 reaffirmed the shared goal of and commitment to nuclear disarmament and general and complete disarmament, as referenced in the preamble and provided for in Article VI of the NPT. The P5 restated their steadfast commitment to seeking a safer world for all and achieving a world without nuclear weapons, in accordance with the goals of the NPT. We continue to pursue a progressive step by step approach towards this end, in a way that promotes international stability, peace, and security, and based on the principle of increased and undiminished security for all. We continue to believe that this approach is the only practical way to make progress toward nuclear disarmament while enhancing international peace and stability, and is the only realistic way to achieve a world without nuclear weapons. The P5 stressed that addressing further prospects for nuclear disarmament would require taking into account all factors that could affect global strategic stability. The P5 all reaffirmed the importance of full compliance with existing, legally-binding arms control, nonproliferation, and disarmament agreements and obligations as an essential element of international peace and security.

5. The P5 expressed their deep concern with efforts to pursue approaches to nuclear disarmament that disregard the global strategic context. Such efforts will threaten the consensus-based approach that has served for decades to strengthen the NPT regime and enhance the Treaty's contribution to international security and may negatively affect the prospects for consensus at future NPT Review Conferences. The P5 reiterated a call upon all members of the international community to engage in an open and constructive dialogue on nuclear disarmament, international security, and stability issues that is inclusive of all states and focused on practical measures leading to a world without nuclear weapons and other weapons of mass destruction.

6. The P5 reiterated their full support for the United Nations' disarmament machinery, including the Conference on Disarmament (CD), and the Disarmament Commission. While noting their disappointment at the long-standing lack of consensus on a Program of Work in the CD, the P5 acknowledged creative efforts to find a compromise during the 2016 session and discussed a number of proposals towards that end. In this regard, the P5 reaffirm their support and readiness to explore all of the options to get the CD back to work, taking into account all previous proposals and agreements amongst themselves and bearing in mind the 2010 NPT Action Plan.

7. The P5 reaffirmed that, as stated in UN Security Council Resolution 1887 (2009), the proliferation of weapons of mass destruction and their means of delivery constitutes a threat to international peace and security. They reaffirmed that all NPT States Parties must ensure strict compliance with their nonproliferation obligations under the NPT. The P5 remained deeply concerned by the challenge that non-compliance by States Parties poses to the integrity of the NPT and emphasize the role of the UN Security Council in determining if such situations constitute a threat to international peace and security. The P5 emphasized the Security Council's primary responsibility in addressing such threats. The P5 reiterated the importance of seeking peaceful and diplomatic solutions to the challenges facing the non-proliferation regime. They also noted the need to further strengthen the International Atomic Energy Agency (IAEA) safeguards system, including the universalization of the Additional Protocol.

8. They strongly condemned the January 6 and September 9 2016 nuclear tests, and the continued ballistic missile tests and ballistic missile launches carried out by the Democratic People's Republic of Korea, in violation of its obligations pursuant to relevant UN Security Council resolutions and in contravention of its commitments under the September 19, 2005 Joint Statement of the Six-Party Talks. The P5 recalled the press statement of the UN Security Council on September 9, 2016. The P5 reiterated the importance of maintaining peace and stability on the Korean Peninsula and in North-East Asia at large. The P5 reaffirmed their commitment to the full implementation of the 2005 Joint Statement of the Six-Party Talks, and urged the DPRK to respond to diplomatic efforts aimed at the eventual resumption of the Six-Party Talks and achieving complete, verifiable, and irreversible denuclearization of the Korean Peninsula in a peaceful manner. They stressed the importance of working to reduce tensions in the Korean Peninsula.

9. They also welcomed and reaffirmed their commitment to the full implementation of the Joint Comprehensive Plan of Action (JCPOA) endorsed by the UN Security Council Resolution 2231. Successful implementation of this JCPOA will ensure that Iran's nuclear program is and remains exclusively peaceful and will enable Iran to fully enjoy its right to nuclear energy for peaceful purposes as recognized in the relevant articles of the NPT in line with its obligations therein. They called for full implementation of all commitments pursuant to the JCPOA. They expressed their strong support for the IAEA's essential and independent role.

10. The P5 noted that global stocks of nuclear weapons are now at their lowest point in over half a century as the result of unprecedented efforts on the part of nuclear weapon states. They further underlined the need to pursue further efforts in the sphere of nuclear disarmament and general and complete disarmament in accordance with the Preamble and Article VI of the NPT and in a way that promotes international security and stability and taking into account all factors that could affect strategic stability.

11. The P5 discussed global strategic stability and their respective nuclear doctrines. In their shared effort to strengthen international peace and security and to address further prospects for nuclear disarmament, they stressed their readiness to engage in frank and constructive dialogue that takes into account all factors that could affect global strategic stability. The P5 also decided to seek enhanced international understanding of the role of nuclear weapons in the overall international security environment.

12. The P5 noted that 2016 marks twenty years since the opening for signature of the CTBT, and reiterated their commitment in the 2010 NPT Review Conference Final Document to promote and take concrete steps toward early entry into force and universalization of the Treaty. They called upon all states to uphold national moratoria on conducting nuclear weapon test explosion or any other nuclear explosion pending entry-into-force of the CTBT. The P5 reviewed efforts to build and maintain the International Monitoring System (IMS), supported by the International Data Centre (IDC), as well as a strong On-site Inspection (OSI) regime.

13. The P5 reviewed various areas of cooperation and reaffirmed their shared commitment to broaden and deepen dialogue and cooperation. The P5 decided to undertake further activities on the Glossary of Key Nuclear Terms. The P5 also reaffirmed the value of continuing regular meetings of technical experts to promote completion of the CTBT's verification regime and enhance its effectiveness. The P5 also decided to support and encourage dialogue among academic experts and scientists on mutually agreed issues related to international security and stability, nuclear non-proliferation, nuclear disarmament and peaceful uses of nuclear energy. The P5 decided to pursue further interaction and dialogue with non-nuclear weapon States in various multilateral formats. They shared further information on their respective bilateral and multilateral experiences in verification and resolved to continue such exchanges.

14. The P5 reiterated their common understanding of the severe consequences of use of nuclear weapons. They underscored their resolve to prevent such an occurrence from happening. They further reaffirmed their commitment to existing security assurances regarding the use, or threat of use, of nuclear weapons and recalled their statements on negative and positive security assurances as noted in UN Security Council Resolution 984 (1995), and as revised since then. The P5 intend to continue to exchange views on the issue.

15. The P5 reaffirmed the protocols to existing Nuclear-Weapon-Free-Zone treaties as an important mechanism for providing legally binding negative security assurances and recalled their signature of the Protocol to the Central Asia Nuclear Weapon Free Zone Treaty in 2014 and their readiness to sign the protocol to the Southeast Asia Nuclear-Weapon-Free Zone at the soonest possible time. They reiterated the importance of the 1995 NPT Review Conference Resolution on the Middle East and underlined their readiness to undertake efforts, including with states in the region, aimed at its implementation. The P5 underscored the need

for renewed engagement among the states in the region in order to convene an initial conference on a Middle East Zone free of all weapons of mass destruction and their means of delivery.

16. The P5 underscored their commitment to prevent nuclear terrorism and their support for measures to strengthen overall nuclear security. They recalled the series of Nuclear Security Summits. Welcoming the entry into force of the Amendment to the Convention on the Physical Protection of Nuclear Material in May 2016, they renewed their support to the universalization of the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities as well as of the International Convention for the Suppression of Acts of Nuclear Terrorism. They reaffirmed their support for relevant international organizations such as the United Nations, IAEA, and INTERPOL as well as international initiatives such as the Global Initiative to Combat Nuclear Terrorism. They also further reaffirmed the central role of the IAEA in international cooperation in the area of nuclear security and expressed support for the international conference on nuclear security to be held in Vienna on December 5-9, 2016.

17. The P5 remain steadfast in their commitment to broaden access of NPT States Parties to peaceful uses of nuclear energy, and they reiterated the right of NPT States Parties to pursue the peaceful use of nuclear energy without discrimination and in conformity with their nonproliferation obligations and highest standards of nuclear safety and security. The P5 noted their extensive support for international cooperation, both bilaterally and multilaterally, on peaceful use, including the IAEA Technical Cooperation Program and multiple initiatives to strengthen IAEA programs in these areas as appropriate. They welcomed the progress in establishing the IAEA low-enriched uranium (LEU) bank in Kazakhstan and expressed their continuing support for the IAEA LEU Reserve in Angarsk (Russia), the American Assured Fuel Supply, and the UK Assurance of Supply of Enrichment Services. They affirmed that these initiatives pave the way for the assured access to nuclear fuel, which promote sustainable development and energy security and benefit all NPT States Parties.

18. The P5 welcomed France's plans to host the next Conference in 2017.

P5 Statement on The Comprehensive Nuclear-Test-Ban Treaty (CTBT)

15 September 2016

Our commitment to nuclear disarmament extends to efforts to bring the Comprehensive Nuclear- Test-Ban Treaty (CTBT) into force at an early date. We welcome that 183 States have signed the treaty and 166 States have ratified the Treaty, including several nuclear weapons States. We pledge to strive for the Treaty's early ratification and prompt entry into force and urge all states that have not done so to sign and ratify the treaty. We take this opportunity to reaffirm our own moratoria on nuclear weapons test explosions or any other nuclear explosions pending the CTBT's entry into force, as such moratoria are an example of responsible international behavior that contributes to international peace and stability, while stressing that such moratoria do not have the same permanent legally binding effect as entry into force. We call on other states to do likewise, recognizing that a nuclear-weapon test explosion or any other nuclear explosion would defeat the object and purpose of the CTBT.

The CTBT constrains the development and qualitative improvement of nuclear weapons and thereby provides an effective disarmament and nonproliferation measure. We further note that our nuclear stockpile maintenance and stewardship programs are consistent with NPT and CTBT objectives. We emphasize the very substantial efforts made in achieving the cessation of the nuclear arms race as called for in Article VI of the NPT and affirm our intention never to engage in such an arms race.

We are working closely with the Preparatory Commission for the CTBT Organization in Vienna on the development of the Treaty's verification regime, including its International Monitoring System, International Data Centre, and On-Site Inspection, while recognizing the high effectiveness and reliability of this regime to date, the Preparatory Commission is currently operating the IMS and IDC, and their respective means of communication, on a testing and provisional basis. We continue to contribute extensively to the development of the Treaty's on-site inspection element, supplying personnel, equipment, and research. This has been in addition to our long standing efforts to reinforce the organization's detection capability through contributions in-kind, equipment transfers, and expert participation in Working Groups. We also call for all signatories to support efforts to complete the necessary preparation for the effective implementation of the CTBT's verification regime, on its entry into force.

Briefing on P5 Beijing Conference by Ambassador LI Song to the Conference on Disarmament

5 February 2019

On 30th of January, China, France, Russia, the United Kingdom and the United States, or the P5, held the 8th formal P5 Conference in Beijing. It is the first time over the past two years that the P5 has held a formal conference. The conference was presided over by H.E. Mr. Zhang Jun, Assistant Minister of Foreign Affairs of China, Deputy Minister Sergey Ryabkov of Russia, Under Secretary of State Andrea Thompson of the United States, Director for Strategic Affairs, Security and Disarmament Mr. Nicolas Roche of France, Mr. Philip Barton, Director General for Consular and Security, Foreign and Commonwealth Office of the United Kingdom, Ambassador Wood, Ambassador Liddle, Ambassador Fu Cong, who is now Director General of the Department of Arms Control and Disarmament of the Chinese Foreign Ministry, and myself participated in this conference. Focusing on the theme of "Strengthening the P5 Coordination and Safeguarding the NPT Regime", we had a candid and in-depth exchange of views on nuclear policies and doctrines, nuclear disarmament, nuclear non-proliferation and other issues. Since China was hosting this conference in its capacity of the coordinator of the P5,1 have the pleasure to share with distinguished colleagues the following important consensus we reached during the Beijing Conference.

First, the P5 undertook to jointly fulfilling the responsibility of maintaining international peace and security. The P5 recognized that the current international security environment is facing severe challenges, and maintaining sound relations with each other is of crucial importance to global strategic issues. The P5 agreed to have an objective assessment of each other's strategic intentions, enhance dialogue on nuclear policies and doctrines, promote strategic trust and common security, and make utmost efforts to prevent nuclear risks, in particular resulting from miscalculation and misperception. The P5 also recalled the importance of

maintaining the existing international arms control architecture, emphasized the importance of compliance with all international arms control agreements, and reaffirmed their commitment to existing negative and positive security assurances. The P5 expressed their readiness to renew engagement with the parties to the Southeast Asia Nuclear-Weapon-Free Zone Treaty, and continue to work towards the establishment of a Middle East Zone free of nuclear weapons and other weapons of mass destruction.

Second, the P5 undertook to jointly safeguard the NPT regime. The P5 emphasized that the NPT constitutes the cornerstone of the nuclear non-proliferation regime as part of the international security architecture, and reiterated their commitment to abiding by all provisions of the NPT and promoting its universality. The P5 agreed to work to make the international security environment more conducive to further progress on nuclear disarmament, and to achieve a world without nuclear weapons with undiminished security for all, through a gradual approach. The P5 hold the view that the TPNW contradicts, and risks undermining the NPT, and reaffirmed their opposition to the TPNW. The P5 undertook to make maximum efforts in seeking peaceful and diplomatic solutions to the challenges facing the nuclear non-proliferation

regime, and support the IAEA to strengthen the safeguards system within its mandate. The P5 will promote international cooperation on the peaceful uses of nuclear energy, and enhance coordination and cooperation on nuclear safety and nuclear security. As previously agreed, the P5 reiterated their commitment to submitting their respective national implementation reports by the 2020 NPT Review Conference, and to working together to make the Review Conference a success.

Third, the P5 agreed to enhance coordination and dialogue through the P5 process. At present, the international security situation is undergoing complex and profound change. Interaction among major countries has a bearing on the international security environment, the evolution of the international order and the confidence of the international community. The P5 agreed to maintain their strategic dialogue on nuclear policies and doctrines, strengthen their coordination in the NPT review process, and in this regard to explore follow-up measures through Ambassador of Disarmament in Geneva. The P5 will continue to call upon all members of the international community to engage in an open and constructive dialogue. The P5 reaffirmed their support to China to lead the efforts to advance the work of the second phase of the P5 Working Group on the Glossary of Key Nuclear Terms. The P5 welcomed the offer by the UK to host the next formal P5 Conference in 2020. The P5 is also proactive in having open and constructive dialogue with the international community. On 31 January, the P5 had a dialogue in Beijing with representatives from international academia, the media and embassies of some non-nuclear-weapon states. My briefing here today is also a new attempt to this end. The P5 stand ready to further interact with the international community in various venues, particularly under the framework of the NPT.

As the permanent members of the UN Security Council and the nuclear-weapon states recognized by the NPT, the P5, despite some differences on specific issues, were able to have an in-depth exchange of views in the spirit of mutual respect and in a frank and pragmatic manner, reached consensus on many issues, and identify the direction for future cooperation. This demonstrates the positive attitudes taken by the major countries to address international security challenges through cooperation and coordination, thus reinforcing the international community's positive outlook on the international security environment.

In conclusion, I would like to thank the other P5 countries for their support and cooperation in making the Beijing Conference a success. China will continue to work with the other P5 countries in building consensus and managing differences in the field of strategic security, and call for major-country coordination to replace major-country competition, and win-win cooperation to replace zero-sum game, so as to make positive contributions to world peace and stability.

Statement by UK to the Conference on Disarmament on the P5 process

21 February 2020

The five Nuclear Non-Proliferation Treaty (NPT) nuclear weapon states, or "P5", met in London on 12-13 February 2020 for the ninth P5 Conference, to discuss the preparations for the 2020 NPT Review Conference.

They welcomed the confirmation of Gustavo Zlauvinen of Argentina as President-designate of the Review Conference, and had a fruitful exchange of views with him and the other members of the Bureau, Ambassador Syed Hasrin of Malaysia, Ambassador Adam Bugajski of Poland, and Ambassador Marjolijn van Deelen of The Netherlands. They also had a valuable dialogue with representatives of civil society from the P5 countries and across the wider NPT membership, in partnership with King's College London and the European Leadership Network.

During the course of the Conference, the P5 each reaffirmed their commitment to the NPT in all its aspects, fifty years since its entry into force and 25 years since its indefinite extension. They reiterated that the NPT provides the essential foundation for preventing the proliferation of nuclear weapons, thereby limiting the risk of nuclear confrontation; for the promotion and sharing of the peaceful uses of nuclear technology, to the benefit of humanity; and for nuclear disarmament, by helping to ease international tensions and create conditions of stability, security and trust among nations. They reiterated their commitment to continue their individual and collective efforts to uphold their obligations and to advance the goals and objectives of the NPT in all its aspects.

In a wide-ranging discussion, the P5 exchanged views on the current situation in the international security environment and other issues relevant to the Review Conference, including proliferation challenges in Iran and the Democratic People's Republic of Korea, the Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems, nuclear disarmament verification, and the Comprehensive Nuclear Test Ban Treaty. They also pledged their full and continued support to the International Atomic Energy Agency (IAEA), and for its new Director-General, Rafael Mariano Grossi. They acknowledged that the IAEA plays a critical role in NPT implementation, both to promote the fullest possible cooperation on the peaceful uses of nuclear technology, and to apply safeguards and verify that nuclear programmes are entirely peaceful.

Specifically, they reviewed progress on the five areas of work agreed at the Beijing P5 Conference in January 2019.

First, they welcomed the continued exchange of views on their respective nuclear doctrines and policies, and confirmed their intention to hold a side event presenting them at the Review Conference. They agreed to continue these expert-level meetings beyond the Review Conference. They also underlined the importance of reducing nuclear risk and promoting stability, and agreed that experts should continue and deepen their dialogue on strategic risk reduction up to and beyond the Review Conference.

Second, they endorsed the progress made on the second phase of the Working Group on the Glossary of Key Nuclear Terms, which is conducive to strengthening the NPT and enhancing mutual trust. They agreed to publish the results of the Working Group ahead of the Review Conference.

Third, they reaffirmed their commitment to the aims and objectives of the Southeast Asia Nuclear-Weapon-Free-Zone, and welcomed ongoing discussions between the P5 and the ASEAN countries on the Protocol to the Southeast Asia Nuclear-Weapon-Free-Zone Treaty.

Fourth, they reiterated their readiness to negotiate, a non-discriminatory, multilateral and internationally and effectively verifiable treaty to end the production of fissile material for use in nuclear weapons or other nuclear explosive devices – a Fissile Material Cut-off Treaty (FMCT) – on the basis of consensus and with the participation of all relevant countries. In this context, they welcomed the ongoing P5 expert-level discussions on FMCT-related issues.

Fifth, they reiterated their commitment to share with the international community the many benefits of nuclear technology and its applications for peaceful purposes, and to continue their contributions to IAEA or bilateral development projects. They also announced their intention to host a joint P5 side event focusing on peaceful uses at the Review Conference.

Finally, the P5 reaffirmed their commitment to present their respective national implementation reports to the Review Conference, based on the common reporting framework agreed in 2013.

The P5 looked forward to continuing their dialogue and their work on these and other relevant issues up to the Review Conference and beyond, and welcomed France's generous offer to host the next P5 Conference in 2021.

Statement by France to the Conference on Disarmament on the P5 process

26 August 2021

As coordinator of the P5 format, which brings together the 5 NPT Nuclear Weapon States, France wishes to brief the Member states of the Conference on disarmament on the P5 process.

The P5 has a special responsibility in maintaining international peace and security. Given the tense international security context, the pursuit and strengthening of the dialogue amongst the

members of the P5 is key to strategic stability. The exchange of doctrines and nuclear policies enables the strengthening of predictability, confidence and mutual understanding within the P5, subsequently contributing to the reduction of strategic risks. The P5 is determined to pursue a constructive dialogue which respects and recognizes national security interests at stake.

The P5 is firmly engaged in the full respect and implementation of the NPT and of its three pillars which are indissociable and mutually reinforcing, including its article VI, by which each of the Parties to the Treaty undertakes « to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control ». The P5 is committed to creating a security environment conducive to progress on matters of disarmament, with the ultimate objective of a world free of nuclear weapons, with undiminished security for all.

In September 2020, France succeeded to the United Kingdom as coordinator of the P5. The P5 members are pursuing the implementation of the joint roadmap approved in Beijing in January 2019, with the aim of contributing in a concrete and positive manner both to the next review conference and to next NPT review cycle.

Following the postponement of the NPT review conference (to early 2022), France has subsequently decided to postpone the Paris conference, initially scheduled in July 2021. Given the importance of the P5 work which needs to be pursued as actively as possible despite the current health situation, France convened a virtual meeting of the « Principals » on 8 July, to measure the progress achieved in implementing the P5 roadmap as well as to reinforce the general work dynamic.

This meeting, presided by Philippe BERTOUX, Director of strategic affairs, for France, to which participated Fu CONG, Director General for arms control, for China, Vladimir LEONTIEV, Deputy Director for Strategic Affairs, Department for Nonproliferation and Arms Control, for Russia, Samantha JOB, Director of Defence and International Security for the United- Kingdom, and Eliot KANG, acting Under Secretary of State for Arms Control and International Security, constituted an important milestone of the P5 process in the preparation of the upcoming NPT review conference. It allowed to recognize that despite the impact of the health crisis, work has continued, with the P5's determination to register progress under these workstreams remaining intact.

1. The importance of the dialogue on doctrines and nuclear policies has been reaffirmed. The P5 members have reaffirmed their intention to organize a side event to present their doctrines at the review conference and their desire to pursue exchanges on doctrines. Strategic risk reduction has been recognized as an increasingly important topic, on which the P5 members are ready to work on in the long-term.

2. Regarding the FMCT, the P5 has reaffirmed its desire to negotiate a multilateral, internationally and effectively verifiable non discriminatory treaty, banning the production of fissile materials used to produce nuclear weapons and other explosive nuclear devices (Fissile material cutt off treaty – FMCT/TIPMF), on a consensus basis and with the participation of all countries involved within the Conference on disarmament. The P5 has agreed to resume expert meetings to provide the NPT review conference with its vision on this essential topic.

3. Works on the glossary of nuclear terms presented by China and its almost ready-for-print status, as well as the perspective of this 2nd edition of the P5 glossary being formally presented at the review conference, have been welcomed.

4. The P5 reaffirmed its support to the objectives of the Southeast Asian Nuclear-Weapon-Free Zone, and their availability to deepen exchanges with ASEAN member-states pertaining to the Bangkok treaty. The P5 wish to express their strong political commitment on this topic.

5. Regarding the peaceful use of nuclear energy, the Principals voiced their support to the idea of a P5 joint statement and side event on the margins of the review conference.

The P5 agreed to pursue and intensify efforts at expert-level on each of these workstreams in the run-up to the NPT review conference. The work will take the form of concrete delivrables for the review conference. The Middle-East WMD-Free Zone and nuclear disarmament verification were also discussed.

The meeting was also the opportunity to examine proposals aiming at reinforcing the dialogue with non-nuclear-weapon states as well as with civil society. Meetings with the NPDI and the Stockholm Initiative have been programmed to this effect.

France will keep the Conference on disarmament informed on the next steps of the P5 process and the upcoming the Paris Conference, and remains available to any delegation wishing to obtain additional information.

Joint Communique by Tenth P5 Conference

[Paris, 2-3 Dec 2021]

1. Representatives from the five Nuclear Non-Proliferation Treaty (NPT) Nuclear Weapon States (NWS), or "P5", met in Paris on 2-3 December 2021 for the 10th P5 Conference, to discuss the preparations for the upcoming 10th NPT Review Conference and related matters.

2. For over fifty years since its entry into force, the NPT has made invaluable contributions to humanity as a whole by providing an international framework that is indispensable to curbing the threat of nuclear proliferation. At the Paris Conference, the NWS reaffirmed their enduring commitment to the NPT across all three pillars, and their unconditional support for its universalisation. They emphasised the primacy of the NPT as the cornerstone of the international nuclear non-proliferation and disarmament regime.

3. Just one month ahead of the 10th NPT Review Conference (4-28 January 2022), they reiterated their active determination to approach this milestone event in the most positive and constructive manner. In this regard, they expressed their full support to President-designate Gustavo Zlauvinen in his endeavour to achieve a meaningful outcome.

4. The Paris Conference gave an opportunity to reflect and take stock of NWS efforts and the contribution of this work to the strengthening of the NPT. Twelve years after the establishment of the P5 process, the NWS firmly believe that this forum has proved useful, and will continue to be a key mechanism for fostering a better mutual understanding among NWS and to examine the means through which they can collectively help facilitate the goals of the NPT.

5. They reaffirmed their commitment under the NPT to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control. They support the ultimate goal of a world without nuclear weapons with undiminished security for all. By helping to ease international tensions and create conditions of stability, security and trust among nations, the NPT has made a vital contribution to nuclear disarmament and to reducing proliferation of nuclear weapons. The NPT continues to help create conditions that are essential for further progress on nuclear disarmament.

6. They also recalled the instrumental role of the NPT in providing confidence that, in line with article III of the Treaty, nuclear energy is not diverted from peaceful uses to nuclear weapons or other nuclear explosive devices. The NPT provides a foundation for the promotion and sharing of the peaceful uses of nuclear technology, to the benefit of all. In this regard, they reiterated their full and continued support to the International Atomic Energy Agency (IAEA) in implementing the safeguards

agreements and Additional Protocols, in promoting the benefits of peaceful uses and in verifying States' compliance with their nuclear non-proliferation obligations.

7. They also reflected on the Comprehensive Nuclear Test Ban Treaty (CTBT) and the importance of its entry into force, twenty-five years after it was opened for signature, and recalled the importance of moratoria on nuclear tests to the achievement of disarmament and non-proliferation objectives.

8. They reviewed progress achieved concerning the different workstreams under the P5 Process in preparation for the 10th NPT Review Conference:

a) They exchanged updates on their respective nuclear doctrines and policies and reiterated their commitment to the ongoing discussions in this area that contribute to strengthening predictability, confidence and mutual understanding among the NWS. In this regard, they consider this workstream as a tangible risk reduction measure, and reaffirmed their willingness to pursue these discussions, as well as to host a dedicated side-event on nuclear doctrines and policies at the Review Conference;

b) They recognised their responsibility to work collaboratively to reduce the risk of nuclear conflict. They intend to build on their fruitful work on strategic risk reduction within the P5 Process in the course of the next NPT review cycle, in order to reduce the likelihood of nuclear weapons use. This is complementary to the NPT's overarching goals and is consistent with the NWS' long-term efforts towards disarmament and the ultimate goal of a world without nuclear weapons with undiminished security for all;

c) They endorsed the second edition of the P5 Glossary of Key Nuclear Terms, which contributes to enhancing mutual trust and understanding among the NWS. They decided to submit the Glossary as a P5 working paper to the 10th NPT Review Conference and hold a side-event during the Conference;

d) They reaffirmed their commitment to the objectives of the Nuclear-Weapon- Free-Zones, including the Southeast Asia Nuclear-Weapon-Free-Zone, and recalled the importance of advancing discussions between the NWS and the ASEAN countries on the Protocol to the Southeast Asia Nuclear-Weapon-Free-Zone Treaty. They also recalled their support to the establishment of a Middle-East zone free of weapons of mass destruction and their means of delivery;

e) They reiterated their support for the negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable Fissile Material Cut-off Treaty (FMCT) – banning the production of fissile material for nuclear weapons or other nuclear explosive devices - on the basis of the Shannon mandate and with the participation of all countries in the Conference on Disarmament;

f) They stressed the shared benefits of the peaceful uses of nuclear energy and the need to strengthen this pillar of the NPT. As such, they reaffirmed their strong support for broadening access within the NPT community to the numerous benefits of nuclear energy, science and technology and their applications for peaceful purposes, their support for the role of nuclear energy in addressing climate change and in achieving the Sustainable Development Goals. They will promote the peaceful uses of nuclear energy during the 10th NPT Review Conference.

9. The Paris Conference also provided an opportunity for substantial discussions among the NWS on the international security environment, non-proliferation issues and the importance of strategic stability. They agreed on the urgency of a full return to the JCPoA and on the need to achieve complete, verifiable and irreversible denuclearisation of the Korean Peninsula

10. They emphasised the importance of transparency and outreach. In that regard, they conducted fruitful dialogues with the NPT Bureau, Non-Nuclear Weapon States and civil society representatives, and intend to keep open all communications channels to contribute to a positive outcome of the NPT Review Conference. They decided to launch a pilot project to develop a Young Professionals Network of P5 academics.

F – Declared Nuclear Policies by NPT NWSs

Excerpts from China's National Defense in the New Era: The State Council Information Office of the People's Republic of China

[July 2019]

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The International Strategic Landscape Is Going Through Profound Changes

International strategic competition is on the rise. The US has adjusted its national security and defense strategies, and adopted unilateral policies. It has provoked and intensified competition among major countries, significantly increased its defense expenditure, pushed for additional capacity in nuclear, outer space, cyber and missile defense, and undermined global strategic stability. NATO has continued its enlargement, stepped up military deployment in Central and Eastern Europe, and conducted frequent military exercises. Russia is strengthening its nuclear and non-nuclear capabilities for strategic containment, and striving to safeguard its strategic security space and interests. The European Union (EU) is accelerating its security and defense integration to be more independent in its own security.

Global and regional security issues are on the increase. International arms control and disarmament efforts have suffered setbacks, with growing signs of arms races. The non-proliferation of weapons of mass destruction remains problematic. The international non-proliferation regime is compromised by pragmatism and double standards, and hence faces new challenges. Extremism and terrorism keep spreading. Non-traditional security threats involving cyber security, bio-security and piracy are becoming more pronounced. The Iranian nuclear issue has taken an unexpected turn, and there is no easy political solution to the Syrian issue. The security of individual countries is becoming increasingly intertwined, interlinked and interactive. No country can respond alone or stand aloof.

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Implementing the Military Strategic Guideline for a New Era

[Eds . . .]

China is always committed to a nuclear policy of no first use of nuclear weapons at any time and under any circumstances, and not using or threatening to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones unconditionally. China advocates the ultimate complete prohibition and thorough destruction of nuclear weapons. China does not engage in any nuclear arms race with any other country and keeps its nuclear capabilities at the minimum level required for national security. China pursues a nuclear strategy of self-defense, the goal of which is to maintain national strategic security by deterring other countries from using or threatening to use nuclear weapons against China.

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Safeguarding Interests in Major Security Fields

Nuclear capability is the strategic cornerstone to safeguarding national sovereignty and security. China's armed forces strengthen the safety management of nuclear weapons and facilities, maintain the appropriate level of readiness and enhance strategic deterrence capability to protect national strategic security and maintain international strategic stability.

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Reforming the Leadership and Command System

[Eds . . .]

The PLARF [People's Liberation Army Rocket Force] plays a critical role in maintaining China's national sovereignty and security. It comprises nuclear missile, conventional missile and support forces, and subordinate missile bases. In line with the strategic requirements of having both nuclear and conventional capabilities and deterring wars in all battlespaces, the PLARF is enhancing its credible and reliable capabilities of nuclear deterrence and counterattack, strengthening intermediate and long-range precision strike forces, and enhancing strategic counter-balance capability, so as to build a strong and modernized rocket force.

Resolutely Upholding the Purposes and Principles of the UN Charter

[Eds . . .]

China has played a constructive role in the political settlement of regional hotspots such as the Korean Peninsula issue, the Iranian nuclear issue and Syrian issue. China opposes hegemony, unilateralism and double standards, promotes dialogues and consultations, and fully and earnestly implements UNSC resolutions. China has actively participated in multilateral dialogues and negotiations on cyberspace and outer space, and pushed for the formulation of widely accepted international rules that are fair and equitable.

China actively participates in international arms control, disarmament and non-proliferation. China objects to arms race and strives to protect global strategic balance and stability. To this end, China has signed or acceded to dozens of relevant multilateral treaties including the Treaty on the Non-proliferation of Nuclear Weapons. In 2015 China announced the establishment of the USD1 billion China-UN Peace and Development Fund in the following decade, which was officially put into operation in 2016.

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Excerpts from Defence and National Security Strategic Review (France)

[October 2017]

[Eds...]

4. Strengthening the strategic functions

- Deterrence

240. Nuclear deterrence remains the cornerstone of our defence strategy. It protects us from any aggression against our vital interests emanating from a state, wherever it may come from and whatever form it may take. It rules out any threat of blackmail that might paralyze its freedom of decision and action.

241. Our deterrent is strictly defensive. The use of nuclear weapons would be conceivable only in extreme circumstances of legitimate self-defence, a right enshrined in the UN Charter. In this respect, nuclear deterrence is the ultimate guarantee of the security, protection and independence of the Nation.

242. By its existence, it contributes to the security of the Atlantic Alliance and that of Europe.

243. Nuclear deterrence is embedded in the more global framework of the defence and national security strategy, which takes into account the entire spectrum of threats, including those considered to be under the threshold of our vital interests.

244. Nuclear deterrence will remain based on the permanent posture of its airborne and seaborne components, which are indivisible and complementary. Both contribute to all deterrence missions. Thanks to their performance, adaptability and characteristics, they will remain a credible instrument in the long term, while being structured in accordance with the principle of strict sufficiency. Upon discontinuing nuclear testing, France invested in simulation systems that ensure the safety and reliability of its nuclear weapons.

245. We must continue the necessary adaptation of our deterrence capabilities, in response to changes in the strategic environment, to shifting threats and changes in areas such as air defence, missile defence, and undersea detection. This implies renewing the two components and sustaining our nuclear warheads.

246. These two components, which boost our whole defence system and ensure the freedom of action of our forces, are

supported by a range of conventional capabilities, thereby offering a broad range of strategic options. Several assets that contribute to deterrence may be deployed in conventional operations.

247. Furthermore, due to its requirements in terms of effectiveness, reliability, and safety, nuclear deterrence sustains our research and development efforts and contributes to the excellence and competitiveness of our defence industry. It is also a driving force for our technological skills.

248. Maintaining our deterrent over the long term is essential, as multiple powers are developing their nuclear forces, and as some of them use these for power demonstration, intimidation, or even blackmailing purposes.

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Excerpts from President Macron's Speech on the Defense and Deterrence Strategy (France)

[7 February 2020]

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In this regard, our defence strategy is a coherent whole: conventional and nuclear forces constantly support each other there. Once our vital interests could be under threat, the conventional military manoeuvre can be part of exercising deterrence. The presence of strong conventional forces thus helps to prevent a strategic surprise, the quick creation of a fait accompli or to test the adversary's determination as soon as possible by forcing it to reveal de facto its true intentions. With this strategy, our nuclear deterrence force remains, as a last resort, the key to our security and the guardian of our vital interests. Now, like in the past, it ensures our independence, our freedom to assess, make decisions and take action. It prevents adversaries from betting on escalation, intimidation and blackmailing to achieve their ends.

[Eds . . .]

The fundamental purpose of France's nuclear strategy, the doctrinal bases of which I have just set out, is to prevent war.

Our nuclear forces are not directed towards any specific country and France has always refused that nuclear weapons be considered as a battlefield weapons. I hereby reaffirm that France will never engage into a nuclear battle or any forms of graduated response.

Furthermore, our nuclear forces have a deterrent effect in themselves, particularly in Europe. They strengthen the security of Europe through their very existence and they have, in this sense, a truly European dimension.

On that point, our independent decision-making is fully compatible with our unwavering solidarity with our European partners. Our commitment to their security and their defence is the natural expression of our ever-closer solidarity. Let's be clear: France's vital interests now have a European dimension.

In this spirit, I would like strategic dialogue to develop with our European partners, which are ready for it, on the role played by France's nuclear deterrence in our collective security.

European partners which are willing to walk that road can be associated with the exercises of French deterrence forces. This strategic dialogue and these exchanges will naturally contribute to developing a true strategic culture among Europeans.

Our nuclear forces also significantly contribute to the overall strengthening of the Atlantic Alliance's overall deterrent, alongside the British and American forces. France does not take part in the Alliance's nuclear planning mechanisms and will not do so in the future. But it will continue to contribute to political-level discussions aiming to strengthen the Alliance's nuclear culture.

Since 1995, France and the United Kingdom, Europe's only nuclear powers, have clearly stated that they can imagine no circumstances under which a threat to the vital interests of one would not constitute a threat to the vital interests of the other.

I want today to formally reiterate that assessment. The high level of mutual trust, enshrined in the Lancaster House Treaties in 2010, the 10th anniversary of which we celebrate this year, is reflected in our daily and unprecedented cooperation on nuclear issues. We will steadfastly maintain this cooperation and Brexit will have no impact at all in this regard.

[Eds . . .]

The ultimate goal of the complete elimination of nuclear weapons as part of general and complete disarmament is indeed enshrined in the preamble of the NPT. But given the realities of our world, progress towards this goal can only be gradual, and based on a realistic perception of the strategic context.

Since there is no means of quickly eliminating nuclear weapons from our world, the advocates of abolition have attacked the legitimacy of nuclear deterrence – and have especially done so, before anywhere else, where it is easiest, that is to say in our European democracies.

Yet I do not believe that the choice is between a moral absolute with no link to strategic realities, and a cynical return to a lawless power struggle.

I will not fall into the trap of this false choice, which destabilizes the international security architecture and does not live up to France's ambitions for peace, multilateralism and law.

[Eds . . .]

We have no choice but to accept that we live in an imperfect world and to realistically and honestly face the problems which this brings.

I cannot therefore set France the moral objective of disarming our democracies while other powers, or even dictatorships, would be maintaining or developing their nuclear weapons.

For a nuclear-weapon State like France, unilateral nuclear disarmament would be akin to exposing ourselves as well as our partners to violence and blackmail, or depending on others to keep us safe.

I refuse this prospect. And let us not be naïve: even if France, whose arsenal cannot be in any ways compared to that of the United States and Russia, were to give up its weapons, the other nuclear powers would not follow suit.

Similarly, France will not sign any treaty on the prohibition of nuclear weapons. The Treaty will not create any new obligations for France, either for the State or for public or private actors on its territory.

[Eds . . .]

Basic Principles of State Policy of the Russian Federation on Nuclear Deterrence (Russia)

[June 2020]

I. General Provisions

1. These Basic Principles represent a strategic planning document in the area of ensuring defence and reflect the official view on the essence of nuclear deterrence, identify military risks and threats to be neutralized by implementation of nuclear deterrence, the principles of nuclear deterrence, as well as the conditions for the Russian Federation to proceed to the use of nuclear weapons.

2. The guaranteed deterrence of a potential adversary from aggression against the Russian Federation and/or its allies is one of the highest state priorities. Deterrence of aggression is ensured by the entire military strength of the Russian Federation, including its nuclear weapons.

3. The State Policy of the Russian Federation on Nuclear Deterrence (hereinafter – "the State Policy on Nuclear Deterrence") is a set of political, military, military-technical, diplomatic, economic, information and other measures, coordinated and united by a common design, implemented through reliance on forces and means of nuclear deterrence to prevent aggression against the Russian Federation and/or its allies.

4. State policy on Nuclear Deterrence is defensive by nature, it is aimed at maintaining the nuclear forces potential at the level sufficient for nuclear deterrence, and guarantees protection of

national sovereignty and territorial integrity of the State, and deterrence of a potential adversary from aggression against the Russian Federation and/or its allies. In the event of a military conflict, this Policy provides for the prevention of an escalation of military actions and their termination on conditions that are acceptable for the Russian Federation and/or its allies.

5. The Russian Federation considers nuclear weapons exclusively as a means of deterrence, their use being an extreme and compelled measure, and takes all necessary efforts to reduce nuclear threat and prevent aggravation of interstate relations, that could trigger military conflicts, including nuclear ones.

6. The normative and legal foundation of these Basic Principles is formed by the Constitution of the Russian Federation, universally recognized principles and norms of international law, international treaties of the Russian Federation on defence and arms control, federal constitutional laws, federal laws and other normative and legal acts and documents that regulate defence and security issues.

7. The provisions of these Basic Principles are mandatory for implementation by all federal government bodies and other government bodies and organizations that are involved in ensuring nuclear deterrence.

8. These Basic Principles may be further specified depending on the external and internal factors that influence defence implementation.

II. Essence of nuclear deterrence

9. Nuclear deterrence is aimed to provide comprehension by a potential adversary of the inevitability of retaliation in the event of aggression against the Russian Federation and/or its allies.

10. Nuclear deterrence is ensured by the presence in the Armed Forces of the Russian Federation of the combat-ready forces and means that are capable to inflict guaranteed unacceptable damage on a potential adversary through employment of nuclear weapons in any circumstances, as well as by the readiness and resolve of the Russian Federation to use such weapons.

11. Nuclear deterrence is ensured continuously in peacetime, in periods of a direct threat of aggression and also in wartime, up until the actual use of nuclear weapons.

12. The main military risks that might evolve into military threats (threats of aggression) to the Russian Federation due to changes in the military-political and strategic situation, and that are to be neutralized by implementation of nuclear deterrence, are as follows:

a) build-up by a potential adversary of the general purpose forces groupings that possess nuclear weapons delivery means in the territories of the states contiguous with the Russian Federation and its allies, as well as in adjacent waters;

b) deployment by states which consider the Russian Federation as a potential adversary, of missile defence systems and means, medium- and shorter-range cruise and ballistic missiles, non-nuclear high-precision and hypersonic weapons, strike unmanned aerial vehicles, and directed energy weapons;

c) development and deployment of missile defence assets and strike systems in outer space;

d) possession by states of nuclear weapons and (or) other types of weapons of mass destruction that can be used against the Russian Federation and/or its allies, as well as means of delivery of such weapons;

e) uncontrolled proliferation of nuclear weapons, their delivery means, technology and equipment for their manufacture;

f) deployment of nuclear weapons and their delivery means in the territories of non-nuclear weapon states.

13. The Russian Federation implements its nuclear deterrence with regard to individual states and military coalitions (blocs, alliances) that consider the Russian Federation as a potential adversary and that possess nuclear weapons and/or other types of weapons of mass destruction, or significant combat potential of general purpose forces.

14. While implementing nuclear deterrence, the Russian Federation takes into account the deployment by a potential adversary, in the territories of other countries, of offensive weapons (cruise and ballistic missiles, hypersonic aerial vehicles, strike unmanned aerial vehicles), directed energy weapons, missile defence assets, early warning systems, nuclear weapons and/or other weapons of mass destruction that may be used against the Russian Federation and/or its allies.

15. The principles of nuclear deterrence are as follows:

a) compliance with international arms control commitments;

b) continuity of activities ensuring nuclear deterrence;

c) adaptability of nuclear deterrence to military threats;

d) unpredictability for a potential adversary in terms of scale, time and place for possible employment of forces and means of nuclear deterrence;

e) centralization of governmental control over the activities of federal executive bodies and organizations involved in ensuring nuclear deterrence;

f) rationality of structure and composition of nuclear deterrence forces and means and their maintaining at the minimal level sufficient for implementing the tasks assigned;

g) maintaining permanent readiness of a designated fraction of nuclear deterrence forces and means for combat use.

16. The nuclear deterrence forces of the Russian Federation include land-, sea- and air-based nuclear forces.

III. Conditions for the transition of the Russian Federation to the use of nuclear weapons

17. The Russian Federation reserves the right to use nuclear weapons in response to the use of nuclear and other types of weapons of mass destruction against it and/or its allies, as well as in the event of aggression against the Russian Federation with the use of conventional weapons when the very existence of the state is in jeopardy.

18. The decision to use nuclear weapons is taken by the President of the Russian Federation.

19. The conditions specifying the possibility of nuclear weapons use by the Russian Federation are as follows:

a) arrival of reliable data on a launch of ballistic missiles attacking the territory of the Russian Federation and/or its allies;

b) use of nuclear weapons or other types of weapons of mass destruction by an adversary against the Russian Federation and/or its allies;

c) attack by adversary against critical governmental or military sites of the Russian Federation, disruption of which would undermine nuclear forces response actions;

d) aggression against the Russian Federation with the use of conventional weapons when the very existence of the state is in jeopardy.

20. The President of the Russian Federation might, if necessary, inform the military-political leadership of other states and/or international organizations about the Russian Federation's readiness to use nuclear weapons or about the decision taken to use nuclear weapons, as well as about the fact that nuclear weapons have been used.

IV. Tasks and functions of federal government authorities, other government bodies and organizations for implementing state policy on nuclear deterrence

21. Overall direction of state policy in the area of nuclear deterrence is carried out by the President of the Russian Federation.

22. The Government of the Russian Federation implements measures to carry out the economic policy aimed at maintaining and developing nuclear deterrence assets shapes and exercises the foreign and information policy in the area of nuclear deterrence.

23. The Security Council of the Russian Federation shapes the basic principles of military policy in the area of nuclear deterrence, coordinates the activities of federal executive bodies and organizations involved in implementation of the decisions adopted by the President of the Russian Federation and related to ensuring nuclear deterrence.

24. The Ministry of Defence of the Russian Federation, acting through the General Staff of the Armed Forces of the Russian Federation, directly plans and carries out organizational and military measures in the area of nuclear deterrence.

25. Other federal executive bodies and organizations participate in the implementation of decisions adopted by the President of the Russian Federation and related to ensuring nuclear deterrence in accordance with their authority.

Excerpts from Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy (United Kingdom)

[March 2021]

IV. Strategic Framework

[Eds . . .]

The nuclear deterrent

The UK's independent nuclear deterrent has existed for over 60 years to deter the most extreme threats to our national security and way of life, helping to guarantee our security and that of our Allies. We have previously identified risks to the UK from major nuclear armed states, emerging nuclear states, and state-sponsored nuclear terrorism. Those risks have not gone away. Some states are now significantly increasing and diversifying their nuclear arsenals. They are investing in novel nuclear technologies and developing new 'warfighting' nuclear systems which they are integrating into their military strategies and doctrines and into their political rhetoric to seek to coerce others. The increase in global competition, challenges to the international order, and proliferation of potentially disruptive technologies all pose a threat to strategic stability. The UK must ensure potential adversaries can never use their capabilities to threaten us or our NATO Allies. Nor can we allow them to constrain our decision-making in a crisis or to sponsor nuclear terrorism.

The UK's minimum, assured, credible nuclear deterrent

The fundamental purpose of our nuclear weapons is to preserve peace, prevent coercion and deter aggression. A minimum, credible, independent nuclear deterrent, assigned to the defence of NATO, remains essential in order to guarantee our security and that of our Allies. In 2010 the Government stated an intent to reduce our overall nuclear warhead stockpile ceiling from not more than 225 to not more than 180 by the mid-2020s. However, in recognition of the evolving security environment, including the developing range of technological and doctrinal threats, this is no longer possible, and the UK will move to an overall nuclear weapon stockpile of no more than 260 warheads.

To ensure that our deterrent is not vulnerable to pre-emptive action by potential adversaries, we will maintain our four submarines so that at least one will always be on a Continuous At Sea Deterrent patrol. Our submarines on patrol are at several days' notice to fire and, since 1994, we do not target our missiles at any state. We remain committed to maintaining the minimum destructive power needed to guarantee that the UK's nuclear deterrent remains credible and effective against the full range of state nuclear threats from any direction.

We will continue to keep our nuclear posture under constant review in light of the international security environment and the actions of potential adversaries. We will maintain the capability required to impose costs on an adversary that would far outweigh the benefits they could hope to achieve should they threaten our, or our Allies', security.

UK nuclear weapons policy

The UK's nuclear weapons are operationally independent and only the Prime Minister can authorise their use. This ensures that political control is maintained at all times. We would consider using our nuclear weapons only in extreme circumstances of self-defence, including the defence of our NATO Allies.

While our resolve and capability to do so if necessary is beyond doubt, we will remain deliberately ambiguous about precisely when, how and at what scale we would contemplate the use of nuclear weapons. Given the changing security and technological environment, we will extend this long-standing policy of deliberate ambiguity and no longer give public figures for our operational stockpile, deployed warhead or deployed missile numbers. This ambiguity complicates the calculations of potential aggressors, reduces the risk of deliberate nuclear use by those seeking a first-strike advantage, and contributes to strategic stability.

The UK will not use, or threaten to use, nuclear weapons against any non-nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons 1968 (NPT). This assurance does not apply to any state in material breach of those non-proliferation obligations. However, we reserve the right to review this assurance if the future threat of weapons of mass destruction, such as chemical and biological capabilities, or emerging technologies that could have a comparable impact, makes it necessary.

Working with NATO, the US and France

NATO recognises that any employment of nuclear weapons against NATO would fundamentally alter the nature of a conflict. Therefore, as long as nuclear weapons exist, NATO will remain a nuclear alliance. Since 1962, the UK has declared our nuclear capability to the defence of the Alliance. We will continue to do so, safeguarding European and Euro-Atlantic security. We will work with Allies to ensure that NATO's nuclear deterrent capabilities remain safe, secure and effective, adapt to emerging challenges including the growing and diversifying nuclear threats that the Alliance may face, and contribute to the indivisible security of the Alliance.

Nuclear cooperation remains an important element of the relationship between the United States and the United Kingdom, enhancing transatlantic security. We will continue to work closely with the United States on nuclear matters, including nuclear deterrence policy. The 1958 Mutual Defense Agreement (MDA) has been central to our shared nuclear security goals and we are committed to its renewal in 2024.

Since 1995, France and the United Kingdom, Europe's only nuclear powers, have stated that they can imagine no circumstances under which a threat to the vital interests of one would not constitute a threat to the vital interests of the other. We will continue our daily and unprecedented cooperation on nuclear issues, including our collaboration under the 2010 Teutates Treaty.

Our future capability

Our independent nuclear deterrent is relevant not only for today but will also remain relevant for the immediate future. It is for these reasons that we have committed to a once-in-two-generations programme to modernise our nuclear forces. This investment in the future security of both the UK and our Allies demonstrates that the UK's nuclear commitment remains undiminished.

Parliament has voted to renew our nuclear deterrent and replace the Vanguard Class submarines with four new Dreadnought Class submarines. The programme remains within budget and on track for the First of Class to enter service in the early 2030s.

To ensure we maintain an effective deterrent throughout the commission of the Dreadnought Class, we will replace our existing nuclear warhead. We will work with the Atomic Weapons Establishment to build the highly skilled teams, facilities and capabilities needed to deliver this, while also sustaining the current warhead until it is withdrawn from service. We will continue to work closely with the United States to ensure our warhead remains compatible with the Trident Strategic Weapon System, our cooperation underpinned by both the MDA and the 1963 Polaris Sales Agreement.

Delivery of the modernisation of the deterrent will be subject to the Government's major programme approvals and oversight. We will continue to provide updates through an annual report to Parliament. We will work collaboratively across the defence and civil nuclear sectors to optimise the Defence Nuclear Enterprise for the future.

This will ensure that the UK has a minimum, credible, independent nuclear deterrent for as long as is necessary.

Arms control, disarmament and non-proliferation: our commitment to international treaties

We remain committed to the long-term goal of a world without nuclear weapons. We continue to work for the preservation and strengthening of effective arms control, disarmament and non-proliferation measures, taking into account the prevailing security environment. We are strongly committed to full implementation of the NPT in all its aspects, including nuclear disarmament, non-proliferation, and the peaceful uses of nuclear energy; there is no credible alternative route to nuclear disarmament. The UK has taken a consistent and leading approach to nuclear disarmament. The UK possesses the smallest stockpile of any of the nuclear weapon states recognised by the NPT. We are alone amongst those states in only operating a single nuclear weapon system. We will continue to press for key steps towards multilateral disarmament, including the entry into force of the Comprehensive Nuclear Test Ban Treaty and successful negotiations on a Fissile Material Cut-Off Treaty in the Conference on Disarmament. We will continue to take a leading international role on nuclear disarmament verification; this is an essential step for nuclear disarmament under strict and effective international control.

The UK will continue to work internationally to reduce the risk of nuclear conflict and enhance mutual trust and security. We will champion strategic risk reduction and seek to create dialogue among states possessing nuclear weapons, and between states possessing nuclear weapons and non-nuclear weapon states, to increase understanding and reduce the risk of misinterpretation and miscalculation. The UK takes its responsibilities as a nuclear weapon state seriously and will continue to encourage other states to do likewise.

[Eds . . .]

Excerpts from Minister Cleverly's Address on the UK Integrated Review to the Conference on Disarmament (United Kingdom)

[26 March 2021]

[Eds . . .]

Mr President, Our Integrated Review also serves as an official statement of the UK's nuclear deterrence policy. We are clear that we intend to maintain the UK's nuclear deterrent, for as long as we need it, as the ultimate guarantee of our security and that of our NATO Allies.

We are equally clear that we remain committed to, and will actively pursue, the long-term goal of a world without nuclear weapons. The fundamental purpose of the UK's nuclear weapons remains to preserve peace, prevent coercion, and deter aggression.

And we remain committed to maintaining only the minimum destructive power needed, to guarantee that our nuclear deterrent remains credible and effective, against the full range of state nuclear threats, from whichever direction.

This represents the continuation of our longstanding policy. But we are also adapting to ensure that our nuclear deterrent remains aligned to the current realities. The nuclear security environment has deteriorated over the past decade; and as we look at the darkening global security picture, we place as much emphasis on the "credible" bit of the policy as on the word "minimum".

In this context, the UK intends to increase the limit of our overall weapons stockpile from 225, to no more than 260 warheads. I must stress that this is a ceiling, not a target, and is not our current stockpile. We will continue to keep this under review in light of the international security environment. The UK is committed to the principle of transparency, in both our nuclear doctrine and our capabilities, to the extent compatible with our national security considerations and non-proliferation obligations.

But a measure of deliberate ambiguity contributes to strategic stability by complicating the calculations of potential aggressors, and by reducing the risk of deliberate nuclear use by those seeking a first strike advantage. Therefore, the UK remains deliberately ambiguous about precisely when, how and at what scale we would contemplate the use of our nuclear weapons. And we are extending this policy by no longer giving public figures for our operational stockpile, either for deployed warheads or deployed missile numbers.

We also reviewed the UK's unilateral negative security assurance. As has been the case for many years, the UK will not use, or threaten to use, nuclear weapons against any non-nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. This assurance does not apply to any state in material breach of those non-proliferation obligations.

Our Integrated Review makes clear that we reserve the right to review this assurance, if the future threat of weapons of mass destruction - such as chemical and biological capabilities, or emerging technologies that could have a comparable impact - makes it necessary to do so.

Mr President, Let me be clear: we remain committed to multilateral disarmament and our shared long-term goal of a world without nuclear weapons. The UK's unequivocal undertaking, with the other nuclear weapons states, to eliminate our nuclear arsenals persists; as do our obligations under Article 6 of the Non Proliferation Treaty. As such, the UK has taken, and will continue to take, a consistent and leading approach to nuclear disarmament. The UK possesses the smallest stockpile of any of nuclear state recognised by the Non-Proliferation Treaty, and we are alone amongst those states in operating a single nuclear weapon system.

We also maintain our voluntary moratorium on the production of fissile material for the use in nuclear explosive devices. Building on these unilateral measures, we will continue to press for key steps towards multilateral disarmament. And this includes the entry into force of the Comprehensive Nuclear Test Ban Treaty, and successful negotiations at this Conference on a Fissile Material Cut-Off Treaty.

The UK will continue to take a leading international role on nuclear disarmament verification, which is essential for achieving and maintaining a world without nuclear weapons under strict and effective international control. We will also continue to work to reduce the risk of nuclear conflict through misinterpretation and miscalculation, and to enhance mutual trust and security.

We will champion strategic risk reduction and seek to create dialogue, both among states who possess nuclear weapons, as well as between states who possess nuclear weapons and those who do not. The road to a nuclear weapon-free world will remain challenging. But we firmly believe that the best way – indeed the only credible way – to get there is by the gradual, multilateral, negotiated, step-by-step approach within the framework of the Non-Proliferation Treaty. The Integrated Review explicitly commits the UK to doing just this.The UK takes its responsibilities as a nuclear weapon state seriously, and will continue to encourage others to do the same.

[Eds . . .]

Summary Points: US Nuclear Posture Review: Tailored Deterrence Strategies and Flexible Capabilities

[February 2018]

Strategic Environment

- Return to Great Power, long-term competition
- Nuclear-armed states did not follow U.S. lead in reducing role and numbers of nuclear weapons.
- U.S. reduced 85% since 1991.
- Russia modernizing and expanding strategic and non-strategic nuclear weapons; strategy for nuclear escalation.
- China modernizing military; fielding new nuclear capabilities and expanding their arsenal.
- North Korea expanding its missile and nuclear capability.
- Iranian nuclear ambitions remain a concern.
- Threat of nuclear terrorism.

- U.S. nuclear weapons approaching end of life.
- Changes in uncertain strategic environment may come suddenly and unpredictably.

Role of Nuclear Weapons

- Deter nuclear attack on the U.S. and its allies and partners.
- Contribute to deterrence of non-nuclear attack.
- Assure allies and partners regarding U.S. extended deterrence guarantees.
- Achieve U.S. objectives if deterrence fails.
- Hedge against uncertain future.

Posture

- Force modernization.
  - Strategic nuclear triad.
  - Non-strategic nuclear forces.
  - Robust nuclear command and control.
  - Responsive nuclear infrastructure.
  - Hedge capabilities
- Force structure
  - 400 ICBM
  - 240 SLBM
  - 60 bombers with cruise missile and bombs
  - Dual-capable fighter aircraft

Tailored Deterrence and Flexible Capabilities

- Tailored for specific adversaries and circumstances to deny benefits, threaten what they most value.
  - **Russia:** preserve rough strategic parity; hold at risk valued assets.
  - China: counter A2AD and de-coupling strategies, hold at risk most valued assets.
  - North Korea: maintain escalation dominance, counter missile threats, end Kim regime if they launch nuclear attack on U.S., or our allies and partners.
  - **Iran:** dissuade from developing a nuclear weapon.
- Flexibility derived from diverse set of nuclear capabilities adaptable to changing conditions in a highly uncertain security environment.

Declaratory Policy

- Policy integrates deterrence and non-proliferation objectives.
- Nuclear weapons may be used in extreme circumstances to defend the vital interests of the United States, its allies and partners.
- Not limited to deterring nuclear threats; may deter or respond to significant non-nuclear strategic attacks (e.g. attacks on population or infrastructure, warning capabilities).
- Will not use or threaten to use against non-nuclear states in compliance with non-proliferation commitments.

Non-proliferation and arms control

- Commitment to NPT Regime.
- Maintain New START, INF; set conditions for future arms control.
- Improve capabilities to prevent proliferation and terrorism.
- Transparency and risk reduction measures.

Excerpts from the U.S. Interim National Security Guidance (United States)

[March 2021]

[Eds . . .]

Our National Security Priorities

[Eds . . .]

As we re-engage the international system, we will address the existential threat posed by nuclear weapons. We will head off costly arms races and re-establish our credibility as a leader in arms control. That is why we moved quickly to extend the New START Treaty with Russia. Where possible, we will also pursue new arms control arrangements. We will take steps to reduce the role of nuclear weapons in our national security strategy, while ensuring our strategic deterrent remains safe, secure, and effective and that our extended deterrence commitments to our allies remain strong and credible. And we will engage in meaningful dialogue with Russia and China on a range of emerging military technological developments that implicate strategic stability.

Renewed American nonproliferation leadership will also be essential to reducing the dangers posed by nuclear weapons. Working with allies and partners, we will pursue principled diplomacy to address the Iranian nuclear program and its other destabilizing activities. We will empower our diplomats to work to reduce the threat posed by North Korea's growing nuclear and missile programs, standing shoulder-to-shoulder with the Republic of Korea and Japan. We will also renew efforts to lock down fissile and radiological materials across the world.

[Eds . . .]

G – Treaty on the Prohibition of Nuclear Weapons

Section 1 Treaty and Status

Treaty on the Prohibition of Nuclear Weapons

The Stated Parties to this Treaty,

[Eds…]

ARTICLE 1 – PROHIBITIONS

1. Each State Party undertakes never under any circumstances to:

(a) Develop, test, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;

(b) Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly;

(c) Receive the transfer of or control over nuclear weapons or other nuclear explosive devices directly or indirectly;

(d) Use or threaten to use nuclear weapons or other nuclear explosive devices;

(e) Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty;

(f) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Treaty;

(g) Allow any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices in its territory or at any place under its jurisdiction or control.

ARTICLE 2 – DECLARATIONS

1. Each State Party shall submit to the Secretary-General of the United Nations, not later than 30 days after this Treaty enters into force for that State Party, a declaration in which it shall:

(a) Declare whether it owned, possessed or controlled nuclear weapons or nuclear explosive devices and eliminated its nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear-weapons-related facilities, prior to the entry into force of this Treaty for that State Party;

(b) Notwithstanding Article 1 (a), declare whether it owns, possesses or controls any nuclear weapons or other nuclear explosive devices;

(c) Notwithstanding Article 1 (g), declare whether there are any nuclear weapons or other nuclear explosive devices in its territory or in any place under its jurisdiction or control that are owned, possessed or controlled by another State.

2. The Secretary-General of the United Nations shall transmit all such declarations received to the States Parties.

ARTICLE 3 – SAFEGUARDS

1. Each State Party to which Article 4, paragraph 1 or 2, does not apply shall, at a minimum, maintain its International Atomic Energy Agency safeguards obligations in force at the time of entry into force of this Treaty, without prejudice to any additional relevant instruments that it may adopt in the future.

2. Each State Party to which Article 4, paragraph 1 or 2, does not apply that has not yet done so shall conclude with the International Atomic Energy Agency and bring into force a comprehensive safeguards agreement (INFCIRC/153 (Corrected)). Negotiation of such agreement shall commence within 180 days from the entry into force of this Treaty for that State Party. The agreement shall enter into force no later than 18 months from the entry into force of this Treaty for that State Party. Each State Party shall thereafter maintain such obligations, without prejudice to any additional relevant instruments that it may adopt in the future.

ARTICLE 4 – TOWARDS THE TOTAL ELIMINATION OF NUCLEAR WEAPONS

1. Each State Party that after 7 July 2017 owned, possessed or controlled nuclear weapons or other nuclear explosive devices and eliminated its nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear-weapons-related facilities, prior to the entry into force of this Treaty for it, shall cooperate with the competent international authority designated pursuant to paragraph 6 of this Article for the purpose of verifying the irreversible elimination of its nuclear-weapon programme. The competent international authority shall report to the States Parties. Such a State Party shall conclude a safeguards agreement with the International Atomic Energy Agency sufficient to provide credible assurance of the non-diversion of declared nuclear material from peaceful nuclear activities and of the absence of undeclared nuclear material or activities in that State Party as a whole. Negotiation of such agreement shall commence within 180 days from the entry into force of this Treaty for that State Party. The agreement shall enter into force no later than 18 months from the entry into force of this Treaty for that State Party. That State Party shall thereafter, at a minimum, maintain these safeguards obligations, without prejudice to any additional relevant instruments that it may adopt in the future.

2. Notwithstanding Article 1 (a), each State Party that owns, possesses or controls nuclear weapons or other nuclear explosive devices shall immediately remove them from operational status, and destroy them as soon as possible but not later than a deadline to be determined by the first meeting of States Parties, in accordance with a legally binding, time-bound plan for the verified and irreversible elimination of that State Party's nuclear-weapon programme, including the elimination or irreversible conversion of all nuclear-weapons-related facilities. The State Party, no later than 60 days after the entry into force of this Treaty for that State Party, shall submit this plan to the States Parties or to a competent international authority designated by the States Parties. The plan shall then be negotiated with the competent international authority, which shall submit it to the subsequent meeting of States Parties or review conference, whichever comes first, for approval in accordance with its rules of procedure.

3. A State Party to which paragraph 2 above applies shall conclude a safeguards agreement with the International Atomic Energy Agency sufficient to provide credible assurance of the non-diversion of declared nuclear material from peaceful nuclear activities and of the absence of undeclared nuclear material or activities in the State as a whole. Negotiation of such agreement shall commence no later than the date upon which implementation of the plan referred to in paragraph 2 is completed. The agreement shall enter into force no later than 18 months after the date of initiation of negotiations. That State Party shall thereafter, at a minimum, maintain these safeguards obligations, without prejudice to any additional relevant instruments that it may adopt in the future. Following the entry into force of the agreement referred to in this paragraph, the State Party shall submit to the Secretary-General of the United Nations a final declaration that it has fulfilled its obligations under this Article.

4. Notwithstanding Article 1 (b) and (g), each State Party that has any nuclear weapons or other nuclear explosive devices in its territory or in any place under its jurisdiction or control that are owned, possessed or controlled by another State shall ensure the prompt removal of such weapons, as soon as possible but not later than a deadline to be determined by the first meeting of States Parties. Upon the removal of such weapons or other explosive devices, that State Party shall submit to the Secretary-General of the United Nations a declaration that it has fulfilled its obligations under this Article.

5. Each State Party to which this Article applies shall submit a report to each meeting of States Parties and each review conference on the progress made towards the implementation of its obligations under this Article, until such time as they are fulfilled.

6. The States Parties shall designate a competent international authority or authorities to negotiate and verify the irreversible elimination of nuclear-weapons programmes, including the elimination or irreversible conversion of all nuclear-weapons-related facilities in accordance with paragraphs 1, 2 and 3 of this Article. In the event that such a designation has not been made prior to the entry into force of this Treaty for a State Party to which paragraph 1 or 2 of this Article applies, the Secretary-General of the United Nations shall convene an extraordinary meeting of States Parties to take any decisions that may be required.

ARTICLE 5 – NATIONAL IMPLEMENTATION

1. Each State Party shall adopt the necessary measures to implement its obligations under this Treaty.

2. Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Treaty undertaken by persons or on territory under its jurisdiction or control.

ARTICLE 6 – VICTIM ASSISTANCE AND ENVIRONMENTAL REMEDIATION

1. Each State Party shall, with respect to individuals under its jurisdiction who are affected by the use or testing of nuclear weapons, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, without discrimination, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.

2. Each State Party, with respect to areas under its jurisdiction or control contaminated as a result of activities related to the testing or use of nuclear weapons or other nuclear explosive devices, shall take necessary and appropriate measures towards the environmental remediation of areas so contaminated.

3. The obligations under paragraphs 1 and 2 above shall be without prejudice to the duties and obligations of any other States under international law or bilateral agreements.

ARTICLE 7 – INTERNATIONAL COOPERATION AND ASSISTANCE

1. Each State Party shall cooperate with other States Parties to facilitate the implementation of this Treaty.

2. In fulfilling its obligations under this Treaty, each State Party shall have the right to seek and receive assistance, where feasible, from other States Parties.

3. Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by nuclear-weapons use or testing, to further the implementation of this Treaty.

4. Each State Party in a position to do so shall provide assistance for the victims of the use or testing of nuclear weapons or other nuclear explosive devices.

5. Assistance under this Article may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, non-governmental organizations or institutions, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, or national Red Cross and Red Crescent Societies, or on a bilateral basis.

6. Without prejudice to any other duty or obligation that it may have under international law, a State Party that has used or tested nuclear weapons or any other nuclear explosive devices shall have a responsibility to provide adequate assistance to affected States Parties, for the purpose of victim assistance and environmental remediation.

ARTICLE 8 – MEETING OF STATES PARTIES

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Treaty, in accordance with its relevant provisions, and on further measures for nuclear disarmament, including:

(a) The implementation and status of this Treaty;

(b) Measures for the verified, time-bound and irreversible elimination of nuclear-weapon programmes, including additional protocols to this Treaty;

(c) Any other matters pursuant to and consistent with the provisions of this Treaty.

2. The first meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of the entry into force of this Treaty. Further meetings of States Parties shall be convened by the Secretary-General of the United Nations on a biennial basis, unless otherwise agreed by the States Parties. The meeting of States Parties shall adopt its rules of procedure at its first session. Pending their adoption, the rules of procedure of the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, shall apply.

3. Extraordinary meetings of States Parties shall be convened, as may be deemed necessary, by the Secretary-General of the United Nations, at the written request of any State Party provided that this request is supported by at least one third of the States Parties.

4. After a period of five years following the entry into force of this Treaty, the Secretary-General of the United Nations shall convene a conference to review the operation of the Treaty and the progress in achieving the purposes of the Treaty. The Secretary-General of the United Nations shall convene further review conferences at intervals of six years with the same objective, unless otherwise agreed by the States Parties.

5. States not party to this Treaty, as well as the relevant entities of the United Nations system, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations, shall be invited to attend the meetings of States Parties and the review conferences as observers.

ARTICLE 9 – COSTS

1. The costs of the meetings of States Parties, the review conferences and the extraordinary meetings of States Parties shall be borne by the States Parties and States not party to this Treaty participating therein as observers, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary-General of the United Nations in the circulation of declarations under Article 2, reports under Article 4 and proposed amendments under Article 10 of this Treaty shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

3. The cost related to the implementation of verification measures required under Article 4 as well as the costs related to the destruction of nuclear weapons or other nuclear explosive devices, and the elimination of nuclear-weapon programmes, including the elimination or conversion of all nuclear-weapons-related facilities, should be borne by the States Parties to which they apply.

ARTICLE 10 – AMENDMENTS

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to the Treaty. The text of a proposed amendment shall be communicated to the Secretary-General of the United Nations, who shall circulate it to all States Parties and shall seek their views on whether to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than 90 days after its circulation that they support further consideration of the proposal, the proposal shall be considered at the next meeting of States Parties or review conference, whichever comes first.

2. A meeting of States Parties or a review conference may agree upon amendments which shall be adopted by a positive vote of a majority of two thirds of the States Parties. The Depositary shall communicate any adopted amendment to all States Parties.

3. The amendment shall enter into force for each State Party that deposits its instrument of ratification or acceptance of the amendment 90 days following the deposit of such instruments of ratification or acceptance by a majority of the States Parties at the time of adoption. Thereafter, it shall enter into force for any other State Party 90 days following the deposit of its instrument of ratification or acceptance of the amendment.

ARTICLE 11 – SETTLEMENT OF DISPUTES

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Treaty, the parties concerned shall consult together with a view to the settlement of the dispute by negotiation or by other peaceful means of the parties' choice in accordance with Article 33 of the Charter of the United Nations.

2. The meeting of States Parties may contribute to the settlement of the dispute, including by offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time limit for any agreed procedure, in accordance with the relevant provisions of this Treaty and the Charter of the United Nations.

ARTICLE 12 – UNIVERSALITY

Each State Party shall encourage States not party to this Treaty to sign, ratify, accept, approve or accede to the Treaty, with the goal of universal adherence of all States to the Treaty.

ARTICLE 13 – SIGNATURE

This Treaty shall be open for signature to all States at United Nations Headquarters in New York as from 20 September 2017.

ARTICLE 14 – RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

This Treaty shall be subject to ratification, acceptance or approval by signatory States. The Treaty shall be open for accession.

ARTICLE 15 – ENTRY INTO FORCE

1. This Treaty shall enter into force 90 days after the fiftieth instrument of ratification, acceptance, approval or accession has been deposited.

2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, this Treaty shall enter into force 90 days after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

ARTICLE 16 – RESERVATIONS

The Articles of this Treaty shall not be subject to reservations.

ARTICLE 17 – DURATION AND WITHDRAWAL

1. This Treaty shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to the Depositary. Such notice shall include a statement of the extraordinary events that it regards as having jeopardized its supreme interests.

3. Such withdrawal shall only take effect 12 months after the date of the receipt of the notification of withdrawal by the Depositary. If, however, on the expiry of that 12-month period, the withdrawing State Party is a party to an armed conflict, the State Party shall continue to be bound by the obligations of this Treaty and of any additional protocols until it is no longer party to an armed conflict.

ARTICLE 18 – RELATIONSHIP WITH OTHER AGREEMENTS

The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing international agreements, to which they are party, where those obligations are consistent with the Treaty.

ARTICLE 19 – DEPOSITARY

The Secretary-General of the United Nations is hereby designated as the Depositary of this Treaty.

ARTICLE 20 – AUTHENTIC TEXTS

The Arabic, Chinese, English, French, Russian and Spanish texts of this Treaty shall be equally authentic.

Status of the Treaty on the Prohibition of Nuclear Weapons

[as of 15 November 2021]

Entry into Force: 22 January 2021

Treaty was signed by 86 states and ratified by 56 states as of 15 Nov 2021

State	Signature	Ratification / Accession (a)
Algeria	20 Sep 2017	
Angola	27 Sep 2018	
Antigua & Barbuda	26 Sep 2018	25 Nov 2019
Austria	20 Sep 2017	08 May 2018
Bangladesh	20 Sep 2017	26 Sep 2019
Belize	06 Feb 2020	19 May 2020
Benin	26 Sep 2018	11 Dec 2020
Bolivia	16 Apr 2018	06 Aug 2019
Botswana	26 Sep 2019	15 Jul 2020
Brazil	20 Sep 2017	
Brunei	26 Sep 2018	
Cabo Verde	20 Sep 2017	
Cambodia	09 Jan 2019	22 Jan 2021
Central African Republic	20 Sep 2017	
Chile	20 Sep 2017	23 September 2021
Colombia	03 Aug 2018	

Comoros	20 Sep 2017	19 Feb 2021
Congo	20 Sep 2017	
Cook Islands		04 Sep 2018 (a)
Costa Rica	20 Sep 2017	05 Jul 2018
Côte d'Ivoire	20 Sep 2017	
Cuba	20 Sep 2017	30 Jan 2018
Democratic Republic of the Congo	20 Sep 2017	
Dominica	26 Sep 2019	18 Oct 2019
Dominican Republic	07 Jun 2018	
Ecuador	20 Sep 2017	25 Sep 2019
El Salvador	20 Sep 2017	30 Jan 2019
Fiji	20 Sep 2017	07 Jul 2020
Gambia	20 Sep 2017	26 Sep 2018
Ghana	20 Sep 2017	
Grenada	26 Dec 2019	
Guatemala	20 Sep 2017	
Guinea-Bissau	26 Sep 2018	
Guyana	20 Sep 2017	20 Sep 2017
Holy See	20 Sep 2017	20 Sep 2017
Honduras	20 Sep 2017	24 Oct 2020
Indonesia	20 Sep 2017	
Ireland	20 Sep 2017	06 Aug 2020
Jamaica	08 Dec 2017	23 Oct 2020
Kazakhstan	02 Mar 2018	29 Aug 2019
Kiribati	20 Sep 2017	26 Sep 2019
Laos	21 Sep 2017	26 Sep 2019
Lesotho	26 Sep 2019	06 June 2020
Libya	20 Sep 2017	
Liechtenstein	20 Sep 2017	
Madagascar	20 Sep 2017	
Malawi	20 Sep 2017	
Malaysia	20 Sep 2017	30 Sep 2020
Maldives	26 Sep 2019	26 Sep 2019
Malta	25 Aug 2020	21 Sep 2020
Mexico	20 Sep 2017	16 Jan 2018
Mozambique	18 Aug 2020	
Myanmar	26 Sep 2018	
Namibia	08 Dec 2017	20 Mar 2020
Nauru	08 Dec 2019	23 Oct 2020
Nepal	20 Sep 2017	
New Zealand	20 Sep 2017	31 Jul 2018
Nicaragua	22 Sep 2017	19 Jul 2018
Niger	09 Dec 2020	
Nigeria	20 Sep 2017	06 Aug 2020
Niue		06 Aug 2020 (a)
Palau	20 Sep 2017	03 May 2018
Palestine	20 Sep 2017	22 Mar 2018
Panama	20 Sep 2017	11 Apr 2019
Paraguay	20 Sep 2017	23 Jan 2020
Peru	20 Sep 2017	
Philippines	20 Sep 2017	18 Feb 2021
Samoa	20 Sep 2017	26 Sep 2018
San Marino	20 Sep 2017	26 Sep 2018
Sao Tome and Principe	20 Sep 2017	
Seychelles	26 Sep 2018	09 July 2021
South Africa	20 Sep 2017	22 Feb 2019
St Kitts and Nevis	26 Sep 2019	09 Aug 2020

St Lucia	27 Sep 2018	23 Jan 2019
St Vincent & Grenadines	08 Dec 2017	31 Jul 2019
Sudan	22 Jul 2020	
Thailand	20 Sep 2017	20 Sep 2017
Timor-Leste	26 Sep 2018	
Togo	20 Sep 2017	
Trinidad and Tobago	26 Sep 2019	26 Sep 2019
Tuvalu	20 Sep 2017	12 Oct 2020
Tanzania	26 Sep 2019	
Uruguay	20 Sep 2017	25 Jul 2018
Vanuatu	20 Sep 2017	26 Sep 2018
Venezuela	20 Sep 2017	27 Mar 2018
Vietnam	22 Sep 2017	17 May 2018
Zambia	26 Sep 2019	
Zimbabwe	04 Dec 2020	

Section 2 UN General Assembly Resolutions related to the Treaty

General Assembly Resolution, 'Taking forward multilateral nuclear disarmament negotiations'

A/RES/71/258

[23 December 2016]

The General Assembly,

[Eds…]

1. *Notes with satisfaction* that the Open-ended Working Group taking forward multilateral nuclear disarmament negotiations, established by the General Assembly by its resolution 70/33, which met in Geneva during 2016, engaged in structured and substantive discussions in a comprehensive, inclusive, interactive and constructive manner;

2. *Welcomes* the report of the Working Group established by the General Assembly by its resolution 70/33;

3. *Recognizes* the value of the participation and contribution of international organizations and civil society to taking forward multilateral nuclear disarmament negotiations, as demonstrated during the work of the Working Group;

4. *Reiterates* that the universal objective of taking forward multilateral nuclear disarmament negotiations remains the achievement and maintenance of a world without nuclear weapons, and emphasizes the importance of addressing issues related to nuclear weapons in a comprehensive, inclusive, interactive and constructive manner, for the advancement of multilateral nuclear disarmament negotiations;

5. *Reaffirms* the urgency of securing substantive progress in multilateral nuclear disarmament negotiations;

6. *Recommends* that additional efforts can and should be pursued to elaborate concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons, reaffirms the importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the commitments made therein, and considers that the pursuit of any such measures, provisions and norms should complement and strengthen the nuclear disarmament and non-proliferation regime, including the three pillars of the Treaty;

7. *Also recommends* that States consider implementing, as appropriate, the various measures suggested in the report of the Working Group that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to transparency measures related to the risks associated with existing nuclear weapons, measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations, additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation, and other measures that could contribute to taking forward multilateral nuclear disarmament negotiations;

8. *Decides* to convene in 2017 a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination;

9. *Encourages* all Member States to participate in the conference;

10. *Decides* that the conference shall convene in New York, under the rules of procedure of the General Assembly unless otherwise agreed by the conference, from 27 to 31 March and from 15 June to 7 July 2017, with the participation and contribution of international organizations and civil society representatives;

11. *Also decides* that the conference will hold a one-day organizational session in New York as soon as possible;

12. *Calls upon* States participating in the conference to make their best endeavours to conclude as soon as possible a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination;

13. *Decides* that the conference shall submit a report on its progress to the General Assembly at its seventy-second session, which will assess the progress made in the negotiations and decide the way forward;

14. *Requests* the Secretary-General to provide the support necessary to convene the conference and to transmit the report of the conference to the Conference on Disarmament and the Disarmament Commission and to the United Nations high-level international conference on nuclear disarmament foreseen in paragraph 6 of resolution 68/32;

15. *Decides to* include in the provisional agenda of its seventy-second session, under the item entitled "General and complete disarmament", the sub -item entitled "Taking forward multilateral nuclear disarmament negotiations".

General Assembly Resolution, 'Taking forward multilateral nuclear disarmament negotiations'

A/RES/72/31

[11 December 2017]

The General Assembly,

[Eds…]

1. *Welcomes* the adoption on 7 July 2017 of the Treaty on the Prohibition of Nuclear Weapons by the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, convened pursuant to resolution 71/258;

2. *Also* welcomes the report of the conference;

3. *Notes* that the Treaty on the Prohibition of Nuclear Weapons was opened for signature at United Nations Headquarters in New York on 20 September 2017;

4. *Calls upon* all States that have not yet done so to sign and, thereafter, ratify, accept or approve the Treaty on the Prohibition of Nuclear Weapons at the earliest possible date;

5. *Reaffirms* that the Treaty on the Prohibition of Nuclear Weapons is an essential contribution towards nuclear disarmament;

6. *Reiterates* that additional measures, both practical and legally binding, for the irreversible, verifiable and transparent destruction of nuclear weapons would be needed in order to achieve and maintain a world without nuclear weapons, including the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the negotiation of a treaty on fissile material for nuclear weapons or other nuclear explosive devices;

7. *Recognizes* the value of the participation and contribution of international organizations and civil society to taking forward multilateral nuclear disarmament negotiations, including at the recently convened United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination;

8. *Reiterates* that the universal objective of taking forward multilateral nuclear disarmament negotiations remains the achievement and maintenance of a world without nuclear weapons, and emphasizes the importance of addressing issues related to nuclear weapons in a comprehensive, inclusive, interactive and constructive manner, for the advancement of multilateral nuclear disarmament negotiations;

9. *Reaffirms* the urgency of securing further substantive progress in multilateral nuclear disarmament negotiations;

10. *Recommends* that, consistent with the Treaty on the Prohibition of Nuclear Weapons, additional efforts can and should be pursued to elaborate concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons, and considers that the pursuit of any such measures, provisions and norms should complement and strengthen the nuclear disarmament and non-proliferation regime, including the three pillars of the Treaty on the Non-Proliferation of Nuclear Weapons;

11. *Reaffirms* the importance of the Treaty on the Non-Proliferation of Nuclear Weapons;

12. *Recommends* that States consider implementing, as appropriate, the various measures suggested in the report of the Open-ended Working Group taking forward multilateral nuclear disarmament negotiations, established by the General Assembly by its resolution 70/33, including but not limited to transparency measures related to the risks associated with existing nuclear weapons, measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations, additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation, and other measures that could contribute to taking forward multilateral nuclear disarmament negotiations;

13. *Looks forward* to the entry into force of the Treaty on the Prohibition of Nuclear Weapons and to the first meeting of States parties to be convened thereupon;

14. *Requests* the Secretary-General to render the necessary assistance and to provide such services as may be necessary to fulfil the tasks entrusted to him under the Treaty on the Prohibition of Nuclear Weapons;

15. *Decides* to include in the provisional agenda of its seventy-fourth session, under the item entitled "General and complete disarmament", the sub-item entitled "Taking forward multilateral nuclear disarmament negotiations";

16. *Also decides* to include in the provisional agenda of its seventy-third session, under the item entitled "General and complete disarmament", a sub-item entitled "Treaty on the Prohibition of Nuclear Weapons".

17.

First Committee Resolution, 'Treaty on the Prohibition of Nuclear Weapons'

A/C.1/76/L.17

[8 October 2021]

The General Assembly,

[Eds…]

1. *Recalls* the adoption of the Treaty on the Prohibition of Nuclear Weapons on 7 July 2017;

2. *Welcomes* the entry into force of the Treaty on 22 January 2021;

3. *Notes* that the Treaty has been open for signature at United Nations Headquarters in New York since 20 September 2017;

4. *Welcomes* that already 86 States had signed the Treaty and 55 States had become parties to it as at 6 October 2021;

5. *Confirms* that the Secretary-General of the United Nations is no longer required to convene the first Meeting of States Parties within one year of the entry into force of the Treaty in accordance with article 8, paragraph 2, thereof;

6. *Also confirms* that the first Meeting of States Parties will be held from 22 to 24 March 2022 at the United Nations Office at Vienna, and requests the Secretary-General to convene the first Meeting on those dates and the Secretariat to make the appropriate arrangements to that end;

7. *Invites* States not party to the Treaty, as well as the relevant entities of the United Nations system, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations to attend the first Meeting of States Parties as observers;

8. *Calls upon* all States that have not yet done so to sign, ratify, accept, approve or accede to the Treaty at the earliest possible date;

9. *Calls upon* those States in a position to do so to promote adherence to the Treaty through bilateral, subregional, regional and multilateral contacts, outreach and other means;

10. *Requests* the Secretary-General, as depositary of the Treaty, to report to the General Assembly at its seventy-seventh session on the status of signature and ratification, acceptance, approval or accession of the Treaty;

11. *Decides* to include in the provisional agenda of its seventy-seventh session, under the item entitled "General and complete disarmament", the sub-item entitled "Treaty on the Prohibition of Nuclear Weapons".

Section 3 Position documents

Joint Statement by China, France, Russian Federation, United Kingdom and United States. UNGA 73, First Committee. Thematic Debate (Nuclear Weapons)

[22 October 2018]

We, the nuclear weapon States recognized by the Treaty on the Non-Proliferation of Nuclear Weapons, reaffirm our commitment to the Treaty, in all its aspects, fifty years since its signature.

This landmark Treaty has provided the essential foundation for international efforts to stem the threat that nuclear weapons would spread across the globe, and has thereby limited the risk of nuclear war. It has provided the framework within which the peaceful uses of nuclear technology – for electricity, medicine, agriculture and industry – could be promoted and shared, to the benefit of humanity. And by helping to ease international tensions and create conditions of stability, security and trust among nations, it has allowed for a vital and continuing contribution to nuclear disarmament.

We pledge our full and continued support for the work of the International Atomic Energy Agency (IAEA), which plays a critical role in NPT implementation, both in promoting the fullest possible cooperation on the peaceful uses of nuclear technology and in applying safeguards and verifying that nuclear programmes are exclusively for peaceful purposes. We emphasise the need to further strengthen the IAEA safeguards system, including the universalisation of the Additional Protocol.

We remain committed under the Treaty to the pursuit of good faith negotiations on effective measures related to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control. We support the ultimate goal of a world without nuclear weapons with undiminished security for all. We are committed to working to make the international environment more conducive to further progress on nuclear disarmament.

It is in this context that we reiterate our opposition to the Treaty on the Prohibition of Nuclear Weapons. We firmly believe that the best way to achieve a world without nuclear weapons is through a gradual process that takes into account the international security environment. This proven approach to nuclear disarmament has produced tangible results, including deep reductions in the global stockpiles of nuclear weapons.

The TPNW fails to address the key issues that must be overcome to achieve lasting global nuclear disarmament. It contradicts, and risks undermining, the NPT. It ignores the international security context and regional challenges, and does nothing to increase trust and transparency between States. It will not result in the elimination of a single weapon. It fails to meet the highest standards of non-proliferation. It is creating divisions across the international non-proliferation and disarmament machinery, which could make further progress on disarmament even more difficult.

We will not support, sign or ratify this Treaty. The TPNW will not be binding on our countries, and we do not accept any claim that it contributes to the development of customary international law; nor does it set any new standards or norms. We call on all countries that are considering supporting the TPNW to reflect seriously on its implications for international peace and security.

Rather, we urge all States to commit to the continued success of the NPT: to ensure compliance, to promote universalisation, to ensure the highest standards of non-proliferation, and to respond to ongoing and emerging proliferation challenges, wherever they occur. In this context our five countries reiterate our commitment to continue our individual and collective efforts within the NPT framework to advance nuclear disarmament goals and objectives.

Joint Statement to 2019 NPT Prepcom by Austria on behalf of initial sponsors of Resolution 73/48 entitled "Treaty on the Prohibition of Nuclear Weapons"

[2 May 2019]

I am taking the floor on behalf of the initial sponsors of the Resolution 73/48 entitled "Treaty on the Prohibition of Nuclear Weapons", namely Brazil, Costa Rica, Ireland, Indonesia, Mexico, New Zealand, Nigeria, South Africa, Thailand and my own country Austria.

1. The Treaty on the Prohibition of Nuclear Weapons (TPNW) is an historic and ground-breaking agreement. Since it opened for signature in 2017, 70 States have signed and 23 ratified.

2. The international community has long recognised that the threat posed by the existence of nuclear weapons is among the most pressing issues facing humanity. This was acknowledged in the very first General Assembly resolution of the United Nations and reaffirmed during the height of the Cold War through the adoption of the NPT.

3. The NPT, the cornerstone of the international nuclear disarmament and non-proliferation regime recognises "the devastation that would be visited upon all mankind by a nuclear war" and establishes that a world without nuclear weapons would be safer for everyone without exception. Article VI enshrines the obligation to achieve and maintain a world without nuclear weapons in the Treaty.

4. Progress on this obligation has regrettably been lagging behind the implementation of the Treaty's other pillars. Nuclear Weapon States are modernizing their arsenals and delivery systems, overshadowing what progress on nuclear disarmament has been achieved and undermining the implementation of Article VI of the NPT.

5. The implementation of the nuclear disarmament obligation of the NPT remains unsatisfactory. Existing commitments have not been fulfilled and are being called into question by the words and actions of some States. Established arms control and disarmament instruments are being jeopardised and the growing lack of trust and rising geopolitical tensions make it more urgent than ever to strengthen the international nuclear disarmament and non-proliferation regime with the NPT at its core.

6. It was in this context, and conscious of the catastrophic humanitarian consequences and inherent risks of nuclear weapons, that the vast majority of states adopted the Treaty on the Prohibition of Nuclear Weapons on 7th July 2017.

7. The Treaty on the Prohibition of Nuclear Weapons and the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) are fully compatible and, indeed, complementary. After all, both the TPNW and the NPT have the same goal at their core – the abolition of nuclear weapons.

8. The new Treaty complements and strengthens the NPT. First of all, it provides a comprehensive legal prohibition of nuclear weapons. As such, this Treaty encompasses the legal element, indispensable to achieve and maintain a world without nuclear weapons.

9. The TPNW strengthens the IAEA safeguards system based on the NPT. It reaffirms the safeguards standard enshrined in NPT Article III, obliges States which already have a higher standard in place to maintain it as a legal obligation, and encourages all States to further raise their level of commitment in terms of safeguards.

10. The TPNW strengthens the international nuclear non-proliferation and disarmament regime in general, including the Treaties establishing Nuclear-Weapon-Free Zones and the Comprehensive Nuclear Test Ban Treaty (CTBT). All of these instruments are complementary and are working hand in hand with the NPT. The TPNW represents a concrete manifestation of the will of the vast majority of States to eliminate nuclear weapons.

11. As such, this Treaty makes a concrete contribution to the overarching goal of the NPT, and the bargain upon which it was founded: to avert the danger of nuclear war, to take measures to safeguard the security of peoples, and to undertake effective measures in the direction of nuclear disarmament

12. The current NPT review cycle, which coincides with the 50th anniversary of the Treaty, presents a significant opportunity for such progress, firmly based and building upon the undertakings agreed during the 1995 and 2000 as well as 2010 Review Conferences. We must use this opportunity to make tangible progress to rid the world of nuclear weapons. The TPNW can play

an important and constructive role in this regard and we call on all States Parties to sign and ratify the Treaty as soon as possible.

Open Letter: In Support of the Treaty on the Prohibition of Nuclear Weapons

[21 September 2020]

The coronavirus pandemic has starkly demonstrated the urgent need for greater international cooperation to address all major threats to the health and welfare of humankind. Paramount among them is the threat of nuclear war. The risk of a nuclear weapon detonation today, whether by accident, miscalculation, or design, appears to be increasing with the recent deployment of new types of nuclear weapons, the abandonment of long-standing arms control agreements, and the very real danger of cyberattacks on nuclear infrastructure. Let us heed the warnings of scientists, doctors, and other experts. We must not sleepwalk into a crisis of even greater proportions than the one we have experienced this year.

It is not difficult to foresee how the bellicose rhetoric and poor judgment of leaders in nuclear-armed nations might result in a calamity affecting all nations and peoples. As past leaders, foreign ministers, and defense ministers of Albania, Belgium, Canada, Croatia, the Czech Republic, Denmark, Germany, Greece, Hungary, Iceland, Italy, Japan, Latvia, the Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, South Korea, Spain, and Turkey—all countries that claim protection from an ally's nuclear weapons—we appeal to current leaders to advance disarmament before it is too late. An obvious starting point for the leaders of our own countries would be to declare without qualification that nuclear weapons serve no legitimate military or strategic purpose in light of the catastrophic human and environmental consequences of their use. In other words, our countries should reject any role for nuclear weapons in our defense.

By claiming protection from nuclear weapons, we are promoting the dangerous and misguided belief that nuclear weapons enhance security. Rather than enabling progress toward a world free of nuclear weapons, we are impeding it and perpetuating nuclear dangers, all for fear of upsetting our allies who cling to these weapons of mass destruction. But friends can and must speak up when friends engage in reckless behavior that puts their lives and ours in peril.

Without doubt, a new nuclear arms race is under way, and a race for disarmament is urgently needed. It is time to bring the era of reliance on nuclear weapons to a permanent end. In 2017, 122 countries took a courageous but long-overdue step in that direction by adopting the Treaty on the Prohibition of Nuclear Weapons, a landmark global accord that places nuclear weapons on the same legal footing as chemical and biological weapons and establishes a framework to eliminate them verifiably and irreversibly. Soon it will become binding international law.

To date, our countries have opted not to join the global majority in supporting this treaty, but our leaders should reconsider their positions. We cannot afford to dither in the face of this existential threat to humanity. We must show courage and boldness and join the treaty. As states-parties, we could remain in alliances with nuclear-armed states, as nothing in the treaty itself nor in our respective defense pacts precludes that. But we would be legally bound never under any circumstances to assist or encourage our allies to use, threaten to use, or possess nuclear weapons. Given the very broad popular support in our countries for disarmament, this would be an uncontroversial and much-lauded move.

The prohibition treaty is an important reinforcement to the half-century-old nuclear Nonproliferation Treaty (NPT), which, though remarkably successful in curbing the spread of nuclear weapons to more countries, has failed to establish a universal taboo against the possession of nuclear weapons. The five nuclear-armed nations that had nuclear weapons at the time of the NPT's negotiation—the United States, Russia, the United Kingdom, France, and China—apparently view it as a license to retain their nuclear forces in perpetuity. Instead of disarming, they are investing heavily in upgrades to their arsenals, with plans to retain them for many decades to come. This is patently unacceptable.

The prohibition treaty can help end decades of paralysis in disarmament. It is a beacon of hope in a time of darkness. It enables countries to subscribe to the highest available multilateral norm against nuclear weapons and build international pressure for action. As its preamble recognizes, the effects of nuclear weapons "transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and the health of current and future generations, and have a disproportionate impact on women and girls, including as a result of ionizing radiation."

With close to 14,000 nuclear weapons located at dozens of sites across the globe and on submarines patrolling the oceans at all times, the capacity for destruction is beyond our imagination. All responsible leaders must act now to ensure that the horrors of 1945 are never repeated. Sooner or later, our luck will run out unless we act. The nuclear weapons ban treaty provides the foundation for a more secure world free from this ultimate menace. We must embrace it now and work to bring others on board. There is no cure for a nuclear war. Prevention is our only option.

The 56 co-signers of the open letter in support of the Treaty on the Prohibition of Nuclear Weapons are:

Lloyd Axworthy, former foreign minister of Canada

Ban Ki-moon, former UN secretary-general and foreign minister of South Korea

Jean-Jacques Blais, former defence minister of Canada

Kjell Magne Bondevik, former prime minister and foreign minister of Norway

Ylli Bufi, former prime minister of Albania

Jean Chrétien, former prime minister of Canada

Willy Claes, former NATO secretary-general and foreign minister of Belgium

Erik Derycke, former foreign minister of Belgium

Joschka Fischer, former foreign minister of Germany

Franco Frattini, former foreign minister of Italy

Ingibjörg Sólrún Gísladóttir, former foreign minister of Iceland

Bjørn Tore Godal, former foreign minister and defence minister of Norway

Bill Graham, former foreign minister and defence minister of Canada

Hatoyama Yukio, former prime minister of Japan

Thorbjørn Jagland, former prime minister and foreign minister of Norway

Ljubica Jelušič, former defence minister of Slovenia

Tālavs Jundzis, former defence minister of Latvia

Jan Kavan, former foreign minister of the Czech Republic

Alojz Krapež, former defence minister of Slovenia

Çirts Valdis Kristovskis, former foreign minister and defence minister of Latvia

Aleksander Kwaśniewski, former president of Poland

Yves Leterme, former prime minister and foreign minister of Belgium

Enrico Letta, former prime minister of Italy

Eldbjørg Løwer, former defence minister of Norway

Mogens Lykketoft, former foreign minister of Denmark

John Mccallum, former defence minister of Canada

John Manley, former foreign minister of Canada

Rexhep Meidani, former president of Albania

Zdravko Mršić, former foreign minister of Croatia

Linda Mūrniece, former defence minister of Latvia

Fatos Nano, former prime minister of Albania

Holger K. Nielsen, former foreign minister of Denmark

Andrzej Olechowski, former foreign minister of Poland

Kjeld Olesen, former foreign minister and defence minister of Denmark

Ana Palacio, former foreign minister of Spain

Theodoros Pangalos, former foreign minister of Greece

Jan Pronk, former defence minister (ad interim) of the Netherlands

Vesna Pusić, former foreign minister of Croatia

Dariusz Rosati, former foreign minister of Poland

Rudolf Scharping, former defence minister of Germany

Juraj Schenk, former foreign minister of Slovakia

Nuno Severiano Teixeira, former defence minister of Portugal

Jóhanna Sigurðardóttir, former prime minister of Iceland

Össur Skarphéðinsson, former foreign minister of Iceland

Javier Solana, former NATO secretary-general and foreign minister of Spain

Anne-Grete Strøm-Erichsen, former defence minister of Norway

Hanna Suchocka, former prime minister of Poland

Szekeres Imre, former defence minister of Hungary

Tanaka Makiko, former foreign minister of Japan

Tanaka Naoki, former defence minister of Japan

Danilo Türk, former president of Slovenia

Hikmet Sami Türk, former defence minister of Turkey

The late John N. Turner, former prime minister of Canada*

Guy Verhofstadt, former prime minister of Belgium

Knut Vollebæk, former foreign minister of Norway

Carlos Westendorp y Cabeza, former foreign minister of Spain

North Atlantic Council Statement as the Treaty on the Prohibition of Nuclear Weapons Enters Into Force

[15 December 2020]

We reaffirm our commitment to the preservation and strengthening of arms control, disarmament, and non-proliferation. As the Treaty on the Prohibition of Nuclear Weapons, or ban treaty, nears entry into force, we collectively reiterate our opposition to this treaty, as it does not reflect the increasingly challenging international security environment and is at odds with the existing non-proliferation and disarmament architecture.

Arms control, disarmament, and non-proliferation have made, and should continue to make, an essential contribution to achieving NATO's security objectives. NATO Allies, individually and collectively, have a long track record of doing their part, and continue to support a number of initiatives that offer real progress on nuclear disarmament with tangible, effective measures. We continue to support the ultimate goal of a world without nuclear weapons, in full accordance with all provisions of the Treaty on Non-Proliferation of Nuclear Weapons (NPT), including Article VI, in an ever more effective and verifiable way that promotes international stability, and is based on the principle of undiminished security for all. The NPT remains the only credible path to nuclear disarmament. We recognise commitments made under the NPT in the five decades since its entry into force, and we are resolved to contribute to the preservation, universalisation, and full implementation of the NPT. The upcoming NPT Review Conference presents a major opportunity for the international community to this end. On the other hand, the ban treaty lacks any rigorous or clear mechanisms for verification, and has not been signed by any state that possesses nuclear weapons, and thus will not result in the elimination of a single nuclear weapon. It risks undermining the global non-proliferation and disarmament architecture, with the NPT at its heart for more than 50 years, and the IAEA Safeguards regime that supports it.

NATO is a defensive Alliance. The fundamental purpose of NATO's nuclear capability is to preserve peace, prevent coercion, and deter aggression. A world where the states that challenge the international rules-based order have nuclear weapons, but NATO does not, is not a safer world. As long as nuclear weapons exist, NATO will remain a nuclear alliance. Allies are determined to ensure that NATO's nuclear deterrent remains safe, secure, and effective, and reject any attempt to delegitimise nuclear deterrence. We do not accept any argument that the ban treaty reflects or in any way contributes to the development of customary international law. The ban treaty will not change the legal obligations of our countries with respect to nuclear weapons. We call on our partners and all other countries to reflect realistically on the ban treaty's impact on international peace and security, including on the NPT, and join us in working to improve collective security through tangible and verifiable measures that can reduce strategic risks and enable real progress on nuclear disarmament.

Statement attributable to the Spokesperson for the Secretary-General - on the occasion of the entry into force of the Treaty on the Prohibition of Nuclear Weapons

[22 January 2021]

The Secretary-General is pleased to recognize today's entry into force of the Treaty on the Prohibition of Nuclear Weapons (TPNW) — the first multilateral nuclear disarmament treaty in more than two decades.

The TPNW is an important step towards the goal of a world free of nuclear weapons and a strong demonstration of support for multilateral approaches to nuclear disarmament.

The Secretary-General commends the States that have ratified the Treaty and welcomes the instrumental role of civil society in advancing the TPNW's negotiation and entry into force. The survivors of nuclear explosions and nuclear tests offered tragic testimonies and were a moral force behind the Treaty. Entry into force is a tribute to their enduring advocacy.

The Secretary-General looks forward to carrying out the functions assigned by the Treaty, including in preparation for the first Meeting of States Parties.

Nuclear weapons pose growing dangers and the world needs urgent action to ensure their elimination and prevent the catastrophic human and environmental consequences any use would cause.

The elimination of nuclear weapons remains the highest disarmament priority of the United Nations. The Secretary-General calls on all States to work together to realize this ambition to advance common security and collective safety.

Stéphane Dujarric, Spokesman for the Secretary-General

Section 4 First Meeting of State Parties

Note Verbale from the Secretary-General of the United Nations. Meeting of States Parties of the Treaty on the Prohibition of Nuclear Weapons

[27 April 2021]

The Secretary-General of the United Nations presents his compliments to the Permanent Representatives of Member States and to the Permanent Observers of non-Member States to the United Nations, and has the honour to refer to the Treaty on the Prohibition of Nuclear Weapons, which entered into force on 22 January 2021.

Article 8, paragraph 2, of the Treaty states that "The first meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of the entry into force of this Treaty." Article 8, paragraph 5, of the Treaty states that "States not party to this Treaty, as well as the relevant entities of the United Nations system, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations, shall be invited to attend the meetings of States Parties […] as observers".

The States Parties to the Treaty decided that the first Meeting of States Parties will be held at the United Nations Office at Vienna from 12 to 14 January 2022.

By operative paragraph 14 of its resolution 72/31, entitled "Taking forward multilateral nuclear disarmament negotiations" of 4 December 2017, the General Assembly "request[ed] the Secretary-General to render the necessary assistance and to provide such services as may be necessary to fulfil the tasks entrusted to him under the Treaty on the Prohibition of Nuclear Weapons".

In accordance with these provisions, the Secretary-General has the honour to convene the first Meeting of States Parties to the Treaty. This Meeting will be held from 12 to 14 January 2022 in Vienna, Austria.

The Secretary-General also has the honour to invite the States not parties to the Treaty to attend the Meeting as observers. States not party to the Treaty intending to attend the Meeting of States Parties as observers are requested to inform the Office for Disarmament Affairs at their earliest convenience by contacting tpnw@un.org.

The Secretary-General takes this opportunity to recall that Article 9, paragraph 1, of the Treaty provides, inter alia, as follows: "The costs of the meetings of States Parties […] shall be borne by the States Parties and States not party to this Treaty participating therein as observers, in accordance with the United Nations scale of assessment adjusted appropriately."

Further information on the arrangements for the Meeting will be communicated in due course.

The Secretary-General of the United Nations avails himself of this opportunity to renew to the Permanent Representatives of Member States and Permanent Observers of non-Member States to the United Nations the assurances of his highest consideration.

Letter by the President-designate on the First Meeting of States Parties of the Treaty on the Prohibition of Nuclear Weapons

[10 August 2021]

Excellency,

The Secretary-General of the United Nations avails himself of this opportunity to renew to the Permanent Representatives of Member States and Permanent Observers of non-Member States to the United Nations the assurances of his highest consideration. Excellency,

On 2 August 2021, I circulated a draft decision regarding the postponement of the first Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons (TPNW 1MSP), which was placed under silence procedure until 9 August 2021, 6 pm CET. At the expiration of the silence procedure, I had received no objections to or comments on the proposed decision.

The States Parties to the TPNW have thus agreed:

1. To hold the first Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons at an appropriate time after 22 January 2022, notwithstanding Article 8 paragraph 2, of the Treaty, due to the unprecedented circumstances arising as a result of the COVID-19 pandemic which have made it no longer feasible to hold the Meeting by that date;

2. To confirm that the Secretary-General of the United Nations is no longer required to convene the first Meeting of States Parties within one year of the entry into force of the Treaty in accordance with Article 8, paragraph 2;

3. To hold the first Meeting of States Parties from 22 to 24 March 2022 at the United Nations Office at Vienna, to request the Secretary-General to convene the first Meeting on those dates and the Secretariat to make the appropriate arrangements to that end; and

4. To authorize the President-designate to transmit the present text to the Secretary- General of the United Nations and to request him to circulate the communication as an official document of the General Assembly under an appropriate agenda item.

In accordance with paragraph 4 of the decision, I will transmit the text of the decision to the Secretary-General of the United Nations and will request that it be circulated as an official document of the General Assembly.

This decision demonstrates the flexible and supportive approach of TPNW States Parties and Signatories towards the entire nuclear disarmament and nonproliferation regime. The additional time will allow us to deal with the global health challenges and, thus, facilitate more inclusive participation at the 1MSP. I also look forward to continuing our substantive preparations after the summer break, in order to ensure the success of 1MSP.

Please accept, Excellency, the assurances of my highest consideration.

Alexander Kmentt President-designate

H – Documents Related to the Conferences on the Humanitarian Impact of Nuclear Weapons

Chair's Summary of the Conference on the Humanitarian Impact of Nuclear Weapons, Oslo, 4-5 March 2013

[5 March 2013]

The Conference on the Humanitarian Impact of Nuclear Weapons in Oslo 4–5 March 2013 has heard presentations from a wide range of experts on the various effects of nuclear weapon detonations. Presentations have covered preparedness and first-line response as well as the medium- and long-term humanitarian, developmental and environmental effects.

The objective has been to present a facts-based understanding of the humanitarian impacts of nuclear weapon detonations and to facilitate an informed discussion of these effects with stakeholders from states, the United Nations, other international organisations and civil society.

Delegations representing 127 states, the United Nations, the International Committee of the Red Cross, the Red Cross and Red Crescent movement and civil society participated in the conference. It is the chair's view that this broad participation reflects the increasing global concern regarding the effects of nuclear weapons detonations, as well as the recognition that this is an issue of fundamental significance to us all.

Some key points can be discerned from the presentations and the discussions:

It is unlikely that any state or international body could address the immediate humanitarian emergency caused by a nuclear weapon detonation in an adequate manner and provide sufficient assistance to those affected. Moreover, it might not be possible to establish such capacities, even if it were attempted. ·

The historical experience from the use and testing of nuclear weapons has demonstrated their devastating immediate and long-term effects. While political circumstances have changed, the destructive potential of nuclear weapons remains. ·

The effects of a nuclear weapon detonation, irrespective of cause, will not be constrained by national borders, and will affect states and people in significant ways, regionally as well as globally.

This conference aimed at presenting key aspects of the humanitarian consequences of a nuclear weapon detonation. During the discussions a number of states expressed an interest in further exploring this important issue in ways that ensure global participation. States expressed their interest in continuing the discussions, and to broaden the discourse on the humanitarian impact of nuclear weapons. The chair welcomes the offer from Mexico to host a follow-up meeting to this conference. The chair also welcomes the intention expressed by other states to organise events on this subject.

Joint Statement on the humanitarian impact of nuclear weapons to Second Session of the Preparatory Committee for the 2015 NPT Review Conference

[24 April 2013]

[O]n behalf of the following States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), namely Algeria, Argentina, Austria, Belarus, Bangladesh, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cambodia, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Cuba, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Georgia, Grenada, Guatemala, Holy See, Honduras, Iceland, Indonesia, Iran, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Morocco, Mozambique, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Serbia, Samoa, Singapore, Solomon Islands, Swaziland, Switzerland, Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, Ukraine, Uruguay, Yemen, Zambia and […] South Africa.

Our countries are deeply concerned about the catastrophic humanitarian consequences of nuclear weapons. While this has been known since nuclear weapons were first developed and is reflected in various UN resolutions and multilateral instruments, it has not been at the core of nuclear disarmament and nuclear non-proliferation deliberations for many years. Although it constitutes the raison d'être of the NPT, which cautions against the "devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples", this issue has consistently been ignored in the discourse on nuclear weapons.

Yet, past experience from the use and testing of nuclear weapons has amply demonstrated the unacceptable harm caused by the immense, uncontrollable destructive capability and indiscriminate nature of these weapons. The effects of a nuclear weapon detonation are not constrained by national borders - it is therefore an issue of deep concern to all. Beyond the immediate death and destruction caused by a detonation, socio-economic development will be impeded, the environment will be destroyed, and future generations will be robbed of their health, food, water and other vital resources.

In recent years, the humanitarian impact of nuclear weapons has increasingly been recognised as a fundamental and global concern that must be at the core of all deliberations on nuclear disarmament and nuclear non-proliferation. This issue is now firmly established on the global agenda: The 2010 Review Conference of the NPT expressed "deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons". Similarly, the 2011 resolution of the Council of Delegates of the International Red Cross and Red Crescent Movement emphasised the incalculable human suffering associated with any use of nuclear weapons, and the implications for international humanitarian law.

The March 2013 Conference *[Eds…]*

It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances. The catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed. All efforts must be exerted to eliminate this threat. The only way to guarantee that nuclear weapons will never be used again is through their total elimination. It is a shared responsibility of all States to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear disarmament, including through fulfilling the objectives of the NPT and achieving its universality. The full implementation of the 2010 Action Plan and previous outcomes aimed at achieving the objectives of the NPT must therefore not be postponed any further.

Addressing the humanitarian impact of nuclear weapons is an absolute necessity. As an element that underpins the NPT, it is essential that the humanitarian consequences inform our work and actions during the current Review Cycle and beyond.

This is an issue that affects not only governments, but each and every citizen of our interconnected world. By raising awareness about the catastrophic humanitarian consequences of nuclear weapons, civil society has a crucial role to play, side-by-side with governments, as we fulfil our responsibilities. We owe it to future generations to work together to rid our world of the threat posed by nuclear weapons. [Eds…]

Second Conference on the Humanitarian Impact of Nuclear Weapons

Chair's Summary

[Nayarit, Mexico, 14 February 2014]

Delegations representing 146 States, the United Nations, the International Committee of the Red Cross, the Red Cross and Red Crescent movement and civil society organizations, participated in the Second Conference on the Humanitarian Impact of Nuclear Weapons held in Nayarit, Mexico, on 13 and 14 February 2014, to discuss global and long-term consequences of any nuclear detonation, accidental or deliberate, from the perspective and concerns of the 21st century society, including areas such as public health, humanitarian assistance, the economy, development and environmental issues, climate change, food security and risk management, amongst others.

From the Chair's view, the broad and active participation of States and civil society reflects the global concern regarding the effects of nuclear weapons, as well as the increasing recognition that this is an issue of the utmost importance to all peoples in the world.

The Nayarit Conference expresses its gratitude for the participation of the victims and survivors of the Hiroshima and Nagasaki attacks, as well as for the references made to the victims of nuclear tests.

The Nayarit Conference succeeded in presenting a facts-based approach to facilitate an informed discussion of these effects. Some key conclusions can be extracted from the presentations and discussion:

- The effects of a nuclear weapon detonation are not constrained by national borders − it is therefore an issue of deep concern shared by all.
- Beyond the immediate death and destruction caused by a detonation, socio-economic development will be hampered and the environment will be damaged. Suffering will be widespread, the poor and vulnerable being the most severely affected. Reconstruction of infrastructure and regeneration of economic activities, trade, communications, health facilities, and schools would take several decades, causing profound social and political harm.

    - Radiation exposure could result in short and long-term negative effects in every organ of the human body and would increase cancer risks and future hereditary pathologies.

    - Today the risk of nuclear weapons use is growing globally as a consequence of proliferation, the vulnerability of nuclear command and control networks to cyber-attacks and to human error, and potential access to nuclear weapons by non-state actors, in particular terrorist groups.

    - As more countries deploy more nuclear weapons on higher levels of combat readiness, the risks of accidental, mistaken, unauthorized or intentional use of these weapons grow significantly.

    - It is a fact that no State or international organization has the capacity to address or provide the short and long term humanitarian assistance and protection needed in case of a nuclear weapon explosion. Moreover, it would not be possible to establish such capacities, even if attempted.

As the Nayarit Conference is a follow-up of the First Conference on the Humanitarian Impact of Nuclear Weapons (Oslo, March 2013), these conclusions build upon those reached in Oslo.

The wide range of damage and negative impact in the likelihood of a nuclear explosion, as well as the vast resources allocated to maintain and modernize nuclear arsenals, make the mere existence of these weapons absurd, question the arguments in their defense and ultimately are contrary to human dignity.

It is the Chair's perception that awareness of the humanitarian impact of nuclear weapons is already changing the hearts and minds worldwide of those engaging in discussions concerning nuclear weapons.

Actions such as the entry into force of the Comprehensive Nuclear Test-Ban Treaty as a core element of the international nuclear disarmament and non- proliferation regime, and the achievement of a comprehensive outcome in the 2015 Nuclear Non-Proliferation Treaty (NPT) Review Conference, together with the discussions on the humanitarian impact of nuclear weapons, are mutually reinforcing processes. When it comes to the total elimination of nuclear weapons, no efforts are small. In this regard, many delegations underscored the positive impulse provided by the United Nations General Assembly High-level Meeting on Disarmament held in 2013.

The Chair expresses its deep gratitude to civil society and its involvement and inputs to the Nayarit Conference, and calls on all governments to forge new and renewed multisectorial partnerships with civil society to work towards mutually beneficial objectives.

The Chair warmly welcomes the Austrian offer to host the Third Conference on the Humanitarian Impact of Nuclear Weapons. This offer has been received with great support from participants as a follow-up to Oslo and Nayarit, to deepen the momentum, anchor these conclusions and take them forward. As it was expressed by many delegations, the Conference reiterates the invitation to nuclear weapon States and States non-parties to the NPT to participate in the Third Conference, in Austria.

In doing so, we need to take into account that, in the past, weapons have been eliminated after they have been outlawed. We believe this is the path to achieve a world without nuclear weapons.

In our view, this is consistent with our obligations under international law, including those derived from the NPT as well as from Common Article 1 to the Geneva Conventions.

The broad-based and comprehensive discussions on the humanitarian impact of nuclear weapons should lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument.

It is the view of the Chair that the Nayarit Conference has shown that time has come to initiate a diplomatic process conducive to this goal. Our belief is that this process should comprise a specific timeframe, the definition of the most appropriate fora, and a clear and substantive framework, making the humanitarian impact of nuclear weapons the essence of disarmament efforts.

It is time to take action. The 70th anniversary of the Hiroshima and Nagasaki attacks is the appropriate milestone to achieve our goal. Nayarit is a point of no return.

Third Conference on the Humanitarian Impact of Nuclear Weapons: Chair's Summary

[Vienna, Austria, 8-9 December 2014]

The Vienna Conference on the Humanitarian Impact of Nuclear Weapons took place from 8 to 9 December 2014. It addressed the humanitarian consequences of any use of nuclear weapons, including effects on human health, the environment, agriculture and food security, migration and the economy, as well as the risks and likelihood of the authorized or unauthorized use of nuclear weapons, international response capabilities and the applicable normative framework.

Delegations representing 158 States, the United Nations, the International Committee of the Red Cross, the Red Cross and Red Crescent movement, civil society organisations and academia participated in the Conference.

The UN Secretary General and Pope Francis conveyed messages to the Conference. The President of the ICRC addressed the participants. Hibakusha, the survivors of the nuclear explosions in Hiroshima and Nagasaki, and victims of the effects of nuclear testing also participated in the Conference and gave their testimonies and experiences. Their presence and contributions exemplified the unspeakable suffering caused to ordinary civilians by nuclear weapons.

The Vienna Conference built upon the fact-based discussions at the first and second Conferences on the Humanitarian Impact of

Nuclear Weapons, held respectively in Oslo and Nayarit, and contributed to a deeper understanding of the consequences and the actual risks posed by nuclear weapons. Moreover, these further discussions underlined the extreme challenges for humanitarian response in the event of nuclear weapon explosions in populated areas. Furthermore, it presented a "bird's eye view" on international norms and the humanitarian impact of nuclear weapons. Key conclusions from the substantive sessions included the following:

- The impact of a nuclear weapon detonation, irrespective of the cause, would not be constrained by national borders and could have regional and even global consequences, causing destruction, death and displacement as well as profound and long-term damage to the environment, climate, human health and well-being, socioeconomic development, social order and could even threaten the survival of humankind.

- The scope, scale and interrelationship of the humanitarian consequences caused by nuclear weapon detonation are catastrophic and more complex than commonly understood. These consequences can be large scale and potentially irreversible.

- The use and testing of nuclear weapons have demonstrated their devastating immediate, mid- and long-term effects. Nuclear testing in several parts of the world has left a legacy of serious health and environmental consequences. Radioactive contamination from these tests disproportionately affects women and children. It contaminated food supplies and continues to be measurable in the atmosphere to this day.

- As long as nuclear weapons exist, there remains the possibility of a nuclear weapon explosion. Even if the probability is considered low, given the catastrophic consequences of a nuclear weapon detonation, the risk is unacceptable. The risks of accidental, mistaken, unauthorized or intentional use of nuclear weapons are evident due to the vulnerability of nuclear command and control networks to human error and cyberattacks, the maintaining of nuclear arsenals on high levels of alert, forward deployment and their modernization. These risks increase over time. The dangers of access to nuclear weapons and related materials by non-state actors, particularly terrorist groups, persist.

- There are many circumstances in which nuclear weapons could be used in view of international conflicts and tensions, and against the background of the current security doctrines of States possessing nuclear weapons. As nuclear deterrence entails preparing for nuclear war, the risk of nuclear weapon use is real. Opportunities to reduce risk must be taken now, such as de-alerting and reducing the role of nuclear weapons in security doctrines. Limiting the role of nuclear weapons to deterrence does not remove the possibility of their use. Nor does it address the risks stemming from accidental use. The only assurance against the risk of a nuclear weapon detonation is the total elimination of nuclear weapons.

- No state or international body could address in an adequate manner the immediate humanitarian emergency or long-term consequences caused by a nuclear weapon detonation in a populated area, nor provide adequate assistance to those affected. Such capacity is unlikely ever to exist. Coordinated preparedness may nevertheless be useful in mitigating the effects including of a terrorist event involving the explosion of an improvised nuclear device. The imperative of prevention as the only guarantee against the humanitarian consequences of nuclear weapons use was highlighted.

- Looking at nuclear weapons from a number of different legal angles, it is clear that there is no comprehensive legal norm universally prohibiting possession, transfer, production and use. International environmental law remains applicable in armed conflict and can pertain to nuclear weapons, although it does not specifically regulate these arms. Likewise, international health regulations would cover effects of nuclear weapons. The new evidence that has emerged in the last two years about the humanitarian impact of nuclear weapons casts further doubt on whether these weapons could ever be used in conformity with IHL. As was the case with torture, which defeats humanity and is now unacceptable to all, the suffering caused by nuclear weapons use is not only a legal matter, it necessitates moral appraisal.

- The catastrophic consequences of a nuclear weapon detonation event and the risks associated with the mere existence of these weapons raise profound ethical and moral questions on a level transcending legal discussions and interpretations.

General views and policy responses

States, international organisations, UN entities, the Red Cross and Red Crescent movement and civil society representatives recalled their deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons. They welcomed the convening of the Vienna Conference on the Humanitarian Impact of Nuclear Weapons. Participants appreciated the testimonials of survivors of nuclear weapons use and testing, including for educating and raising awareness among youth. Many delegates expressed concern about the limited progress in nuclear disarmament and stressed the view that humanitarian considerations should no longer be ignored but be at the core of all nuclear disarmament deliberations. They welcomed the broad participation, including by several nuclear weapons possessor states. They also considered that the discussions would contribute to the implementation of the 2010 NPT Review Conference Action Plan and earlier undertakings and the achievement of a meaningful outcome to the 2015 NPT Review Conference that takes nuclear disarmament efforts forward. Moreover, they reiterated the importance of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty as a key element of the international nuclear disarmament and non-proliferation regime.

Many delegations expressed their concern that military doctrines in several States continued to set forth rationales and operational planning for the use of nuclear weapons.

Many delegations noted that the discourse on the humanitarian impact of nuclear weapons has revealed that nuclear weapons pose an unacceptable risk, that this risk is higher than commonly understood and that it continues to increase over time. Protection of civilians is a fundamental duty of States and requires particular care on their part. Many delegations affirmed that in the interest of the very survival of humanity nuclear weapons must never be used again, under any circumstances.

Many delegations considered that the existence and possible use of nuclear weapons and the resulting unacceptable consequences raise profound moral and ethical issues.

In light of sustainable development challenges, concern was expressed about the diversion of funds for nuclear weapons.

Many delegations considered that the growing understanding of the risk posed by nuclear weapons, including the likelihood and devastating humanitarian consequences of their use, underscores the urgent need for all States to pursue effective measures for the achievement of nuclear disarmament.

States expressed various views regarding the ways and means of advancing the nuclear disarmament agenda. A range of legally binding collective approaches to achieving progress toward a world without nuclear weapons was discussed. Many delegations reaffirmed that the total elimination of nuclear weapons is the most effective way to prevent their use.

Many delegations expressed appreciation for the important contribution of civil society and researchers in all aspects of advancing nuclear disarmament and non-proliferation and the achievement of a world without nuclear weapons. The necessity of a multilateral and inclusive approach in pursuing this objective was highlighted by many delegations.

The majority of delegations underscored that the final elimination of nuclear weapons should be pursued within an agreed legal framework, including a nuclear weapons convention.

A number of delegations argued that a step-by-step approach was the most effective and practical way to achieve nuclear disarmament, referring in particular to the entry into force of the CTBT and a Treaty banning the production of fissile material for nuclear weapons. These delegations also noted that the global security environment needs to be taken into consideration in discussions about nuclear weapons and nuclear disarmament. In this connection, they promoted various unilateral, bilateral, plurilateral and multilateral, building blocks that should and can be taken in the near- to mid-term in support of a world without nuclear weapons.

Many delegations stressed the need for security for all and underscored that the only way to guarantee this security is through the total elimination of nuclear weapons and their prohibition. They expressed support for the negotiation of a new legal instrument prohibiting nuclear weapons constituting an effective measure towards nuclear disarmament, as required also by the NPT.

It was recognized that the obligation to pursue effective measures for nuclear disarmament, as expressed in article VI of the NPT, resides with each State Party, and that there are practical steps that States can take now to pursue such measures in good faith.

A number of delegations considered that the inability to make progress on any particular step was no reason not to pursue negotiations in good faith on other effective measures to achieve and maintain a nuclear-weapon-free world. Such steps have been taken very effectively in regional contexts in the past, as evidenced by nuclear weapon free zones.

Participants at the Vienna Conference were conscious that 2015 marks the 70th anniversary of the use of nuclear weapons in Hiroshima and Nagasaki and that calls for nuclear disarmament in this connection have been palpable and poignant. They considered that it is critical to sustain partnerships among States, the Red Cross Movement, international organisations, Parliamentarians and civil society with a view to translating the widespread concerns about the risks and consequences associated with nuclear weapons into concerted steps to achieve a world without these armaments.

The overwhelming majority of NPT States Parties expects that the forthcoming 2015 NPT Review Conference should take stock of all relevant developments, including the outcomes of the Conferences on the Humanitarian Impact of Nuclear Weapons, and determine the next steps for the achievement and maintenance of a nuclear-weapon-free world.

Austrian Pledge in Third Conference on the Humanitarian Impact of Nuclear Weapons

[Vienna, Austria, 8-9 February 2014]

Having hosted and chaired the Vienna Conference on the Humanitarian Impact of Nuclear Weapons from 8-9 December 2014 and in light of the important facts and findings that have been presented at the international conferences in Oslo, Nayarit and Vienna, Austria, solely in her national capacity, and without binding any other participant, wants to go beyond the summary just read out. After careful consideration of the evidence, Austria has come to the following inescapable conclusions and makes the subsequent pledge to take them forward with interested parties in available fora, including in the context of the NPT and its upcoming 2015 Review Conference:

Mindful of the unacceptable harm that victims of nuclear weapons explosions and nuclear testing have experienced and recognising that that the rights and needs of victims have not yet been adequately addressed,

Understanding that the immediate, mid- and long-term consequences of a nuclear weapon explosion are significantly graver than it was understood in the past and will not be constrained by national borders but have regional or even global effects, potentially threatening the survival of humanity,

Recognizing the complexity of and interrelationship between these consequences on health, environment, infrastructure, food security, climate, development, social cohesion and the global economy that are systemic and potentially irreversible,

Aware that the risk of a nuclear weapon explosion is significantly greater than previously assumed and is indeed increasing with increased proliferation, the lowering of the technical threshold for nuclear weapon capability, the ongoing modernisation of nuclear weapon arsenals in nuclear weapon possessing states, and the role that is attributed to nuclear weapons in the nuclear doctrines of possessor states,

Cogniscent of the fact that the risk of nuclear weapons use with their unacceptable consequences can only be avoided when all nuclear weapons have been eliminated,

Emphasizing that the consequences of a nuclear weapon explosion and the risks associated with nuclear weapons concern the security of all humanity and that all states share the responsibility to prevent any use of nuclear weapons,

Emphasizing that the scope of consequences of a nuclear weapon explosion and risks associated raise profound moral and ethical questions that go beyond debates about the legality of nuclear weapons,

Mindful that no national or international response capacity exists that would adequately respond to the human suffering and humanitarian harm that would result from a nuclear weapon explosion in a populated area, and that such capacity most likely will never exist,

Affirming that it is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances,

Reiterating the crucial role that international organisations, relevant UN entities, the Red Cross and Red Crescent Movement, elected representatives, academia and civil society play for advancing the shared objective of a nuclear weapon free world,

Austria regards it as her responsibility and consequently pledges to present the facts-based discussions, findings and compelling evidence of the Vienna Conference, which builds upon the previous conferences in Oslo and Nayarit, to all relevant fora, in particular the NPT Review Conference 2015 and in the UN framework, as they should be at the centre of all deliberations, obligations and commitments with regard to nuclear disarmament,

Austria pledges to follow the imperative of human security for all and to promote the protection of civilians against risks stemming from nuclear weapons,

Austria calls on all states parties to the NPT to renew their commitment to the urgent and full implementation of existing obligations under Article VI, and to this end, to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons and Austria pledges to cooperate with all stakeholders to achieve this goal,

Austria calls on all nuclear weapons possessor states to take concrete interim measures to reduce the risk of nuclear weapon detonations, including reducing the operational status of nuclear weapons and moving nuclear weapons away from deployment into storage, diminishing the role of nuclear weapons in military doctrines and rapid reductions of all types of nuclear weapons,

Austria pledges to cooperate with all relevant stakeholders, States, international organisations, the International Red Cross and Red Crescent Movements, parliamentarians and civil society, in efforts to stigmatise, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks.

US intervention at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons

[Vienna, Austria, 8-9 December 2014]

The United States recognizes the environmental and other impacts of nuclear testing. We recognize from our own history that traces of radioactive and cancer causing particles found their way into our children. It is why we pursued the Limited Test Ban Treaty fifty years ago, and is why we support a Comprehensive Test Ban Treaty, which would not only ban nuclear explosive testing in all

environments, but is a key step toward a world without nuclear weapons, a vision outlined by President Obama in Prague in 2009 and reaffirmed in Berlin last year.

More generally, we have come to Vienna to listen, and to acknowledge the sincere and shared concerns over the humanitarian impact of nuclear weapons. It is precisely our understanding of the consequences of nuclear weapons use that drives our efforts to reduce and eventually eliminate nuclear weapons, and to extend forever the nearly 70 year record of non-use of nuclear weapons.

We acknowledge that nations have different ideas on how to reach disarmament goals. In this regard, I note the United States does not support efforts to move to a nuclear weapons convention, a ban, or a fixed timetable for elimination of all nuclear weapons. Rather, achieving lasting disarmament will take sustained effort and commitment. It will require conducive security conditions and continued commitment by all parties to the NPT. This incremental approach has borne fruit, achieving major reductions in the number of nuclear weapons and fissile material stocks. This includes an 85 percent reduction in the U.S. stockpile of nuclear weapons since the high point in 1967.

We believe that a practical, stepwise approach to the pursuit of nuclear disarmament is the most effective means to reduce nuclear dangers and advance the NPT. We will not stand still. We will not give up on negotiation of an FMCT. We value nuclear transparency and the ongoing engagement among the five NPT nuclear weapon states. And we remain committed to bringing into force the CTBT and the protocols to nuclear weapon free zone treaties we have signed. We continue to implement the New START Treaty with Russia, and the President has made clear our interest in negotiating further reductions of all types of nuclear weapons when conditions permit.

And we seek to build capacity for further steps. As Under Secretary Gottemoeller announced in Prague last week, we will form a group of interested states to examine issues of nuclear disarmament verification.

This project embraces the idea of shared responsibility to work toward nuclear disarmament. Even in the face of current obstacles, the United States is conscious of our own obligations and responsibilities. We are meeting them; we do not shrug them off and we will never relent in this pursuit.

Statement by Austria. Joint Statement on the Humanitarian Consequences of Nuclear Weapons to 2015 NPT Review Conference

[28 April 2015]

I am taking the floor on behalf of Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, DR Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, Former Yugoslav Republic of Macedonia, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Holy See, Honduras, Iceland, Indonesia, Iran, Iraq, Ireland, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao PDR, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Federated States of Micronesia, Republic of Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Niue, Norway, Oman, Palau, State of Palestine, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Tanzania, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Arab Emirates, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe, and my own country, Austria.

Our countries are deeply concerned about the catastrophic humanitarian consequences of nuclear weapons. Past experience from the use and testing of nuclear weapons has amply demonstrated the unacceptable humanitarian consequences caused by the immense, uncontrollable destructive capability and indiscriminate nature of these weapons. The fact-based discussion that took place at the Conferences on the Humanitarian Impact of Nuclear Weapons, convened respectively by Norway in March 2013, Mexico in February 2014 and Austria in December 2014, has allowed us to deepen our collective understanding of those consequences. A key message from experts and international organisations was that no State or international body could address the immediate humanitarian emergency caused by a nuclear weapon detonation or provide adequate assistance to victims.

The broad participation at those Conferences, with attendance most recently in Vienna by 158 States, the ICRC, a number of UN humanitarian organisations and civil society, reflected the recognition that the catastrophic humanitarian consequences of nuclear weapons are a fundamental and global concern. We firmly believe that it is in the interests of all States to engage in discussions on the humanitarian consequences of nuclear weapons, which aim to further broaden and deepen understanding of this matter, and we welcome civil society's ongoing engagement.

This work is essential, because the catastrophic consequences of nuclear weapons affect not only governments, but each and every citizen of our interconnected world. They have deep implications for human survival; for our environment; for socio-economic development; for our economies; and for the health of future generations. For these reasons, we firmly believe that awareness of the catastrophic consequences of nuclear weapons must underpin all approaches and efforts towards nuclear disarmament, including in the work of the 2015 Review Conference of the Nuclear Non-Proliferation Treaty (NPT).

This is not, of course, a new idea. The appalling humanitarian consequences of nuclear weapons became evident from the moment of their first use, and from that moment have motivated humanity's aspirations for a world free from this threat, which have also inspired this statement. The humanitarian consequences of nuclear weapons have been reflected in numerous UN resolutions, including the first resolution passed by the General Assembly in 1946, and in multilateral instruments including the NPT. The world's most eminent nuclear physicists observed as early as 1955 that nuclear weapons threaten the continued existence of mankind and that a war with these weapons could quite possibly put an end to the human race. The First Special Session of the General Assembly devoted to Disarmament (SSOD-1) stressed in 1978 that "nuclear weapons pose the greatest danger to mankind and to the survival of civilisation." These expressions of profound concern remain as compelling as ever. In spite of this, the humanitarian consequences of nuclear weapons have not been at the core of nuclear disarmament and nuclear non-proliferation deliberations for many years.

We are therefore encouraged that the humanitarian focus is now well established on the global agenda. The 2010 Review Conference of the NPT expressed "deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons". That deep concern informed the 26 November 2011 resolution of the Council of Delegates of the Red Cross and Red Crescent Movement, and the decision in 2012 of the General Assembly to establish an open-ended working group to develop proposals to take forward multilateral nuclear disarmament negotiations. It underlies the Special Declaration of the 3rd Summit of the Community of Latin American and Caribbean States' in January 2015 on the urgent need for a nuclear weapons-free world. In September 2013, at the High-Level Meeting on Nuclear

Disarmament, numerous leaders from around the world again evoked that deep concern as they called for progress to be made on nuclear disarmament. More than three quarters of all countries supported the Joint Statement on the Humanitarian Consequences of Nuclear Weapons delivered at the 2014 First Committee of the UN General Assembly. Today's statement again demonstrates the growing political support for the humanitarian focus.

It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances. The catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed. All efforts must be exerted to eliminate the threat of these weapons of mass destruction.

The only way to guarantee that nuclear weapons will never be used again is through their total elimination. All States share the responsibility to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear disarmament, including through fulfilling the objectives of the NPT and achieving its universality.

We welcome the renewed resolve of the international community, together with the ICRC and international humanitarian organisations, to address the catastrophic humanitarian consequences of nuclear weapons. By raising awareness about this issue, civil society has a crucial role to play side-by-side with governments as we fulfil our responsibilities. We owe it to future generations to work together to do just that, and in doing so to rid our world of the threat posed by nuclear weapons.

Statement of Australia. Statement on the Humanitarian Consequences of Nuclear Weapons to 2015 NPT Review Conference

[30 April 2015]

I take the floor on behalf of Australia, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Turkey.

The renewed global focus on the humanitarian impact of nuclear weapons has reenergised concerns about the horrific consequences for humanity that would result from a nuclear weapon detonation or a terrorist attack involving fissile material. It is our concern about the continuing nuclear risks to

humanity, and a desire for a peaceful future for successive generations, which underpins our long-standing advocacy for effective progress on nuclear disarmament and non-proliferation, particularly through the Treaty

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on the Non-Proliferation of Nuclear Weapons (NPT) and its universal application. We stress the significance of spreading awareness of the humanitarian impact of nuclear weapons across borders and generations. In order to foster further momentum for achieving a world free of nuclear weapons, we need this generation – especially in nuclear-armed States - to fully comprehend

why we must resolutely strive for a world without nuclear weapons. It is in this context that we welcome the statement delivered by Austria on behalf of a large number of countries on the humanitarian consequences of nuclear weapons. It is in the interests of the very survival of humanity that nuclear war must never occur.

We acknowledge that there have been significant reductions in the number of nuclear weapons worldwide since the end of the Cold War. However, more than 16,000 nuclear warheads still exist, many on high alert status. It is also regrettable that some states possessing nuclear weapons continue to produce new nuclear weapons.

It is therefore crucial that all States more resolutely and urgently fulfil their disarmament commitments and work to ensure these weapons are not used and do not proliferate. At the same time, eliminating nuclear weapons is only possible through substantive and constructive engagement with those states which possess nuclear weapons. To create the conditions that would facilitate further major reductions in nuclear arsenals and eventually eliminate them requires the global community to cooperate to address the important security and humanitarian

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dimensions of nuclear weapons. It will also require effort to further reduce levels of hostility and tension between States – particularly between those possessing nuclear weapons - and to pursue confidence-building measures (CBMs) such as enhanced transparency of existing nuclear arsenals and a reduced role for nuclear weapons in military doctrines. We note with disappointment the current increased tensions between nuclear weapon states and encourage them to continue to nevertheless seek to further CBMs and nuclear arsenal reductions.

We must simultaneously advance non-proliferation and disarmament as mutually reinforcing processes and create a more peaceful world. Practical contributions we can make would be to unblock the world's key disarmament negotiating forum, the Conference on Disarmament; begin negotiations for a Fissile Material Cut-off Treaty; and bring into force the Comprehensive Nuclear Test Ban Treaty as part of a series of steps aimed at achieving the total elimination of nuclear weapons. Nuclear Weapon States must make efforts to achieve further cuts in their nuclear arsenals as soon as possible, de-alert nuclear warheads and reduce the role and significance of nuclear weapons in their defence doctrines. They should also commit to cease production of any new nuclear weapons. The International Atomic Energy Agency's powers of inspection, verification and reporting on global proliferation risks must also be strengthened. In this context, we welcome initiatives to develop a better understanding of the complexities of international nuclear disarmament verification. The Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone for progress towards total nuclear disarmament.

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As agreed in Article VI of the NPT a multilateral framework or treaty on general and complete disarmament under strict and effective international control will have to be negotiated to underpin a world without nuclear weapons. But we have to accept that the hard practical work necessary to bring us closer to a world free of nuclear weapons must still be done. We need to work methodically and with realism if we are going to attain the necessary confidence and transparency to bring about nuclear disarmament.

There are no short cuts.

We look forward to working constructively together to ensure an outcome at this Review Conference which strengthens the NPT and the commitment of all states parties across the three pillars.

Humanitarian consequences of nuclear weapons. Working paper to 2019 NPT Prepcom.

NPT/CONF.2020/ PC.III/WP.44
[26 April 2019]

Working paper submitted by Algeria, Austria, Bangladesh, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Egypt, El Salvador, Gambia, Ghana, Guatemala, Guyana, Indonesia, Ireland, Jamaica, Liechtenstein, Malta, Malaysia, Mexico, Mozambique, Namibia, Nepal, New Zealand, Nigeria, Panama, Peru, the Philippines, South Africa, Thailand and Uruguay.

[Eds . . .]

13. At the same time, the humanitarian consequences of nuclear weapons remain an important issue for discussion within the framework of the Non-Proliferation Treaty. In the pursuit of the key objectives of the Treaty, the full and effective implementation of the

Treaty and the obligations and commitments on nuclear disarmament and non-proliferation reached at the previous Review Conferences, the following recommendations regarding the subject matter of the present working paper are made to the 2020 Review Conference:

(a) To welcome that during the past two review cycles, findings and evidence on the humanitarian impact of nuclear weapons have been presented in fact-based discussions, including at international conferences;

(b) To recognize that the immediate, mid- and long-term consequences of nuclear weapon detonations, inter alia, on health, the environment, infrastructure, food security, climate, development, social cohesion and the global economy are significantly graver than previously understood, are interlinked, and would not be constrained by national borders but have regional or global effects, and may even threaten the survival of humanity;

(c) To be aware that the risk of a nuclear weapon explosion is significantly greater than previously assumed and is further increasing with proliferation, the lowering of the technical threshold for nuclear weapon capability and with the danger of the access to nuclear weapons and related material by terrorist groups;

(d) To recognize the vulnerability of nuclear weapon systems in the age of cyberattacks, in which data manipulation and other malicious cyber activities could lead to wrong decisions/mistakes or even a loss of control by States possessing nuclear weapons over these weapons;

(e) To express dismay at the unacceptable humanitarian consequences of any use of nuclear weapons and to reaffirm the need for all States at all times to comply with applicable international law, including international humanitarian law;

(f) To recognize that evidence that has emerged about the humanitarian consequences of nuclear weapons lends further strength to the view that these weapons cannot be used in conformity with international law, in particular international humanitarian law;

(g) To emphasize that the consequences of nuclear weapon detonations and the risks associated with this weaponry concern the security of all humanity;

(h) To affirm that it is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances;

(i) To be cognizant of the fact that the risk of nuclear weapons' use can be avoided only through the total elimination of nuclear weapons and maintenance of a world free of nuclear weapons, an objective of the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Prohibition of Nuclear Weapons, the latter being an effective legal measure under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

(j) To recognize that the Treaty on the Non-Proliferation of Nuclear Weapons and the Treaty on the Prohibition of Nuclear Weapons acknowledge the deep concern about the catastrophic humanitarian consequences of any use of nuclear weapons and that awareness of these consequences must underpin all approaches and efforts towards nuclear disarmament;

(k) To emphasize that the scope of consequences of a nuclear weapon detonation and risks associated raise profound moral and ethical questions;

(l) To commit to further enhancing awareness of the humanitarian impact of and risks associated with nuclear weapons with a view to increasing the urgency with which a world without nuclear weapons is pursued and achieved;

(m) To call on the nuclear-weapon States, pending the total elimination of their nuclear weapon arsenals, to take concrete interim measures with urgency to reduce the risk of nuclear weapon detonations and to increase their transparency and accountability in this regard;

(n) To urge the nuclear-weapon States to revise their policies with regard to nuclear weapons, as necessary, in a way that promotes nuclear disarmament as mandated under article VI of the Treaty and thereby contributes to achieving the Treaty's overarching objective of a world without nuclear weapons;

(o) To stress that, in the light of the growing understanding of the risk posed by nuclear weapons and their devastating humanitarian consequences, there is an urgent need for the full implementation of existing obligations under the Non-Proliferation and its previous Review Conferences to identify and pursue effective measures for the achievement and maintenance of a world without nuclear weapons, and to call on all States parties to spare no efforts in this regard.

First Committee Resolution, 'Humanitarian consequences of nuclear weapons'

A/C.1/76/L.11

06 October 2021

The General Assembly,

[Eds…]

1. *Stresses* that it is in the interest of the very survival of humanity that nuclear weapons never be used again, under any circumstances;
2. *Emphasizes* that the only way to guarantee that nuclear weapons will never be used again is their total elimination;
3. *Stresses* that the catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed;
4. *Expresses* its firm belief that awareness of the catastrophic consequences of nuclear weapons must underpin all approaches and efforts towards nuclear disarmament;
5. *Calls upon* all States, in their shared responsibility, to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear disarmament;
6. *Urges* States to exert all efforts to totally eliminate the threat of these weapons of mass destruction;
7. *Decides* to include in the provisional agenda of its seventy-seventh session, under the item entitled "General and complete disarmament", the sub-item entitled "Humanitarian consequences of nuclear weapons".

I – Bilateral Measures – Russia-United States

Section 1: New START

Treaty Between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms

[Signed 8 April 2010 Prague;
Entered into Force 5 February 2011 Munich]

The United States of America and the Russian Federation, hereinafter referred to as the Parties,

Believing that global challenges and threats require new approaches to interaction across the whole range of their strategic relations,

Working therefore to forge a new strategic relationship based on mutual trust, openness, predictability, and cooperation,

Desiring to bring their respective nuclear postures into alignment with this new relationship, and endeavoring to reduce further the role and importance of nuclear weapons,

Committed to the fulfillment of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, and to the achievement of the historic goal of freeing humanity from the nuclear threat,

Expressing strong support for on-going global efforts in non-proliferation,

Seeking to preserve continuity in, and provide new impetus to, the step-by-step process of reducing and limiting nuclear arms while maintaining the safety and security of their nuclear arsenals, and with a view to expanding this process in the future, including to a multilateral approach,

Guided by the principle of indivisible security and convinced that measures for the reduction and limitation of strategic offensive arms and the other obligations set forth in this Treaty will enhance predictability and stability, and thus the security of both Parties,

Recognizing the existence of the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties,

Mindful of the impact of conventionally armed ICBMs and SLBMs on strategic stability,

Taking into account the positive effect on the world situation of the significant, verifiable reduction in nuclear arsenals at the turn of the 21st century,

Desiring to create a mechanism for verifying compliance with the obligations under this Treaty, adapted, simplified, and made less costly in comparison to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991, hereinafter referred to as the START Treaty,

Recognizing that the START Treaty has been implemented by the Republic of Belarus, the Republic of Kazakhstan, the Russian Federation, Ukraine, and the United States of America, and that the reduction levels envisaged by the START Treaty were achieved,

Deeply appreciating the contribution of the Republic of Belarus, the Republic of Kazakhstan, and Ukraine to nuclear disarmament and to strengthening international peace and security as non-nuclear-weapon states under the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968,

Welcoming the implementation of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions of May 24, 2002,

Have agreed as follows:

Article I

1. Each Party shall reduce and limit its strategic offensive arms in accordance with the provisions of this Treaty and shall carry out the other obligations set forth in this Treaty and its Protocol.

2. Definitions of terms used in this Treaty and its Protocol are provided in Part One of the Protocol.

Article II

1. Each Party shall reduce and limit its ICBMs and ICBM launchers, SLBMs and SLBM launchers, heavy bombers, ICBM warheads, SLBM warheads, and heavy bomber nuclear armaments, so that seven years after entry into force of this Treaty and thereafter, the aggregate numbers, as counted in accordance with Article III of this Treaty, do not exceed:

(a) 700, for deployed ICBMs, deployed SLBMs, and deployed heavy bombers;

(b) 1550, for warheads on deployed ICBMs, warheads on deployed SLBMs, and nuclear warheads counted for deployed heavy bombers;

(c) 800, for deployed and non-deployed ICBM launchers, deployed and non-deployed SLBM launchers, and deployed and non-deployed heavy bombers.

2. Each Party shall have the right to determine for itself the composition and structure of its strategic offensive arms.

Article III

1. For the purposes of counting toward the aggregate limit provided for in subparagraph l(a) of Article I1 of this Treaty:

(a) Each deployed ICBM shall be counted as one.

(b) Each deployed SLBM shall be counted as one.

(c) Each deployed heavy bomber shall be counted as one.

2. For the purposes of counting toward the aggregate limit provided for in subparagraph l(b) of Article I1 of this Treaty:

(a) For ICBMs and SLBMs, the number of warheads shall be the number of reentry vehicles emplaced on deployed ICBMs and on deployed SLBMs.

(b) One nuclear warhead shall be counted for each deployed heavy bomber.

3. For the purposes of counting toward the aggregate limit provided for in subparagraph l(c) of Article I1 of this Treaty:

(a) Each deployed launcher of ICBMs shall be counted as one.

(b) Each non-deployed launcher of ICBMs shall be counted as one.

(c) Each deployed launcher of SLBMs shall be counted as one.

(d) Each non-deployed launcher of SLBMs shall be counted as one.

(e) Each deployed heavy bomber shall be counted as one.

(f) Each non-deployed heavy bomber shall be counted as one.

4. For the purposes of this Treaty, including counting ICBMs and SLBMs:

(a) For ICBMs or SLBMs that are maintained, stored, and transported as assembled missiles in launch canisters, an assembled missile of a particular type, in its launch canister, shall be considered to be an ICBM or SLBM of that type

(b) For ICBMs or SLBMs that are maintained, stored, and transported as assembled missiles without launch canisters, an assembled missile of a particular type shall be considered to be an ICBM or SLBM of that type.

(c) For ICBMs or SLBMs that are maintained, stored, and transported in stages, the first stage of an ICBM or SLBM of a particular type shall be considered to be an ICBM or SLBM of that type.

(d) Each launch canister shall be considered to contain an

ICBM or SLBM from the time it first leaves a facility at which an ICBM or SLBM is installed in it, until an ICBM or SLBM has been launched from it, or until an ICBM or SLBM has been removed from it for elimination. A launch canister shall not be considered to contain an ICBM or SLBM if it contains a training model of a missile or has been placed on static display. Launch canisters for ICBMs or SLBMs of a particular type shall be distinguishable from launch canisters for ICBMs or SLBMs of a different type.

5. Newly constructed strategic offensive arms shall begin to be subject to this Treaty as follows:

(a) an ICBM, when it first leaves a production facility;

(b) a mobile launcher of ICBMs, when it first leaves a production facility;

(c) a silo launcher of ICBMs, when the silo door is first installed and closed;

(d) an SLBM, when it first leaves a production facility;

(e) an SLBM launcher, when the submarine on which that launcher is installed is first launched;

(f) a heavy bomber equipped for nuclear armaments, when its airframe is first brought out of the shop, plant, or building in which components of such a heavy bomber are assembled to produce complete airframes; or when its airframe is first brought out of the shop, plant, or building in which existing bomber airframes are converted to such heavy bomber airframes.

6. ICBMs, SLBMs, ICBM launchers, SLBM launchers, and heavy bombers shall cease to be subject to this Treaty in accordance with Parts Three and Four of the Protocol to this Treaty. ICBMs or SLBMs of an existing type shall cease to be subject to this Treaty if all ICBM or SLBM launchers of a type intended for such ICBMs or SLBMs have been eliminated or converted in accordance with Part Three of the Protocol to this Treaty.

7. For the purposes of this Treaty:

(a) A missile of a type developed and tested solely to intercept and counter objects not located on the surface of the Earth shall not be considered to be a ballistic missile to which the provisions of this Treaty apply.

(b) Within the same type, a heavy bomber equipped for nuclear armaments shall be distinguishable from a heavy bomber equipped for non-nuclear armaments.

(c) Heavy bombers of the same type shall cease to be subject to this Treaty or to the limitations thereof when the last heavy bomber equipped for nuclear armaments of that type is eliminated or converted, as appropriate, to a heavy bomber equipped for non-nuclear armaments in accordance with Part Three of the Protocol to this Treaty.

8. As of the date of signature of this Treaty:

(a) Existing types of ICBMs are:

(i) for the United States of America, the Minuteman II, Minuteman III, and Peacekeeper;

(ii) for the Russian Federation, the RS-12M, RS-12M2, RS-18, RS-20, and RS-24.

(b) Existing types of SLBMs are:

(i) for the Russian Federation, the RSM-50, RSM-52, RSM-54, and RSM-56;

(ii) for the United States of America, the Trident 11.

(c) Existing types of heavy bombers are:

(i) for the United States of America, the B-52G, B-52H, B-IB, and B-2A;

(ii) for the Russian Federation, the Tu-95MS and Tu-160.

(d) Existing types of ICBM launchers and SLBM launchers are:

(i) for the Russian Federation, ICBM launchers RS-12M, RS-12M2, RS-18, RS-20, and RS-24; SLBM launchers RSM-50, RSM-52, RSM-54, and RSM-56;

(ii) for the United States of America, ICBM launchers Minuteman II, Minuteman III, and Peacekeeper; the SLBM launchers Trident 11.

Article IV

1. Each Party shall base:

(a) deployed launchers of ICBMs only at ICBM bases;

(b) deployed heavy bombers only at air bases.

2. Each Party shall install deployed launchers of SLBMs only on ballistic missile submarines.

3. Each Party shall locate:

(a) non-deployed launchers of ICBMs only at ICBM bases, production facilities, ICBM loading facilities, repair facilities, storage facilities, conversion or elimination facilities, training facilities, test ranges, and space launch facilities. Mobile launchers of prototype ICBMs shall not be located at maintenance facilities of ICBM bases;

(b) non-deployed ICBMs and non-deployed SLBMs only at, as appropriate, submarine bases, ICBM or SLBM loading facilities, maintenance facilities, repair facilities for ICBMs or SLBMs, storage facilities for ICBMs or SLBMs, conversion or elimination facilities for ICBMs or SLBMs, test ranges, space launch facilities, and production facilities. Prototype ICBMs and prototype SLBMs, however, shall not be located at maintenance facilities of ICBM bases or at submarine bases.

4. Non-deployed ICBMs and non-deployed SLBMs as well as nondeployed mobile launchers of ICBMs may be in transit. Each Party shall limit the duration of each transit between facilities to no more than 30 days.

5. Test launchers of ICBMs or SLBMs may be located only at test ranges.

6. Training launchers may be located only at ICBM bases, training facilities, and test ranges. The number of silo training launchers located at each ICBM base for silo launchers of ICBMs shall not exceed one for each type of ICBM specified for that ICBM base.

7. Each Party shall limit the number of test heavy bombers to no more than ten.

8. Each Party shall base test heavy bombers only at heavy bomber flight test centers. Non-deployed heavy bombers other than test heavy bombers shall be located only at repair facilities or production facilities for heavy bombers.

9. Each Party shall not carry out at an air base joint basing of heavy bombers equipped for nuclear armaments and heavy bombers equipped for non-nuclear armaments, unless otherwise agreed by the Parties.

10. Strategic offensive arms shall not be located at eliminated facilities except during their movement through such facilities and during visits of heavy bombers at such facilities.

11. Strategic offensive arms subject to this Treaty shall not be based outside the national territory of each Party. The obligations provided for in this paragraph shall not affect the Parties' rights in accordance with generally recognized principles and rules of international law relating to the passage of submarines or flights of aircraft, or relating to visits of submarines to ports of third States. Heavy bombers may be temporarily located outside the national territory, notification of which shall be provided in accordance with Part Four of the Protocol to this Treaty.

Article V

1. Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out.

2. When a Party believes that a new kind of strategic offensive arm is emerging, that Party shall have the right to raise the question of such a strategic offensive arm for consideration in the Bilateral Consultative Commission.

3. Each Party shall not convert and shall not use ICBM launchers and SLBM launchers for placement of missile defense interceptors therein. Each Party further shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein. This provision shall not apply to ICBM launchers that were converted prior to signature of this Treaty for placement of missile defense interceptors therein.

Article VI

1. Conversion, elimination, or other means for removal from

accountability of strategic offensive arms and facilities shall be carried out in accordance with Part Three of the Protocol to this Treaty.

2. Notifications related to conversion, elimination, or other means for removal from accountability shall be provided in accordance with Parts Three and Four of the Protocol to this Treaty.

3. Verification of conversion or elimination in accordance with this Treaty shall be carried out by:

(a) national technical means of verification in accordance with Article X of this Treaty; and

(b) inspection activities as provided for in Article XI of this Treaty.

Article VII

1. A database pertaining to the obligations under this Treaty shall be created in accordance with Parts Two and Four of the Protocol to this Treaty. Categories of data for this database are set forth in Part Two of the Protocol to this Treaty.

2. Each Party shall notify the other Party about changes in data and shall provide other notifications in a manner provided for in Part Four of the Protocol to this Treaty.

3. Each Party shall use the Nuclear Risk Reduction Centers in order to provide and receive notifications, unless otherwise provided for in this Treaty.

4. Each Party may provide additional notifications on a voluntary basis, in addition to the notifications specified in paragraph 2 of this Article, if it deems this necessary to ensure confidence in the fulfilment of obligations assumed under this Treaty.

5. The Parties shall hold consultations within the framework of the Bilateral Consultative Commission on releasing to the public data and information obtained during the implementation of this Treaty. The Parties shall have the right to release to the public such data and information following agreement thereon within the framework of the Bilateral Consultative Commission. Each Party shall have the right to release to the public data related to its respective strategic offensive arms.

6. Geographic coordinates relating to data provided for in Part Two of the Protocol to this Treaty, unique identifiers, site diagrams of facilities provided by the Parties pursuant to this Treaty, as well as coastlines and waters diagrams provided by the Parties pursuant to this Treaty shall not be released to the public unless otherwise agreed by the Parties within the framework of the Bilateral Consultative Commission.

7. Notwithstanding paragraph 5 of this Article, the aggregate numbers of deployed ICBMs, deployed SLBMs, and deployed heavy bombers; the aggregate numbers of warheads on deployed ICBMs, deployed SLBMs, and nuclear warheads counted for deployed heavy bombers; and the aggregate numbers of deployed and nondeployed ICBM launchers, deployed and non-deployed SLBM launchers, and deployed and non-deployed heavy bombers, may be released to the public by the Parties.

Article VIII

In those cases in which one of the Parties determines that its actions may lead to ambiguous situations, that Party shall take measures to ensure the viability and effectiveness of this Treaty and to enhance confidence, openness, and predictability concerning the reduction and limitation of strategic offensive arms. Such measures may include, among other things, providing information in advance on activities of that Party associated with deployment or increased readiness of strategic offensive arms, to preclude the possibility of misinterpretation of its actions by the other Party. This information shall be provided through diplomatic or other channels.

Article IX

By mutual agreement of the Parties, telemetric information on launches of ICBMs and SLBMs shall be exchanged on a parity basis. The Parties shall agree on the amount of exchange of such telemetric information.

Article X

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party undertakes:

(a) to use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law;

(b) not to interfere with the national technical means of verification of the other Party operating in accordance with this Article; and

(c) not to use concealment measures that impede verification, by national technical means of verification, of compliance with the provisions of this Treaty.

2. The obligation not to use concealment measures includes the obligation not to use them at test ranges, including measures that result in the concealment of ICBMs, SLBMs, ICBM launchers, or the association between ICBMs or SLBMs and their launchers during testing. The obligation not to use concealment measures shall not apply to cover or concealment practices at ICBM bases or to the use of environmental shelters for strategic offensive arms.

Article XI

1. For the purpose of confirming the accuracy of declared data on strategic offensive arms subject to this Treaty and ensuring verification of compliance with the provisions of this Treaty, each Party shall have the right to conduct inspection activities in accordance with this Article and Part Five of the Protocol to this Treaty.

2. Each Party shall have the right to conduct inspections at ICBM bases, submarine bases, and air bases. The purpose of such inspections shall be to confirm the accuracy of declared data on the numbers and types of deployed and non-deployed strategic offensive arms subject to this Treaty; the number of warheads located on deployed ICBMs and deployed SLBMs; and the number of nuclear armaments located on deployed heavy bombers. Such inspections shall hereinafter be referred to as Type One inspections.

3. Each Party shall have the right to conduct inspections at facilities listed in Section VII of Part Five of the Protocol to this Treaty. The purpose of such inspections shall be to confirm the accuracy of declared data on the numbers, types, and technical characteristics of non-deployed strategic offensive arms subject to this Treaty and to confirm that strategic offensive arms have been converted or eliminated.

In addition, each Party shall have the right to conduct inspections at formerly declared facilities, which are provided for in Part Two of the Protocol to this Treaty, to confirm that such facilities are not being used for purposes inconsistent with this Treaty.

The inspections provided for in this paragraph shall hereinafter be referred to as Type Two inspections.

4. Each Party shall conduct exhibitions and have the right to participate in exhibitions conducted by the other Party. The purpose of such exhibitions shall be to demonstrate distinguishing features and to confirm technical characteristics of new types, and to demonstrate the results of conversion of the first item of each type of strategic offensive arms subject to this Treaty.

Article XII

To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Bilateral Consultative Commission, the authority and procedures for the operation of which are set forth in Part Six of the Protocol to this Treaty.

Article XIII

To ensure the viability and effectiveness of this Treaty, each Party shall not assume any international obligations or undertakings that would conflict with its provisions. The Parties shall not transfer strategic offensive arms subject to this Treaty to third parties. The Parties shall hold consultations within the framework of the Bilateral Consultative Commission in order to resolve any ambiguities that may arise in this regard. This provision shall not apply to any patterns of cooperation, including obligations, in the area of strategic offensive arms, existing at the time of signature of this Treaty, between a Party and a third State.

Article XIV

1. This Treaty, including its Protocol, which is an integral part

thereof, shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.

2. This Treaty shall remain in force for 10 years unless it is superseded earlier by a subsequent agreement on the reduction and limitation of strategic offensive arms. If either Party raises the issue of extension of this Treaty, the Parties shall jointly consider the matter. If the Parties decide to extend this Treaty, it will be extended for a period of no more than five years unless it is superseded earlier by a subsequent agreement on the reduction and limitation of strategic offensive arms.

3. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party. Such notice shall contain a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests. This Treaty shall terminate three months from the date of receipt by the other Party of the aforementioned notice, unless the notice specifies a later date.

4. As of the date of its entry into force, this Treaty shall supersede the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions of May 24, 2002, which shall terminate as of that date.

Article XV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing entry into force of this Treaty.

2. If it becomes necessary to make changes in the Protocol to this Treaty that do not affect substantive rights or obligations under this Treaty, the Par5ties shall use the Bilateral Consultative Commission to reach agreement on such changes, without resorting to the procedure for making amendments that is set forth in paragraph 1 of this Article.

Article XVI

This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Prague, this eighth day of April, 2010, in two originals, each in the English and Russian languages, both texts being equally authentic.

For the United States: Barack Obama

For the Russian Federation: Dmitry Medvedev

Statement by the Ministry of Foreign Affairs of the Russian Federation on the Extension of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms

[3 February 2021]

On February 3, 2021 the MFA of Russia and the U.S. Embassy in Moscow exchanged diplomatic notes regarding the completion of internal procedures required for the entry into force of the Agreement to extend the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms of April 8, 2010 (New START). Accordingly, this Agreement entered into force on the same day. Thus the Treaty will remain in effect exactly as it had been signed, without any amendments or additions, until February 5, 2026. The telephone conversation between the President of Russia Vladimir Putin and the U.S. President Joseph Biden on January 26, 2021 became key for this development to proceed.

In effect, this core mechanism for maintaining strategic stability is preserved and its further functioning assured on a strictly reciprocal basis, limiting the two countries' nuclear arsenals. Considering the special responsibilities that Russia and the U.S. carry as the world's largest nuclear nations, the decision taken is important as it guarantees a necessary level of predictability and transparency in this area, while strictly maintaining a balance of interests.

We expect that the understanding, reached with Washington regarding the future of the New START Treaty as a cornerstone of international security, would allow to leave behind the trend towards dismantling of arms control and nonproliferation mechanisms, so prevalent in recent years due to U.S. destructive policies. Significant steps would be required to return our bilateral dialogue in this area back to a more stable trajectory, reach new substantial results which would strengthen our national security and global strategic stability.

Russia is ready to do its part. We urge the U.S. to apply a similarly responsible approach and to respond to our initiatives in a constructive manner.

Press Statement by Antony J. Blinken, U.S. Secretary of State on the Extension of the New START Treaty with the Russian Federation

[3 February 2021]

President Biden pledged to keep the American people safe from nuclear threats by restoring U.S. leadership on arms control and nonproliferation. Today, the United States took the first step toward making good on that pledge when it extended the New START Treaty with the Russian Federation for five years.

Extending the New START Treaty ensures we have verifiable limits on Russian ICBMs, SLBMs, and heavy bombers until February 5, 2026. The New START Treaty's verification regime enables us to monitor Russian compliance with the treaty and provides us with greater insight into Russia's nuclear posture, including through data exchanges and onsite inspections that allow U.S. inspectors to have eyes on Russian nuclear forces and facilities. The United States has assessed the Russian Federation to be in compliance with its New START Treaty obligations every year since the treaty entered into force in 2011.

Especially during times of tension, verifiable limits on Russia's intercontinental-range nuclear weapons are vitally important. Extending the New START Treaty makes the United States, U.S. allies and partners, and the world safer. An unconstrained nuclear competition would endanger us all.

President Biden has made clear that the New START Treaty extension is only the beginning of our efforts to address 21st century security challenges. The United States will use the time provided by a five-year extension of the New START Treaty to pursue with the Russian Federation, in consultation with Congress and U.S. allies and partners, arms control that addresses all of its nuclear weapons. We will also pursue arms control to reduce the dangers from China's modern and growing nuclear arsenal. The United States is committed to effective arms control that enhances stability, transparency and predictability while reducing the risks of costly, dangerous arms races.

Just as we engage the Russian Federation in ways that advance American interests, like seeking a five-year extension of New START and broader discussions to reduce the likelihood of crisis and conflict, we remain clear eyed about the challenges that Russia poses to the United States and the world. Even as we work with Russia to advance U.S. interests, so too will we work to hold Russia to account for adversarial actions as well as its human rights abuses, in close coordination with our allies and partners.

New START Treaty Aggregate Numbers of Strategic Offensive Arms. Fact Sheet

[This data is current as of March 1, 2021]

Category of Data	United States of America	Russian Federation
Deployed ICBMs,	651	517

Deployed SLBMs, and Deployed Heavy Bombers		
Warheads on Deployed ICBMs, on Deployed SLBMs, and Nuclear Warheads Counted for Deployed Heavy Bombers	1357	1456
Deployed and Non-deployed Launchers of ICBMs, Deployed and Non-deployed Launchers of SLBMs, and Deployed and Non-deployed Heavy Bombers	800	767

Section 2: INF Treaty

U.S. Withdrawal from the INF Treaty on August 2, 2019. Press Statement by Michael R. Pompeo, U.S. Secretary of State.

[2 August 2019]

On February 2, 2019, the United States provided its six-month notice of withdrawal from the Intermediate-Range Nuclear Forces (INF) Treaty due to the Russian Federation's continuing violation of the treaty.

The U.S. withdrawal pursuant to Article XV of the treaty takes effect today because Russia failed to return to full and verified compliance through the destruction of its noncompliant missile system—the SSC-8 or 9M729 ground-launched, intermediate-range cruise missile.

Russia is solely responsible for the treaty's demise. Dating back to at least the mid-2000s, Russia developed, produced, flight tested, and has now fielded multiple battalions of its noncompliant missile. The United States first raised its concerns with Russia in 2013. Russia subsequently and systematically rebuffed six years of U.S. efforts seeking Russia's return to compliance. With the full support of our NATO Allies, the United States has determined Russia to be in material breach of the treaty, and has subsequently suspended our obligations under the treaty. Over the past six months, the United States provided Russia a final opportunity to correct its noncompliance. As it has for many years, Russia chose to keep its noncompliant missile rather than going back into compliance with its treaty obligations.

The United States will not remain party to a treaty that is deliberately violated by Russia. Russia's noncompliance under the treaty jeopardizes U.S. supreme interests as Russia's development and fielding of a treaty-violating missile system represents a direct threat to the United States and our allies and partners. The United States greatly appreciates the steadfast cooperation and resolve NATO allies have shown in responding to Russia's violation.

The United States remains committed to effective arms control that advances U.S., allied, and partner security; is verifiable and enforceable; and includes partners that comply responsibly with their obligations. President Trump has charged this Administration with beginning a new chapter by seeking a new era of arms control that moves beyond the bilateral treaties of the past. Going forward, the United States calls upon Russia and China to join us in this opportunity to deliver real security results to our nations and the entire world.

Statement by the President of Russia on US Withdrawal from the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles

[5 August 2019]

On February 1, 2019, the United States of America launched a procedure to withdraw from the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles. The six-month period set forth in the Treaty's withdrawal clause has expired. When one of the parties withdraws from the Treaty, it ceases to have effect automatically. Therefore, as of August 2, 2019 the INF Treaty no longer exists. Our US colleagues sent it to the archives, making it a thing of the past.

It is with regret that Russia states that the unilateral withdrawal by the United States from the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles under a far-fetched pretext and the dismantlement of one of the last fundamental arms control treaties creates major complications for world affairs and brings about serious risks for everyone. Let me emphasise that all the responsibility for what has happened rests with the United States. Instead of engaging in a meaningful discussion on international security matters, the United States opted for simply undercutting many years of efforts to reduce the probability of a large-scale armed conflict, including the use of nuclear weapons.

Russia cannot ignore the current state of affairs or satisfy itself with hollow peace-loving declarations made by its American colleagues or their allies.

In this context, considering the current situation, I instruct the Defence Ministry, the Foreign Ministry and the Foreign Intelligence Service to monitor in the most thorough manner future steps taken by the United States to develop, produce and deploy intermediate-range and medium-range missiles.

If Russia obtains reliable information whereby the United States completes the development of these systems and starts to produce them, Russia will have no option other than to engage in a full-scale effort to develop similar missiles. Of course, this will take time. Until the Russian army deploys these weapons, Russia will reliably offset the threats related to the withdrawal by the United States from the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles by relying on the means that we already have: the X-101 and the Kinzhal air-launched missiles, the Kalibr sea-launched missile, as well as future weapons systems, including Tsirkon-class hypersonic systems. At the same time, Russia maintains the unilateral commitments it has assumed, and will act only when it has to respond. This applies to developing, producing and deploying land-based intermediate-range and shorter-range missiles. We will not deploy them in any given region until US-made intermediate-range and shorter-range missiles are deployed there.

Despite the recent developments, Russia still hopes that common sense prevails, and that our US colleagues and their allies have a sense of responsibility toward their people and the entire international community. It is our belief that the actions taken by the United States that brought about the dismantlement of the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles will inevitably devalue and shatter the foundations of the global security architecture, including the Strategic Arms Reduction Treaty and the Treaty on the Non-Proliferation of Nuclear Weapons.

This scenario could signal a new start for an unfettered arms race. In order to avoid chaos with no rules, restrictions or laws, we need to once more weigh up all the dangerous consequences and launch a serious and meaningful dialogue free from any ambiguity.

Russia considers that it is necessary to revive without delay meaningful talks on ensuring strategic stability and security. We are ready to engage in these efforts.

Statement by Vladimir Putin on additional steps to de-escalate the situation in Europe after the termination of the Intermediate-Range Nuclear Forces Treaty (INF Treaty)

[26 October 2020]

The Russian Federation continues to believe that the INF Treaty was an important element of the architecture ensuring international security and strategic stability. The Treaty played the most particular role in maintaining predictability and restraint in the missile sphere in the European area.

We consider the US withdrawal from the INF Treaty, that entailed its termination, as a serious mistake, which increases the risks of triggering a missile arms race, rise of confrontational potential and sliding into an uncontrolled escalation. Given persistent tensions between Russia and NATO, new threats to the European security are evident.

Under these circumstances, active efforts are required to reduce the deficit of trust and to strengthen regional and global stability, as well as to lower the risks arising from misunderstandings and disagreements in the missile sphere.

In this context, we reiterate our commitment to the moratorium earlier declared by the Russian Federation on the deployment of ground-based intermediate- and shorter-range missiles until US-manufactured missiles of similar classes appear in the respective regions.

We also believe that our call to NATO countries to consider the possibility of declaring a reciprocal moratorium remains relevant.

To facilitate the search for compromise political and diplomatic solutions, we are ready to take further steps based on the principles of equal and indivisible security and balanced consideration of the parties' interests that are intended to minimize the negative consequences of the collapse of the INF Treaty.

Building up on our earlier proposal to develop verification tools to support Russia's initiative on mutual moratoria, we invite all parties concerned to consider specific options of reciprocal verification measures to remove existing concerns.

In particular, these options could include verification measures with regard to the Aegis Ashore systems with Mk-41 launchers that are deployed at US and NATO bases in Europe, as well as 9M729 missiles at the sites of the Armed Forces of the Russian Federation in the Kaliningrad Region. The goal of such verification measures would be to confirm the absence of ground-based intermediate- and shorter-range missiles at the sites covered by the agreements and of arms, on specifications and classification of which the parties were unable to reach an agreement (Russian 9M729 missile).

Staying committed to its consistent stance that the 9M729 missile fully complies with the provisions of the former INF Treaty, the Russian Federation, nevertheless, is ready, in the spirit of good will, to continue not to deploy 9M729 missiles in European part of the territory of Russia, but only provided that NATO countries take reciprocal steps that preclude the deployment in Europe of the weapons earlier prohibited under the INF Treaty.

We also call on all the parties concerned to search for patterns of maintaining stability and preventing missile crises "in a post-INF world" regarding the Asia-Pacific region. We are open to pursuing joint work in this direction.

Section 3: Open Skies Treaty

'United States Withdrawal from the Treaty on Open Skies.' Remarks by Thomas DiNanno, Senior Bureau Official and Deputy Assistant Secretary for Defense Policy, Emerging Threats, and Outreach at the Open Skies Conference of The States Parties in Vienna, Austria (Virtually)

[6 July 2020]

The United States would like to thank Canada and Hungary as co-depositaries for the Treaty on Open Skies, for hosting this meeting in accordance with Article XV of the Treaty. We also want to thank the other States Parties for coming together to share their views on this important topic.

On May 22, the United States provided notice of its decision to withdraw from the Treaty on Open Skies pursuant to paragraph 2 of Article XV. The United States' withdrawal will take effect on November 22, 2020. The administration did not take this step lightly. The decision was the culmination of a months' long review process that included extensive consultations with other States Parties. While this Conference of the States Parties was triggered by the notice of the United States' decision to withdraw, the primary reason we are here is because of the behavior of one State Party – Russia – whose actions are directly responsible for the erosion of the European security and arms control architecture. I will now share with you some of the reasoning for the United States' decision to withdraw, including the broader context.

Russia's violations of the Treaty on Open Skies are merely one part of a pattern of Russian violations of its arms control obligations and commitments. These include: Russia's material breach of the INF Treaty; its aggressive actions against Georgia and Ukraine, which are flagrantly contrary to its commitments to the principles set forth in the Helsinki Final Act; its purported suspension of its obligations under the CFE Treaty; and its selective implementation of the Vienna Document. We should also note Russia's use of a chemical weapon on the soil of an OSCE participating State, and the many destabilizing hybrid actions including disinformation campaigns, that it has taken.

As a result of Russia's actions, today's security environment is no longer what it was when the Treaty on Open Skies was signed in 1992, in an era of hope. In the place of growing confidence, we have growing mistrust. The conclusion we have had to draw is that Russia is no longer committed to cooperative security.

As States Parties are well aware, the United States has long been deeply concerned with Russia's repeated violations of the Treaty, which have been thoroughly documented in the U.S. State Department's Compliance Reports from 2005 through 2019. By contrast, the United States has always been and will remain, until the effective date of its withdrawal, in full compliance with our obligations under the Treaty.

Russia's recent violations include: (1) Russia's 500-kilometer "sublimit" on flight distances over the Russian exclave of Kaliningrad since 2015; (2) its refusal to allow observation flights to approach within 10 kilometers of Russia's border with the Georgian regions of Abkhazia and South Ossetia, also since 2015; and (3) most recently, its denial of a flight segment over a major military exercise (TSENTR) in September 2019.

The broader point here is that Russia has historically treated its Treaty obligations as optional and only to be honored when convenient. This Russian approach has undermined the confidence-building purpose of the Treaty.

In the case of its violation related to its border with Georgia, Russia's refusal of Open Skies flights within 10 kilometers of its border with the Georgian regions of Abkhazia and South Ossetia is an effort to advance its false narrative that these Russian-occupied regions are independent states. In this same vein, although not a Treaty violation, Russia designated an airfield in Russian occupied Crimea which remains a part of the sovereign territory of Ukraine as an Open Skies refueling airfield in an attempt to advance its false narrative that Crimea is legally part of Russia. The United States has not and will never recognize this claim, nor should any other Open Skies partner: implementation of a confidence building Treaty cannot be made a tool of propaganda efforts to support the invasion, occupation, and purported annexation of portions of a sovereign state.

With regard to the TSENTR violation in 2019, Russia denied a previously agreed flight segment over this important military exercise, effectively preventing its observation. Russia claimed its inability to guarantee flight safety as the reason, yet refused to permit the segment even after the observing Parties offered to

adjust the flight plan. This was another illustration of Russia's willingness to disregard its legal obligations for convenience, undercutting the Treaty's central purpose of building confidence by demonstrating that a party has nothing to hide.

Finally, as the Director of the U.S. National Counterintelligence and Security Center stated on May 21, 2020; "For years, Russia has used the Open Skies Treaty to collect intelligence on civilian infrastructure and other sensitive sites in America, posing an unacceptable risk to our national security." Additionally, the United States is concerned Russia may be using imagery collected from Open Skies flights to support the targeting of European critical infrastructure. Although not a Treaty violation to collect civilian infrastructure imagery, if a State Party then uses that imagery to plan military attacks, that is an ugly perversion of the Treaty's aims. As stated in Article IX of the Treaty, Open Skies imagery "shall be used exclusively for the attainment of the purposes of this Treaty." Misusing the Treaty in this manner gravely undermines its effectiveness as a confidence-building mechanism.

It is worth reminding States Parties that the United States has acted in good faith in an effort to work with Russia to resolve these compliance concerns through dialogue. From 2015 through 2017, the United States participated with several Allies and partners with Russia in the so-called "Small Group" aimed at resolving Russian violations. Unfortunately, this effort ultimately failed in July 2017 due to Russia's refusal to cooperate constructively.

Even today, notwithstanding our notice to withdraw under paragraph 2 of Article XV, the United States remains committed to diplomatic efforts to resolve Russian noncompliance with the Treaty on Open Skies. The United States supported the formation of a new Small Group on Open Skies in 2020 and we thank the United Kingdom, Belgium, and Sweden for their leadership in this endeavor. We hope we can work together to resolve – once and for all – Russian violations of the Treaty on Open Skies. As Secretary Pompeo stated on May 21, 2020, the United States may reconsider our withdrawal should Russia return to full compliance with the Treaty.

Foreign Ministry Statement on the withdrawal by the United States from the Open Skies Treaty (Russian Federation)

[22 November 2020]

In the early hours of November 22, the United States completed the procedures to withdraw from the Treaty on Open Skies. Russia set out its principled position regarding Washington's decision six month ago, in a Foreign Ministry statement dated May 22, 2020. Following up on this statement, we would like to highlight a number of important points.

It is worth noting that it was Washington that initially proposed the concept of mutual aerial observation in the 1950s, revived this idea in the 1980s and initiated the signing of the Treaty on Open Skies. The United States has invariably presented it as evidence of its commitment to transparency. However, it is obvious that in doing so the United States primarily sought to obtain detailed imagery of Soviet territories that it could not access by other means.

More than 10 years ago, our American colleagues also initiated the transition to digital technology under the Treaty on Open Skies, which can be viewed as an attempt to capitalise on their scientific and technological advances.

Washington's attitude towards the Treaty changed for the worse when Russia started making regular flights over US territory, especially when our country was first to develop and install digital surveillance equipment on its open skies aircraft. The United States could not put up with what it viewed as encroaching on its "exceptional" status, and started to create barriers in the operation of the Treaty. Here are just some of them:

– introducing a de facto ban on observation flights over US territory by refusing to allow rest and refuelling stops for Russian An-30B aircraft;
– restricting Russia's ability to observe the Aleutian Islands;
– de facto restricting the maximum flight distance by banning night-time rest stops at the refuelling airfields, which resulted in exceeding crew workload limits;
– a de facto reduction of the flight range over Alaska by wrongfully including into it the transit flight over open seas;
– restricting the observation flight distance over the Hawaiian Islands;
– introducing altitude limits for observation aircraft, which are not set forth in the Treaty on Open Skies and run counter to ICAO's recommendations;
– unjustified delays in issuing visas to designated personnel;
– failing to observe the established timeframe for paying arrears for observation flights;
– inciting Georgia to violate the Treaty on Open Skies;
– sending old aircraft in an unsatisfactory technical condition for performing open skies missions, putting the crews' lives and health at risk.

The United States has arrogantly ignored our proposals to resolve these issues, while insisting that its grievances be addressed immediately, even though we responded to these concerns on numerous occasions. When Washington understood that in order to reach an arrangement it would have to make reciprocal steps and address Russia's concerns, they halted consultations and started accusing our country of violating the Treaty. They used these far-fetched accusations as a pretext for taking "countermeasures," and later for withdrawing from the Treaty.

Over the past months, Washington has been making hypocritical claims that it would be willing to change its decision if Russia revised its stance. In fact, they never thought about changing anything. This was merely a PR stunt in order to mislead European governments and the public who were calling on Washington to come to its senses. Just like with other arms control treaties, the United States has deliberately sought to undermine the Treaty on Open Skies (it has to be reminded that United States participation was a precondition for the Treaty's entry into force).

Now that it has left the Treaty on Open Skies, the United States expects its allies to prevent Russia from carrying out observation flights over US military sites in Europe, while also sharing with Washington their aerial footage of the Russian territory.

Make no mistake: this is unacceptable for Russia. We will seek firm guarantees of compliance by other state parties with their obligations under the Treaty on Open Skies. First, they will have to enable observation over their entire territories. Second, they will have to refrain from transferring observation data to third parties that are not members of the Treaty on Open Skies.

If our colleagues actually want the Treaty to remain operational, and for Russia to remain a state party to the Treaty on Open Skies, they will have to promptly come up with ways to address Russia's concerns.

Washington has made its move. Neither the European security, nor the security of the United States or its allies benefited from this. Many in the West are now asking what Russia's response will be. The answer is simple. As we have said on numerous occasions, we are open to all the possible options. We keep a close eye on whether the actions of other Treaty members are consistent with what they say. Russia will act according to its security interests and those of its allies.

Statement by the Ministry of Foreign Affairs of the Russian Federation on the Beginning of Domestic Procedures for the Withdrawal of the Russian Federation from the Treaty on Open Skies

[15 January 2021]

On November 22, 2020 the United States of America withdrew from the Treaty on Open Skies under an artificial pretext. This essentially destroyed the balance of interests of the State-Parties reached when the Treaty was signed, inflicted a severe damage to its functioning and undermined the role of the Open Skies Treaty as a confidence and security building measure.

The Russian side put forward specific proposals consistent with the fundamental provisions of the Treaty aimed at preserving its viability under the new circumstances. We state with regret that they found no support on the part of the US allies.

Due to the lack of progress in eliminating the hindrances for further functioning of the Treaty under the new circumstances, the Russian Ministry of Foreign Affairs is authorized to declare the beginning of domestic procedures for the withdrawal of the Russian Federation from the Treaty on Open Skies. Upon their completion, the respective notification will be sent to the Depositaries.

Section 4 Bilateral Strategic Stability Dialogue

Reagan-Gorbachev Statement: U.S.-Russia Presidential Joint Soviet-United States Statement on the Summit Meeting in Geneva

[21 November 1985]

By mutual agreement, President of the United States Ronald Reagan and General Secretary of the Central Committee of the Communist Party of the Soviet Union Mikhail Gorbachev met in Geneva November 19 - 21. Attending the meeting on the U.S. side were Secretary of State George Shultz; Chief of Staff Donald Regan; Assistant to the President Robert McFarlane; Ambassador to the USSR Arthur Hartman; Special Advisor to the President and the Secretary of State for Arms Control Paul H. Nitze; Assistant Secretary of State for European Affairs Rozanne Ridgway; Special Assistant to the President for National Security Affairs Jack Matlock. Attending on the Soviet side were Member of the Politburo of the Central Committee of the CPSU, Minister of Foreign Affairs E. A. Shevardnadze; First Deputy Foreign Minister G. M. Korniyenko; Ambassador to the United States A. F. Dobrynin; Head of the Department of Propaganda of the Central Committee of the CPSU, A. N. Yakovlev; Head of the Department of International Information of the Central Committee of the CPSU L. M. Zamyatin; Assistant to the General Secretary of the Central Committee of the CPSU, A. M. Aleksandrov.

These comprehensive discussions covered the basic questions of U.S.-Soviet relations and the current international situation. The meetings were frank and useful. Serious differences remain on a number of critical issues.

While acknowledging the differences in their systems and approaches to international issues, some greater understanding of each side's view was achieved by the two leaders. They agreed about the need to improve U.S.-Soviet relations and the international situation as a whole.

In this connection the two sides have confirmed the importance of an ongoing dialogue, reflecting their strong desire to seek common ground on existing problems.

They agreed to meet again in the nearest future. The General Secretary accepted an invitation by the President of the United States to visit the United States of America and the President of the United States accepted an invitation by the General Secretary of the Central Committee of the CPSU to visit the Soviet Union. Arrangements for and timing of the visits will be agreed upon through diplomatic channels.

In their meetings, agreement was reached on a number of specific issues. Areas of agreement are registered on the following pages.

Security

The sides, having discussed key security issues, and conscious of the special responsibility of the USSR and the U.S. for maintaining peace, have agreed that a nuclear war cannot be won and must never be fought. Recognizing that any conflict between the USSR and the U.S. could have catastrophic consequences, they emphasized the importance of preventing any war between them, whether nuclear or conventional. They will not seek to achieve military superiority.

Nuclear and Space Talks

The President and the General Secretary discussed the negotiations on nuclear and space arms.

They agreed to accelerate the work at these negotiations, with a view to accomplishing the tasks set down in the Joint U.S.-Soviet Agreement of January 8, 1985, namely to prevent an arms race in space and to terminate it on earth, to limit and reduce nuclear arms and enhance strategic stability.

Noting the proposals recently tabled by the U.S. and the Soviet Union, they called for early progress, in particular in areas where there is common ground, including the principle of 50% reductions in the nuclear arms of the U.S. and the USSR appropriately applied, as well as the idea of an interim INF agreement.

During the negotiation of these agreements, effective measures for verification of compliance with obligations assumed will be agreed upon.

Risk Reduction Centers

The sides agreed to study the question at the expert level of centers to reduce nuclear risk taking into account the issues and developments in the Geneva negotiations. They took satisfaction in such recent steps in this direction as the modernization of the Soviet-U.S. hotline.

Nuclear Non-Proliferation

General Secretary Gorbachev and President Reagan reaffirmed the commitment of the USSR and the U.S. to the Treaty on the Non-Proliferation of Nuclear Weapons and their interest in strengthening together with other countries the non-proliferation regime, and in further enhancing the effectiveness of the Treaty, inter alia by enlarging its membership.

They note with satisfaction the overall positive results of the recent Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons.

The USSR and the U.S. reaffirm their commitment, assumed by them under the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue negotiations in good faith on matters of nuclear arms limitation and disarmament in accordance with Article VI of the Treaty.

The two sides plan to continue to promote the strengthening of the International Atomic Energy Agency and to support the activities of the Agency in implementing safeguards as well as in promoting the peaceful uses of nuclear energy.

They view positively the practice of regular Soviet-U.S. consultations on non-proliferation of nuclear weapons which have been businesslike and constructive and express their intent to continue this practice in the future.

Chemical Weapons

In the context of discussing security problems, the two sides reaffirmed that they are in favor of a general and complete prohibition of chemical weapons and the destruction of existing stockpiles of such weapons. They agreed to accelerate efforts to conclude an effective and verifiable international convention on this matter.

The two sides agreed to intensify bilateral discussions on the level of experts on all aspects of such a chemical weapons ban, including the question of verification. They agreed to initiate a dialogue on preventing the proliferation of chemical weapons.

MBFR

The two sides emphasized the importance they attach to the Vienna (MBFR) negotiations and expressed their willingness to work for positive results.

CDE

Attaching great importance to the Stockholm Conference on Confidence and Security Building Measures and Disarmament in Europe and noting the progress made there, the two sides stated their intention to facilitate, together with the other participating states, an early and successful completion of the work of the conference. To this end, they reaffirmed the need for a document which would include mutually acceptable confidence and security building measures and give concrete expression and effect to the principle of non-use of force.

Process of Dialogue

President Reagan and General Secretary Gorbachev agreed on the need to place on a regular basis and intensify dialogue at various levels. Along with meetings between the leaders of the two countries, this envisages regular meetings between the USSR Minister of Foreign Affairs and the U.S. Secretary of State, as well as between the heads of other Ministries and Agencies. They agree that the recent visits of the heads of Ministries and Departments in such fields as agriculture, housing and protection of the environment have been useful.

Recognizing that exchanges of views on regional issues on the expert level have proven useful, they agreed to continue such exchanges on a regular basis.

The sides intend to expand the programs of bilateral cultural, educational and scientific-technical exchanges, and also to develop trade and economic ties. The President of the United States and the General Secretary of the Central Committee of the CPSU attended the signing of the Agreement on Contacts and Exchanges in Scientific, Educational and Cultural Fields.

They agreed on the importance of resolving humanitarian cases in the spirit of cooperation.

They believe that there should be greater understanding among our peoples and that to this end they will encourage greater travel and people-to-people contact.

Northern Pacific Air Safety

The two leaders also noted with satisfaction that, in cooperation with the Government of Japan, the United States and the Soviet Union have agreed to a set of measures to promote safety on air routes in the North Pacific and have worked out steps to implement them.

Civil Aviation / Consulates

They acknowledged that delegations from the United States and the Soviet Union have begun negotiations aimed at resumption of air services. The two leaders expressed their desire to reach a mutually beneficial agreement at an early date. In this regard, an agreement was reached on the simultaneous opening of Consulates General in New York and Kiev.

Environmental Protection

Both sides agreed to contribute to the preservation of the environment -- a global task -- through joint research and practical measures. In accordance with the existing U.S.-Soviet agreement in this area, consultations will be held next year in Moscow and Washington on specific programs of cooperation.

Exchange Initiatives

The two leaders agreed on the utility of broadening exchanges and contacts including some of their new forms in a number of scientific, educational, medical and sports fields (inter alia, cooperation in the development of educational exchanges and software for elementary and secondary school instruction; measures to promote Russian language studies in the United States and English language studies in the USSR; the annual exchange of professors to conduct special courses in history, culture and economics at the relevant departments of Soviet and American institutions of higher education; mutual allocation of scholarships for the best students in the natural sciences, technology, social sciences and humanities for the period of an academic year; holding regular meets in various sports and increased television coverage of sports events). The two sides agreed to resume cooperation in combatting cancer diseases.

The relevant agencies in each of the countries are being instructed to develop specific programs for these exchanges. The resulting programs will be reviewed by the leaders at their next meeting.

Fusion Research

The two leaders emphasized the potential importance of the work aimed at utilizing controlled thermonuclear fusion for peaceful purposes and, in this connection, advocated the widest practicable development of international cooperation in obtaining this source of energy, which is essentially inexhaustible, for the benefit for all mankind.

U.S.-Russia Presidential Joint Statement on Strategic Stability

[16 June 2021]

We, President of the United States of America Joseph R. Biden and President of the Russian Federation Vladimir Putin, note the United States and Russia have demonstrated that, even in periods of tension, they are able to make progress on our shared goals of ensuring predictability in the strategic sphere, reducing the risk of armed conflicts and the threat of nuclear war.

The recent extension of the New START Treaty exemplifies our commitment to nuclear arms control. Today, we reaffirm the principle that a nuclear war cannot be won and must never be fought.

Consistent with these goals, the United States and Russia will embark together on an integrated bilateral Strategic Stability Dialogue in the near future that will be deliberate and robust. Through this Dialogue, we seek to lay the groundwork for future arms control and risk reduction measures.

Joint Statement on the Outcomes of the U.S. – Russia Strategic Stability Dialogue in Geneva

[30 September 2021]

Today in Geneva, interagency delegations from the United States and the Russian Federation convened for the second meeting of the bilateral Strategic Stability Dialogue since President Biden and President Putin committed to an integrated, deliberate, and robust process in June. The United States delegation was led by Deputy Secretary of State Wendy R. Sherman, and the Russian delegation was led by Deputy Foreign Minister Sergey Ryabkov. The discussion was intensive and substantive.

The two delegations agreed to form two interagency expert working groups – the Working Group on Principles and Objectives for Future Arms Control, and the Working Group on Capabilities and Actions with Strategic Effects. The delegations additionally agreed that the two working groups would commence their meetings, to be followed by a third plenary meeting.

J – 76th Session of the UN General Assembly

[*Editorial Note:* Only operative paragraphs are included. Earlier relevant resolutions may be downloaded via https://www.un.org/en/ga/75/resolutions.shtml]

First Committee Resolution, 'Establishment of a nuclear-weapon-free zone in the region of the Middle East'

A/C.1/76/L.1
[4 October 2021]

Vote: Yes 171, No 1, Abstain 6

See Chapter D

First Committee Resolution, 'The risk of nuclear proliferation in the Middle East'

A/C.1/76/L.2
[4 October 2021]

Vote: Yes 148, No 6, Abstain 27

See Chapter D

First Committee Resolution, 'Humanitarian consequences of nuclear weapons'

A/C.1/76/L.11

06 October 2021

Vote: Yes 140, No 12, Abstain 31

The General Assembly,

[Eds…]

1. *Stresses* that it is in the interest of the very survival of humanity that nuclear weapons never be used again, under any circumstances;
2. *Emphasizes* that the only way to guarantee that nuclear weapons will never be used again is their total elimination;
3. *Stresses* that the catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed;
4. *Expresses* its firm belief that awareness of the catastrophic consequences of nuclear weapons must underpin all approaches and efforts towards nuclear disarmament;
5. *Calls upon* all States, in their shared responsibility, to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear disarmament;
6. *Urges* States to exert all efforts to totally eliminate the threat of these weapons of mass destruction;
7. *Decides* to include in the provisional agenda of its seventy-seventh session, under the item entitled "General and complete disarmament", the sub-item entitled "Humanitarian consequences of nuclear weapons".

First Committee Resolution, 'Compliance with non-proliferation, arms limitation and disarmament agreements and commitments'

A/C.1/76/L.16

08 October 2021

Vote: Yes 166, No 3, Abstain 10

The General Assembly,

[Eds…]

1. *Underscores* the contribution that compliance with non-proliferation, arms limitation and disarmament agreements and with other agreed obligations makes to enhancing confidence and to strengthening international security and stability;
2. *Urges* all States to implement and to comply fully with their respective obligations;
3. *Welcomes* efforts by all States to pursue additional areas of cooperation, as appropriate, that can increase confidence in compliance with existing non-proliferation, arms limitation and disarmament agreements and commitments and reduce the possibility of misinterpretation and misunderstanding;
4. *Calls upon* all States to include and empower women, including through capacity-building efforts, as appropriate, as full, equal and meaningful participants in the design and implementation of disarmament, non-proliferation and arms control efforts;
5. *Calls upon* all Member States to encourage and, for those States in a position to do so, to appropriately help States that request assistance to increase their capacity to implement fully their obligations;
6. *Calls upon* Member States to support efforts aimed at the resolution of compliance questions by means consistent with such agreements and other applicable international law;
7. *Welcomes* the role that the United Nations has played and continues to play in maintaining the integrity of certain arms limitation, disarmament and non-proliferation agreements and in addressing threats to international peace and security;
8. *Calls upon* all concerned States to take concerted action, in a manner consistent with relevant international law, to encourage, through bilateral and multilateral means, the compliance by all States with their respective non-proliferation, arms limitation and disarmament agreements and with other agreed obligations, and to hold those not in compliance with such agreements or obligations accountable for their non-compliance in a manner consistent with the Charter of the United Nations;
9. *Urges* those States not currently in compliance with their respective obligations and commitments to make the strategic decision to come back into compliance;
10. *Encourages* efforts by all States, the United Nations and other international organizations, pursuant to their respective mandates, to take action, consistent with the Charter, to prevent serious damage to international security and stability arising from non-compliance by States with their existing non-proliferation, arms limitation and disarmament obligations;
11. *Decides* to include in the provisional agenda of its seventy-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Compliance with non-proliferation, arms limitation and disarmament agreements and commitments".

First Committee Resolution, 'Nuclear disarmament'

A/C.1/76/L.39

13 October 2021

Vote: Yes 119, No 41, Abstain 23

The General Assembly,

[Eds…]

1. *Urges* all nuclear-weapon States to take effective disarmament measures to achieve the total elimination of all nuclear weapons at the earliest possible time;

2. *Reaffirms* that nuclear disarmament and nuclear non-proliferation are substantively interrelated and mutually reinforcing, that the two processes must go hand in hand and that there is a genuine need for a systematic and progressive process of nuclear disarmament;

3. *Welcomes and encourages* the efforts to establish new nuclear-weapon- free zones in different parts of the world, including the establishment of a Middle East zone free of nuclear weapons, on the basis of agreements or arrangements freely arrived at among the States of the regions concerned, which is an effective measure for limiting the further spread of nuclear weapons geographically and contributes to the cause of nuclear disarmament;

4. *Encourages* States parties to the Treaty on the South-East Asia Nuclear- Weapon-Free Zone and the nuclear-weapon States to intensify ongoing efforts to resolve all outstanding issues, in accordance with the objectives and principles of the Treaty;

5. *Recognizes* that there is a genuine need to diminish the role of nuclear weapons in strategic doctrines and security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;

6. *Urges* the nuclear-weapon States to stop immediately the qualitative improvement, development, production and stockpiling of nuclear warheads and their delivery systems;

7. *Also urges* the nuclear-weapon States, as an interim measure, to de-alert and deactivate immediately their nuclear weapons and to take other concrete measures to reduce further the operational status of their nuclear-weapon systems, while stressing that reductions in deployments and in operational status cannot substitute for irreversible cuts in and the total elimination of nuclear weapons;

8. *Reiterates* its call upon the nuclear-weapon States to carry out effective nuclear disarmament measures with a view to achieving the total elimination of nuclear weapons within a specified framework of time;

9. *Calls upon* the nuclear-weapon States, pending the achievement of the total elimination of nuclear weapons, to agree on an internationally and legally binding instrument on a joint undertaking not to be the first to use nuclear weapons;

10. *Urges* the nuclear-weapon States to commence plurilateral negotiations among themselves at an appropriate stage on further deep reductions of their nuclear weapons, in an irreversible, verifiable and transparent manner, as an effective measure of nuclear disarmament;

11. *Underlines* the importance of applying the principles of transparency, irreversibility and verifiability to the process of nuclear disarmament;

12. *Also underlines* the importance of the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty, and the reaffirmation by the States parties that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons;

13. *Calls for* the full and effective implementation of the 13 practical steps for nuclear disarmament contained in the Final Document of the 2000 Review Conference;

14. *Also calls for* the full implementation of the action plan as set out in the conclusions and recommendations for follow-on actions of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, particularly the 22-point action plan on nuclear disarmament;

15. *Urges* the nuclear-weapon States to carry out further reductions of non-strategic nuclear weapons, including on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

16. *Calls for* the immediate commencement of negotiations in the Conference on Disarmament, in the context of an agreed, comprehensive and balanced programme of work, on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices on the basis of the report of the Special Coordinator18 and the mandate contained therein;

17. *Urges* the Conference on Disarmament to commence as early as possible its substantive work during its 2022 session, on the basis of a comprehensive and balanced programme of work that takes into consideration all the real and existing priorities in the field of disarmament and arms control, including the immediate commencement of negotiations on a comprehensive nuclear weapons convention;

18. *Calls for* the conclusion of an international legal instrument on unconditional security assurances to non-nuclear-weapon States against the threat or use of nuclear weapons under any circumstances;

19. *Also calls for* the early entry into force, universalization and strict observance of the Comprehensive Nuclear-Test-Ban Treaty as a contribution to nuclear disarmament, while welcoming the latest ratification of the Treaty by Cuba, on 4 February 2021, and by the Comoros, on 19 February 2021;

20. *Reiterates* its call upon the Conference on Disarmament to establish, as soon as possible and as the highest priority, an ad hoc committee on nuclear disarmament in 2022 and to commence negotiations on a phased programme of nuclear disarmament leading to the total elimination of nuclear weapons within a specified framework of time;

21. *Calls for* the convening, as soon as possible, of a United Nations high- level international conference on nuclear disarmament to review the progress made in this regard;

22. *Requests* the Secretary-General to submit to the General Assembly at its seventy-seventh session a report on the implementation of the present resolution;

23. *Decides to* include in the provisional agenda of its seventy-seventh session, under the item entitled "General and complete disarmament", the sub-item entitled "Nuclear disarmament".

First Committee Decision, 'Nuclear disarmament verification'

A/C.1/76/L.40

13 October 2021

Vote: Yes 178, No 1, Abstain 4

The General Assembly,

[Eds…]

a) Decides to request the Secretary-General to hold two additional sessions in 2023 in Geneva to compensate for the two planned 2021 sessions that had to be postponed owing to COVID-19 travel restrictions, for a total of two weeks in 2022 and two weeks in 2023, as well as one additional informal intersessional consultative meeting in New York in 2023 to compensate for the planned 2021 meeting that had to be postponed owing to COVID-19 travel restrictions, for a total of two meetings, one in 2022 and one in 2023;

b) Also decides to call upon the Secretary-General to transmit the report of the group of governmental experts to the General Assembly at its seventy-eighth session and to the Conference on Disarmament;

c) Further decides to include in the provisional agenda of its seventy-seventh session, under the item entitled "General and complete disarmament", the sub-item entitled "Nuclear disarmament verification".

First Committee Resolution, 'Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments'

A/C.1/76/L.44

13 October 2021

Vote: Yes 135, No 34, Abstain 15

The General Assembly,

[Eds…]

1. *Reiterates* that each article of the Treaty on the Non-Proliferation of Nuclear Weapons is binding on the States parties at all times and in all circumstances and that all States parties should be held fully accountable with respect to strict compliance with their obligations under the Treaty, and calls upon all States parties to comply fully with all decisions, resolutions and commitments made at the 1995, 2000 and 2010 Review Conferences;

2. *Also reiterates* the deep concern expressed by the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at the catastrophic humanitarian consequences of any use of nuclear weapons, and the need for all States at all times to comply with applicable international law, including international humanitarian law;

3. *Acknowledges* the evidence presented at the Conferences on the Humanitarian Impact of Nuclear Weapons, and calls upon Member States, in their relevant decisions and actions, to give due prominence to the humanitarian imperatives that underpin nuclear disarmament and to the urgency of achieving this goal;

4. *Recalls* the reaffirmation of the continued validity of the practical steps agreed to in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,9 including the specific reaffirmation of the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty, recalls the commitment of the nuclear-weapon States to accelerating concrete progress on the steps leading to nuclear disarmament, and calls upon the nuclear- weapon States to take all steps necessary to accelerate the fulfilment of their commitments;

5. *Calls upon* the nuclear-weapon States to fulfil their commitment to undertaking further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures;

6. *Urges* all States possessing nuclear weapons to decrease the operational readiness of nuclear-weapon systems in a verifiable and transparent manner with a view to ensuring that all nuclear weapons are removed from high alert status;

7. *Encourages* the nuclear-weapon States to make concrete reductions in the role and significance of nuclear weapons in all military and security concepts, doctrines and policies, pending their total elimination;

8. *Encourages* all States that are part of regional alliances that include nuclear-weapon States to diminish the role of nuclear weapons in their collective security doctrines, pending their total elimination;

9. *Underlines* the recognition by States parties to the Treaty on the Non-Proliferation of Nuclear Weapons of the legitimate interest of non-nuclear- weapon States in the constraining by the nuclear-weapon States of the development and qualitative improvement of nuclear weapons and their ending the development of advanced new types of nuclear weapons, and calls upon the nuclear-weapon States to take steps in this regard;

10. *Notes* with concern recent policy statements by nuclear-weapon States relating to the modernization of their nuclear weapon programmes, which undermine their commitments to nuclear disarmament and increase the risk of the use of nuclear weapons and the potential for a new arms race;

11. *Encourages* further steps by all nuclear-weapon States, in accordance with the previous obligations and commitments on nuclear disarmament, to ensure the irreversible removal of all fissile material designated by each nuclear-weapon State as no longer required for military purposes, and calls upon all States to support, within the context of the International Atomic Energy Agency, the development of appropriate nuclear disarmament verification capabilities and legally binding verification arrangements, thereby ensuring that such material remains permanently outside military programmes in a verifiable manner;

12. *Calls upon* all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to work towards the full implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which is inextricably linked to the indefinite extension of the Treaty, and expresses disappointment and deep concern at the lack of a substantive outcome of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including on the process to establish a Middle East zone free of nuclear weapons and all other weapons of mass destruction as contained in the 1995 resolution on the Middle East, which remains valid until fully implemented;

13. *Urges* the co-sponsors of the 1995 resolution on the Middle East to exert their utmost efforts with a view to ensuring the early establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction as contained in the 1995 resolution on the Middle East, including through support for the convening of the conference on the establishment of such a zone;

14. *Stresses* the fundamental role of the Treaty on the Non-Proliferation of Nuclear Weapons in achieving nuclear disarmament and nuclear non-proliferation, and looks forward to the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons once it has been rescheduled;

15. *Calls upon* all States parties to spare no effort to achieve the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, and in this regard urges India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States promptly and without conditions, and to place all their nuclear facilities under International Atomic Energy Agency safeguards;

16. *Urges* the Democratic People's Republic of Korea to fulfil its commitments, to abandon all nuclear weapons and existing nuclear programmes, to return, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to adhere to its International Atomic Energy Agency safeguards agreement, 10 with a view to achieving the denuclearization of the Korean Peninsula in a peaceful, complete, verifiable and irreversible manner, welcomes diplomatic efforts, including through the holding of summits with all parties involved in the process, and encourages a continued dialogue to this end;

17. *Urges* all States to work together to overcome obstacles within the international disarmament machinery that are inhibiting efforts to advance the cause of nuclear disarmament in a multilateral context, and once again urges the Conference on Disarmament to commence immediately substantive work that advances the agenda of nuclear disarmament, particularly through multilateral negotiations;

18. *Urges* all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fully implement without delay their obligations and commitments under the Treaty and as agreed to at the 1995, 2000 and 2010 Review Conferences;

19. *Also urges* all State parties to the Treaty on the Non-Proliferation of Nuclear Weapons to move forward with urgency in implementing their article VI obligations in order to ensure the good standing of the Treaty and its review process;

20. *Urges* the nuclear-weapon States to implement their nuclear disarmament obligations and commitments, both qualitative and quantitative, in a manner that enables all States parties to regularly monitor progress, including through a standard detailed reporting format, thereby enhancing confidence and trust not only among the nuclear-weapon States but also between the nuclear-weapon States and the non-nuclear-weapon States and contributing to nuclear disarmament;

21. *Also urges* the nuclear-weapon States to include in their reports to be submitted during the 2020 review cycle of the Treaty on the Non-Proliferation of Nuclear Weapons concrete and detailed information concerning the implementation of their obligations and commitments on nuclear disarmament;

22. *Encourages* States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to improve the measurability of the implementation of nuclear disarmament obligations and commitments, including through tools such as a set of benchmarks, timelines and/or similar criteria, in order to ensure and facilitate the objective evaluation of progress;

23. *Urges* Member States to pursue multilateral negotiations without delay in good faith on effective measures for the achievement and maintenance of a nuclear- weapon-free world, in keeping with the spirit and purpose of General Assembly resolution 1 (I) and article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

24. *Calls upon* Member States to continue to support efforts to identify, elaborate, negotiate and implement further effective legally binding measures for nuclear disarmament, and welcomes in this regard the entry into force on 22 January 2021 of the Treaty on the Prohibition of Nuclear Weapons;

25. *Recommends* that measures be taken to increase awareness among civil society of the risks and catastrophic impact of any nuclear detonation, including through disarmament education;

26. *Calls upon* all Member States to reflect on the vast amount of resources dedicated to the maintenance, development and modernization of nuclear arsenals and to consider whether these resources could be better utilized in pursuit of a better future as envisaged in the Sustainable Development Goals;

27. *Decides* to include in the provisional agenda of its seventy-seventh session, under the item entitled "General and complete disarmament", the sub-item entitled "Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments" and to review the implementation of the present resolution at that session.

First Committee Resolution, 'Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices'

A/C.1/76/L.51

14 October 2021

Vote: Yes 177, No 1, Abstain 6

The General Assembly,

[Eds…]

1. *Urges* the Conference on Disarmament to agree on and implement at its earliest opportunity a programme of work that includes the immediate commencement of negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices on the basis of document CD/1299 and the mandate contained therein;

2. *Calls upon* Member States to make innovative contributions in all appropriate formal and informal forums, including the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, for facilitating negotiations in the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;

3. *Decides* to include in the provisional agenda of its seventy-seventh session, under the item entitled "General and complete disarmament", the sub-item entitled "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices".

First Committee Resolution, 'Promoting international cooperation on peaceful uses in the context of international security'

A/C.1/76/L.55

14 October 2021

Vote: Yes 75, No 55, Abstain 43

The General Assembly,

[Eds…]

1. *Urges* all Member States, without prejudice to their non-proliferation obligations, to take concrete measures to promote international cooperation on materials, equipment and technology for peaceful purposes, in particular not to maintain any restrictions incompatible with the obligations undertaken;

2. *Requests* the Secretary-General to seek the views and recommendations of all Member States on all aspects of promoting international cooperation on peaceful uses in the context of international security, including identifying undue restrictions on exports to developing countries of materials, equipment and technology for peaceful purposes, possible measures to achieve a balance between non-proliferation and peaceful uses, and the way forward;

3. *Also requests* the Secretary-General to submit a report containing the views and recommendations to the General Assembly at its seventy-seventh session, for further discussion by Member States;

4. *Decides* to include in the provisional agenda of its seventy-seventh session an item entitled "Promoting international cooperation on peaceful uses in the context of international security".

First Committee Resolution, 'Joint courses of action and future-oriented dialogue towards a world without nuclear weapons'

A/C.1/76/L.59

14 October 2021

Vote: Yes 152, No 4, Abstain 30

The General Assembly,

[Eds…]

1. *Reaffirms* that all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons are committed to the

ultimate goal of eliminating nuclear weapons, including through the easing of international tension, as well as the strengthening of trust between States and of the international regime for nuclear non-proliferation, and to the full and steady implementation of the Treaty in all its aspects, including article VI of the Treaty, towards the realization of a world without nuclear weapons;

2. *Calls upon* all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to identify concrete measures to put the commitments into practice towards and beyond the tenth Review Conference;

(a) All States, in particular the nuclear-weapon States, to immediately take concrete measures to enhance transparency and mutual confidence, including, inter alia, by providing frequent and detailed reporting on the implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and opportunities for discussion of these reports;

(b) All States possessing nuclear weapons to take actions to reduce the risks of nuclear detonation occurring, inter alia, by miscalculation or by misunderstanding, and to make further efforts to this end, including transparency and dialogue on nuclear doctrines and postures, military-to-military dialogues, hotlines or information and data exchanges;

(c) All States to immediately make every effort, including declaring and maintaining voluntary moratoriums on the production of fissile material for use in nuclear weapons or other nuclear explosive devices, as well as deepening substantive discussions in the Conference on Disarmament, to immediately commence negotiations on a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices in the Conference on Disarmament in accordance with document CD/1299 and the mandate contained therein;

(d) All States, including the eight remaining States listed in annex 2 to the Comprehensive Nuclear-Test-Ban Treaty that have not yet signed and/or ratified the Treaty, to do so without waiting for any other State, to work to achieve entry into force of the Treaty, and to declare or maintain existing moratoriums on nuclear- weapon test explosions or any other nuclear explosions pending the entry into force of the Treaty, as well as to continue support for the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and its work in preparing for entry into force;

(e) All States to continue to make practical contributions to nuclear disarmament verification, including through concrete exercises, at the United Nations and the Conference on Disarmament, and in initiatives such as the International Partnership for Nuclear Disarmament Verification;

(f) All States to facilitate efforts on nuclear disarmament and non-proliferation education, inter alia, efforts in which the young generation can actively engage, including through dialogue platforms, mentoring, internships, fellowships, scholarships, model events and youth group activities, as well as to raise awareness of the realities of the use of nuclear weapons, including through, among others, visits by leaders, youth and others to and interactions with communities and people, including the hibakusha (those who have suffered the use of nuclear weapons) who pass on their experiences to the future generations;

3. *Encourages* the following, inter alia, as joint courses of action:

(a) Nuclear-weapon States to clearly set out their nuclear policies and doctrines at international forums, including the Review Conference and Preparatory Committees of the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference on Disarmament, the First Committee of the General Assembly and the Disarmament Commission, and all States to conduct interactive discussions, based on such nuclear policies and doctrines;

(b) All States to conduct dialogue regarding the possible impacts of developments in science and technology on arms control, disarmament and non-proliferation;

(c) All States to conduct candid dialogue on the relationship between nuclear disarmament and security;

4. *Also encourages*, for the purpose of facilitating future-oriented dialogues in order to advance nuclear disarmament, the following:

5. *Reaffirms* the commitment to strengthening the international regime for nuclear non-proliferation, including through adherence to International Atomic Energy Agency safeguards, including comprehensive safeguards agreements and additional protocols, and compliance with non-proliferation obligations, including through the implementation of relevant resolutions of the Security Council, including resolution 1540 (2004) of 28 April 2004;

6. *Also reaffirms* the commitment to achieving the complete, verifiable and irreversible abandonment of all nuclear weapons and existing nuclear programmes, as well as all other existing weapons of mass destruction and ballistic missiles of all ranges, of the Democratic People's Republic of Korea in accordance with relevant Security Council resolutions, and the obligation of all Member States for the full implementation of all relevant Security Council resolutions, and urges the Democratic People's Republic of Korea to return at an early date to and fully comply with the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency safeguards;

7. *Decides* to include in the provisional agenda of its seventy-seventh session, under the item entitled "General and complete disarmament", the sub-item entitled "Joint courses of action and future-oriented dialogue towards a world without nuclear weapons".

Other nuclear related resolutions adopted by the UN First Committee for the 76th Session

First Committee Resolution A/C.1/76/L.4, 'Ethical imperatives for a nuclear-weapon-free world'

First Committee Resolution A/C.1/76/L.7, 'Reducing nuclear danger'

First Committee Resolution A/C.1/76/L.9, 'Convention on the Prohibition of the Use of Nuclear Weapons'

First Committee Resolution A/C.1/76/L.14, 'Follow-up to nuclear disarmament obligations agreed to at the 1995, 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons'

First Committee Resolution A/C.1/76/L.17, 'Treaty on the Prohibition of Nuclear Weapons'

First Committee Resolution A/C.1/76/L.19, 'African Nuclear-Weapon-Free Zone Treaty'

First Committee Resolution A/C.1/76/L.29, 'Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons'

First Committee Resolution A/C.1/76/L.34 and A/C.1/76/L.34/Rev.1, 'Nuclear-weapon-free southern hemisphere and adjacent areas'

First Committee Resolution A/C.1/76/L.42, 'Universal Declaration on the Achievement of a Nuclear-Weapon-Free World'

First Committee Resolution A/C.1/76/L.49, 'Comprehensive Nuclear-Test-Ban Treaty'

First Committee Resolution A/C.1/76/L.57, 'Treaty on the South-East Asia Nuclear-Weapon- Free Zone (Bangkok Treaty) (DECISION)'

First Committee Resolution A/C.1/76/L.58, 'Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons'

K – United Nations Security Council

Security Council Resolution 1540

[2004]

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials, which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides that* all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

2. *Decides also that* all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

3. *Decides also that* all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

(b) Develop and maintain appropriate effective physical protection measures;

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;

5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

7. *Recognizes* that some States may require assistance in

implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;

8. *Calls upon* all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

9. *Calls upon* all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;

12. *Decides* to remain seized of the matter.

Security Council Resolution 1887

[2009]

The Security Council,

Resolving to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in a way that promotes international stability, and based on the principle of undiminished security for all,

Reaffirming the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the above Statement (S/23500) underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Reaffirming that proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security,

Bearing in mind the responsibilities of other organs of the United Nations and relevant international organizations in the field of disarmament, arms control and non-proliferation, as well as the Conference on Disarmament, and supporting them to continue to play their due roles,

Underlining that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy,

Reaffirming its firm commitment to the NPT and its conviction that the international nuclear non-proliferation regime should be maintained and strengthened to ensure its effective implementation, and recalling in this regard the outcomes of past NPT Review Conferences, including the 1995 and 2000 final documents,

Calling for further progress on all aspects of disarmament to enhance global security,

Recalling the Statement by its President adopted at the Council's meeting held on 19 November 2008 (S/PRST/2008/43),

Welcoming the decisions of those non-nuclear-weapon States that have dismantled their nuclear weapons programs or renounced the possession of nuclear weapons,

Welcoming the nuclear arms reduction and disarmament efforts undertaken and accomplished by nuclear-weapon States, and underlining the need to pursue further efforts in the sphere of nuclear disarmament, in accordance with Article VI of the NPT,

Welcoming in this connection the decision of the Russian Federation and the United States of America to conduct negotiations to conclude a new comprehensive legally binding agreement to replace the Treaty on the Reduction and Limitation of Strategic Offensive Arms, which expires in December 2009,

Welcoming and supporting the steps taken to conclude nuclear-weapon-free zone treaties and reaffirming the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, and in accordance with the 1999 United Nations Disarmament Commission guidelines, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes toward realizing the objectives of nuclear disarmament,

Noting its support, in this context, for the convening of the Second Conference of States Parties and signatories of the Treaties that establish Nuclear-Weapon-Free Zones to be held in New York on 30 April 2010,

Reaffirming its resolutions 825 (1993), 1695 (2006), 1718 (2006), and 1874 (2009),

Reaffirming its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008),

Reaffirming all other relevant non-proliferation resolutions adopted by the Security Council,

Gravely concerned about the threat of nuclear terrorism, and recognizing the need for all States to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists,

Noting with interest the initiative to convene, in coordination with the International Atomic Energy Agency (IAEA), an international conference on the peaceful uses of nuclear energy,

Expressing its support for the convening of the 2010 Global Summit on Nuclear Security,

Affirming its support for the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism,

Recognizing the progress made by the Global Initiative to Combat Nuclear Terrorism, and the G-8 Global Partnership,

Noting the contribution of civil society in promoting all the objectives of the NPT,

Reaffirming its resolution 1540 (2004) and the necessity for all States to implement fully the measures contained therein, and calling upon all Member States and international and regional organizations to cooperate actively with the Committee established pursuant to that resolution, including in the course of the comprehensive review as called for in resolution 1810 (2008),

1. *Emphasizes* that a situation of non-compliance with non-proliferation obligations shall be brought to the attention of the Security Council, which will determine if that situation constitutes a threat to international peace and security, and emphasizes the Security Council's primary responsibility in addressing such threats;

2. *Calls upon* States Parties to the NPT to comply fully with all their obligations and fulfil their commitments under the Treaty,

3. *Notes* that enjoyment of the benefits of the NPT by a State Party can be assured only by its compliance with the obligations thereunder;

4. *Calls upon* all States that are not Parties to the NPT to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date, and pending their accession to the Treaty, to adhere to its terms;

5. *Calls upon* the Parties to the NPT, pursuant to Article VI of the Treaty, to undertake to pursue negotiations in good faith on effective measures relating to nuclear arms reduction and disarmament, and on a Treaty on general and complete disarmament under strict and effective international control, and calls on all other States to join in this endeavour;

6. *Calls upon* all States Parties to the NPT to cooperate so that the 2010 NPT Review Conference can successfully strengthen the Treaty and set realistic and achievable goals in all the Treaty's three pillars: non-proliferation, the peaceful uses of nuclear energy, and disarmament;

7. *Calls upon* all States to refrain from conducting a nuclear test explosion and to sign and ratify the Comprehensive Nuclear Test Ban Treaty (CTBT), thereby bringing the treaty into force at an early date;

8. *Calls upon* the Conference on Disarmament to negotiate a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as soon as possible, welcomes the Conference on Disarmament's adoption by consensus of its Program of Work in 2009, and requests all Member States to cooperate in guiding the Conference to an early commencement of substantive work;

9. *Recalls* the statements by each of the five nuclear-weapon States, noted by resolution 984 (1995), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon State Parties to the NPT, and affirms that such security assurances strengthen the nuclear non-proliferation regime;

10. *Expresses* particular concern at the current major challenges to the non-proliferation regime that the Security Council has acted upon, demands that the parties concerned comply fully with their obligations under the relevant Security Council resolutions, and reaffirms its call upon them to find an early negotiated solution to these issues;

11. *Encourages* efforts to ensure development of peaceful uses of nuclear energy by countries seeking to maintain or develop their capacities in this field in a framework that reduces proliferation risk and adheres to the highest international standards for safeguards, security, and safety;

12. *Underlines* that the NPT recognizes in Article IV the inalienable right of the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II, and recalls in this context Article III of the NPT and Article II of the IAEA Statute;

13. *Calls upon* States to adopt stricter national controls for the export of sensitive goods and technologies of the nuclear fuel cycle;

14. *Encourages* the work of the IAEA on multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply and related measures, as effective means of addressing the expanding need for nuclear fuel and nuclear fuel services and minimizing the risk of proliferation, and urges the IAEA Board of Governors to agree upon measures to this end as soon as possible;

15. *Affirms* that effective IAEA safeguards are essential to prevent nuclear proliferation and to facilitate cooperation in the field of peaceful uses of nuclear energy, and in that regard:

a. *Calls upon* all non-nuclear-weapon States party to the NPT that have yet to bring into force a comprehensive safeguards agreement or a modified small quantities protocol to do so immediately,

b. *Calls upon* all States to sign, ratify and implement an additional protocol, which together with comprehensive safeguards agreements constitute essential elements of the IAEA safeguards system,

c. *Stresses* the importance for all Member States to ensure that the IAEA continue to have all the necessary resources and authority to verify the declared use of nuclear materials and facilities and the absence of undeclared activities, and for the IAEA to report to the Council accordingly as appropriate;

16. *Encourages* States to provide the IAEA with the cooperation necessary for it to verify whether a state is in compliance with its safeguards obligations, and affirms the Security Council's resolve to support the IAEA's efforts to that end, consistent with its authorities under the Charter;

17. *Undertakes* to address without delay any State's notice of withdrawal from the NPT, including the events described in the statement provided by the State pursuant to Article X of the Treaty, while noting ongoing discussions in the course of the NPT review on identifying modalities under which NPT States Parties could collectively respond to notification of withdrawal, and affirms that a State remains responsible under international law for violations of the NPT committed prior to its withdrawal;

18. *Encourages* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate, withdraw from, or be found by the IAEA Board of Governors to be in non-compliance with its IAEA safeguards agreement, the supplier state would have a right to require the return of nuclear material and equipment provided prior to such termination, non-compliance or withdrawal, as well as any special nuclear material produced through the use of such material or equipment;

19. *Encourages* States to consider whether a recipient State has signed and ratified an additional protocol based on the model additional protocol in making nuclear export decisions;

20. *Urges* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate its IAEA safeguards agreement, safeguards shall continue with respect to any nuclear material and equipment provided prior to such termination, as well as any special nuclear material produced through the use of such material or equipment;

21. *Calls for* universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism;

22. *Welcomes* the March 2009 recommendations of the Security Council Committee established pursuant to resolution 1540 (2004) to make more effective use of existing funding mechanisms, including the consideration of the establishment of a voluntary fund, and affirms its commitment to promote full implementation of resolution 1540 (2004) by Member States by ensuring effective and sustainable support for the activities of the 1540 Committee;

23. *Reaffirms* the need for full implementation of resolution 1540 (2004) by Member States and, with an aim of preventing access to, or assistance and financing for, weapons of mass destruction, related materials and their means of delivery by non-State actors, as defined in the resolution, calls upon Member States to cooperate actively with the Committee established pursuant to that resolution and the IAEA, including rendering assistance, at their request, for their implementation of resolution 1540 (2004) provisions, and in this context welcomes the forthcoming comprehensive review of the status of implementation of resolution 1540 (2004) with a view to increasing its effectiveness, and calls upon all States to participate actively in this review;

24. *Calls upon* Member States to share best practices with a view to improved safety standards and nuclear security practices and raise standards of nuclear security to reduce the risk of nuclear terrorism, with the aim of securing all vulnerable nuclear material from such risks within four years;

25. *Calls upon* all States to manage responsibly and minimize to the greatest extent that is technically and economically feasible the use of highly enriched uranium for civilian purposes, including by working to convert research reactors and radioisotope production processes to the use of low enriched uranium fuels and targets;

26. *Calls upon* all States to improve their national capabilities to detect, deter, and disrupt illicit trafficking in nuclear materials throughout their territories, and calls upon those States in a position

to do so to work to enhance international partnerships and capacity building in this regard;

27. *Urges* all States to take all appropriate national measures in accordance with their national authorities and legislation, and consistent with international law, to prevent proliferation financing and shipments, to strengthen export controls, to secure sensitive materials, and to control access to intangible transfers of technology;

28. *Declares* its resolve to monitor closely any situations involving the proliferation of nuclear weapons, their means of delivery or related material, including to or by non-State actors as they are defined in resolution 1540 (2004), and, as appropriate, to take such measures as may be necessary to ensure the maintenance of international peace and security;

29. *Decides* to remain seized of the matter.

Security Council Resolution 1977

[2011]

The Security Council,

Reaffirming its resolutions 1540 (2004) of 28 April 2004, 1673 (2006) of 27 April 2006 and 1810 (2008) of 25 April 2008,

Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Reaffirming the need for all Member States to comply fully with their obligations and fulfil their commitments in relation to arms control, disarmament and non-proliferation in all its aspects of all weapons of mass destruction and their means of delivery,

Reaffirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be misused for proliferation purposes,

Remaining gravely concerned by the threat of terrorism and the risk that non state actors may acquire, develop, traffic in or use nuclear, chemical, and biological weapons and their means of delivery,

Reaffirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Reaffirming its decision that none of the obligations in resolution 1540 (2004) shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons,

Noting that international cooperation between States, in accordance with international law, is required to counter the illicit trafficking by non-State actors in nuclear, chemical and biological weapons, their means of delivery and related materials,

Recognizing the need to enhance coordination of efforts at national, regional, subregional and international levels, as appropriate, in order to strengthen a global response to the serious challenge and threat to international peace and security posed by the proliferation of weapons of mass destruction and their means of delivery,

Emphasizing the need for States to take all appropriate national measures in accordance with their national authorities and legislation, and consistent with international law, to strengthen export controls, to control access to intangible transfers of technology and to information that could be used for weapons of mass destruction and their means of delivery, to prevent proliferation financing and shipments, and to secure sensitive materials,

Endorsing the work already carried out by the Committee established pursuant to resolution 1540 (2004), hereafter the 1540 Committee, in accordance with its programmes of work, including the establishment of the working groups for facilitating implementation of the Programme of Work,

Recognizing States' progress in implementing resolution 1540 (2004), while noting that States have taken fewer measures in some of its areas,

Endorsing also the valuable activities of the 1540 Committee with relevant international regional and subregional organizations,

Taking note of international efforts towards full implementation of resolution 1540 (2004), including on preventing the financing of proliferation-related activities, and taking into consideration the guidance of the framework of the Financial Action Task Force (FATF),

Noting that not all States have presented to the 1540 Committee their national reports on implementation of resolution 1540 (2004),

Further noting that the full implementation of resolution 1540 (2004) by all States, including the adoption of national laws and measures to ensure implementation of these laws, is a long-term task that will require continuous efforts at national, regional and international levels,

Recognizing, in that regard, the importance of dialogue between the 1540 Committee and Member States and stressing that direct contact is an effective means of such dialogue,

Recognizing that many States continue to require assistance in implementing resolution 1540 (2004), emphasizing the importance of providing States, in response to their requests, with effective assistance that meets their needs, and welcoming the coordinating and facilitating role of the 1540 Committee in this regard,

Stressing, in that regard, the need of enhanced assistance and collaboration among States, between the 1540 Committee and States, and between the 1540 Committee and relevant international, regional and subregional organizations in assisting States to implement resolution 1540 (2004),

Recognizing the importance of progress towards achieving the goals and objectives of the 2010 Nuclear Security Summit as a contribution to the effective implementation of Security Council resolution 1540 (2004),

Calling on States to work together urgently to prevent and suppress acts of nuclear terrorism including through increased cooperation and full implementation of the relevant international conventions, and through appropriate measures to reinforce the existing legal framework with a view to ensure that those committing offences of nuclear terrorism are effectively held accountable,

Endorsing the 2009 comprehensive review of the status of implementation of resolution 1540 and taking note of the findings and recommendations contained in its final document,

Acting under Chapter VII of the Charter of the United Nations:

1. *Reiterates* its decisions in and the requirements of resolution 1540 (2004), and re-emphasizes the importance for all States to implement fully that resolution;

2. *Decides* to extend the mandate of the 1540 Committee for a period of 10 years until 25 April 2021;

3. *Decides* that the 1540 Committee will conduct a comprehensive review on the status of implementation of resolution 1540 (2004), both after five years and prior to the renewal of its mandate, including, if necessary, recommendations on adjustments to the mandate, and will submit to the Security Council a report on the conclusions of those reviews, and decides that, accordingly, the first review should be held before December 2016;

4. *Again decides* that the 1540 Committee should submit an annual Programme of Work to the Security Council before the end of each May, and decides that next Programme of Work will be prepared before 31 May 2011;

5. *Decides* to continue to provide the 1540 Committee with the assistance of experts, and to this end:

(a) *Requests* the Secretary-General to establish, in consultation with the 1540 Committee, a group of up to eight experts ("group of experts"), acting under the direction and purview of the Committee, composed of individuals with the appropriate experience and knowledge to provide the Committee with expertise, to assist the Committee in carrying out its mandate under resolutions 1540 (2004), 1673 (2006), 1810 (2008) and

this resolution, including through facilitation of assistance to improve implementation of resolution 1540 (2004);

(b) *Requests*, in that regard, the 1540 Committee to consider recommendations for the Committee and the group of experts on expertise requirements, broad geographic representation, working methods, modalities, and structure, including consideration of the feasibility of a coordination and leadership position of the group of experts, and to present these recommendations to the Security Council no later than 31 August 2011;

Implementation

6. *Again calls upon* all States that have not yet presented a first report on steps they have taken or intend to take to implement resolution 1540 (2004) to submit such a report to the Committee without delay;

7. *Again encourages* all States that have submitted such reports to provide, when appropriate or upon the request of the 1540 Committee, additional information on their implementation of resolution 1540 (2004), including, voluntarily, on States' effective practices;

8. *Encourages* all States to prepare on a voluntary basis national implementation action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee;

9. *Decides* that the 1540 Committee shall continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004), through its Programme of Work, which includes the compilation and general examination of information on the status of States' implementation of resolution 1540 (2004) as well as States' efforts at outreach, dialogue, assistance and cooperation; and which addresses in particular all aspects of paragraphs 1, 2 and 3 of that resolution, which encompasses (a) accountability, (b) physical protection, (c) border controls and law enforcement efforts and (d) national export and trans-shipment controls including controls on providing funds and services such as financing to such exports and trans-shipments; and includes, as necessary, specific priorities for its work, taking into account its annual review on the implementation of resolution 1540 (2004), prepared with the assistance of the group of experts before the end of each December;

10. *Urges* the 1540 Committee to continue to engage actively with States and relevant international, regional and subregional organizations to promote the sharing of experience, lessons learned and effective practices, in the areas covered by resolution 1540 (2004), drawing in particular on information provided by States as well as examples of successful assistance, and to liaise on the availability of programmes which might facilitate the implementation of resolution 1540 (2004), while bearing in mind that customized assistance is useful for the effective implementation of resolution 1540 (2004) at national levels;

11. *Encourages*, in that regard, the 1540 Committee, with the support of necessary relevant expertise, to actively engage in dialogue with States on the implementation of resolution 1540 (2004), including through visits to States at their invitation;

12. *Requests* the 1540 Committee, with the support of the group of experts, to identify effective practices, templates and guidance, with a view to develop a compilation, as well as to consider preparing a technical reference guide about resolution 1540 (2004), to be used by States on a voluntary basis in implementing resolution 1540 (2004), and in that regard, encourages the 1540 Committee, at its discretion, to draw also on relevant expertise, including, civil society and the private sector, with, as appropriate, their State's consent;

Assistance

13. *Encourages* States that have requests for assistance to convey them to the 1540 Committee, and encourages them to make use of the Committee's assistance template to that effect;

14. *Urges* States and relevant international, regional and subregional organizations to inform the Committee as appropriate of areas in which they are able to provide assistance; and calls upon States and such organizations, if they have not done so previously, to provide the 1540 Committee with a point of contact for assistance by 31 August 2011;

15. *Urges* the 1540 Committee to continue strengthening the Committee's role in facilitating technical assistance for implementation of resolution 1540 (2004), in particular by engaging actively, with the support of the group of experts, in matching offers and requests for assistance, through such means as visits to States, at the invitation of the State concerned, assistance templates, action plans or other information submitted to the 1540 Committee;

16. *Supports* the continued efforts of the 1540 Committee to secure a coordinated and transparent assistance process that provides timely and ready availability of information for States seeking assistance and for States prepared to provide assistance;

17. *Encourages* meetings on assistance issues with the participation of the 1540 Committee, between States prepared to offer assistance, States requesting assistance, other interested States, and relevant international, regional and subregional organizations;

Cooperation with International, Regional, and Subregional Organizations

18. *Calls upon* relevant international, regional and subregional organizations to designate and provide the 1540 Committee by 31 August 2011 with a point of contact or coordinator for the implementation of resolution 1540 (2004); and encourages them to enhance cooperation and information sharing with the 1540 Committee on technical assistance and all other issues of relevance for the implementation of resolution 1540 (2004);

19. *Reiterates* the need to continue to enhance ongoing cooperation among the 1540 Committee, the Security Council Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban, and the Security Council Committee established pursuant to resolution 1373 (2001), concerning counter-terrorism, including through, as appropriate, enhanced information sharing, coordination on visits to States, within their respective mandates, technical assistance and other issues of relevance to all three committees; and expressing its intention to provide guidance to the committees on areas of common interest in order to better coordinate their efforts;

Transparency and Outreach

20. *Requests* the 1540 Committee to continue to institute transparency measures and activities, inter alia by making fullest possible use of the Committee's website, and urges the Committee to conduct, with the participation of the group of experts, regular meetings open to all Member States on the Committee's and group's activities related to the aforementioned objectives;

21. *Requests* the 1540 Committee to continue to organize and participate in outreach events on the implementation of resolution 1540 (2004) at the international, regional, subregional, and, as appropriate, national level, and promote the refinement of these outreach efforts to focus on specific thematic and regional issues related to implementation;

Administration and Resources

22. *Recognizes* that implementation of the mandate of the 1540 Committee requires sustained support and adequate resources; and to that end:

(a) *Endorses* the existing administrative and logistics support to the 1540 Committee from the Office for Disarmament Affairs, and decides that the Committee should report to the Council by January 2012 on the possibility of strengthening this support, including through strengthening of ODA's regional capacity to support the implementation of the resolution at regional, subregional and national levels;

(b) *Calls upon* the Secretariat to provide and maintain sufficient expertise to support activities of the 1540 Committee as outlined in the present resolution;

(c) *Encourages* States that are able to do so to provide resources to the Office of Disarmament Affairs to assist States in implementing their 1540 obligations, and to make available "in kind" contributions or cost-free training and expertise to the 1540 Committee to help the group of experts meet requests for assistance in a timely and effective manner;

(d) *Invites* the 1540 Committee to consider developing, in close cooperation with relevant international, regional and

subregional organizations and other United Nations bodies, ways to utilize and maintain expertise, including, in particular, of former experts of the group, that could be made available for specific missions and assistance needs regarding the implementation of resolution 1540 (2004);

(e) *Urges* the 1540 Committee to continue to encourage and take full advantage of voluntary financial contributions to assist States in identifying and addressing their needs for the implementation of resolution 1540 (2004), and requests the 1540 Committee at its discretion, to promote the efficient and effective use of the existing funding mechanisms within the United Nations system;

23. *Decides* to remain seized of the matter.

Security Council Resolution 2310

[2016]

The Security Council,

Recalling its resolution 1887 (2009), and reaffirming its firm commitment to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in all its aspects,

Reaffirming the Statement of its President adopted at the Council 's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspect s of all weapons of mass destruction,

Underlining that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy,

Reaffirming that proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security,

Recalling that the Comprehensive Nuclear-Test-Ban Treaty (Treaty), adopted by the General Assembly by its resolution 50/245 of 10 September 1996, was opened for signature on 24 September 1996, and that States Signatories, by their resolution on 19 November 1996, including paragraph 7 thereof, established the Preparatory Commission (PrepCom) for the Comprehensive Nuclear -Test-Ban Treaty Organization,

Recognizing that a universal and internationally and effectively verifiable test ban treaty that has entered into force is the most effective way to ban nuclear - weapon test explosions and any other nuclear explosions, and that an end to all such nuclear-weapon test explosions and any other nuclear explosions will constrain the development and qualitative improvement of nuclear weapons and end the development of advanced new types of nuclear weapons,

Recognizing that early entry into force of the Treaty will constitute an effective nuclear disarmament and non-proliferation measure that would contribute to the achievement of a world without nuclear weapons,

Welcoming progress made towards universalization of the Treaty, *noting* that 183 States have signed the Treaty and 166 States have deposited their instruments of ratification, and *further noting* that of the 44 States listed in Annex 2 to the Treaty, whose ratification is needed for its entry into force, 41 have signed and 36 have both signed and ratified the Treaty, including several nuclear weapons States,

Welcoming the efforts of Member States of the PrepCom and its Provisional Technical Secretariat to build all elements of the Treaty's verification regime, unprecedented in its global reach, *recognizing* the maturity of and progress achieved in the establishment of the International Monitoring System (IMS), as well as the satisfactory functioning of the International Data Centre (IDC) that has demonstrated its ability to provide independent and reliable means to ensure compliance with the Treaty once it enters into force, and *emphasizing* the continuing progress in developing, exercising, and demonstrating the advanced technologies and logistical capabilities necessary to execute on-site inspections,

Stressing the vital importance and urgency of achieving the early entry into force of the Treaty,

Urges all States that have either not signed or not ratified the Treaty, particularly the eight remaining Annex 2 States, to do so without further delay;

Encourages all State Signatories, including Annex 2 States, to promote the universality and early entry into force of the Treaty;

Recalls the statements by each of the five nuclear-weapon States, noted by resolution 984 (1995), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon State Parties to the NPT, and *affirms* that such security assurances strengthen the nuclear non-proliferation regime;

Calls upon all States to refrain from conducting any nuclear-weapon test explosion or any other nuclear explosion and to maintain their moratoria in this regard, *commends* those States' national moratoria, some of which are established by national legislation pending entry into force of the Treaty, *emphasizes* that such moratoria are an example of responsible international behaviour that contributes to international peace and stability and should continue, while stressing that such moratoria do not have the same permanent and legally binding effect as entry into force of the Treaty, and *notes* the Joint Statement on the Comprehensive Nuclear Test-Ban Treaty by China, France, the Russian Federation, the United Kingdom, and the United States of America of September 15, 2016, in which those States no ted that, inter alia, "a nuclear-weapon test explosion or any other nuclear explosion would defeat the object and purpose of the CTBT ";

Underlines the need to maintain momentum towards completion of all elements of the Treaty verification regime, and in this regard, calls upon all States to provide the support required to enable the PrepCom to complete all its tasks in the most efficient and cost effective way, and encourages all States hosting International Monitoring System facilities to transmit data to the IDC on a testing and provisional basis, pending entry into force of the Treaty;

Welcomes the voluntary information in the national statements in the PrepCom by States listed in Annex 1 to the Protocol to the Treaty as responsible for one or more facilities of the IMS on the status of completing the construction of those facilities as well as regarding the status of transmission of data from their facilities to the IDC, encourages States hosting IMS facilities to complete construction of the IMS facilities in a timely manner as provided for by the Treaty and text on the establishment of the PrepCom, and invites the Provisional Technical Secretariat to provide a report to all State Signatories within 180 days of the adoption of this resolution on the status of States Signatories assessed contributions to the PrepCom and any additional support provided by State Signatories for the completion of the Treaty's verification regime and for the maintenance and operational needs for the IDC and IMS;

Recognizes that even absent entry into force of the Treaty the monitoring and analytical elements of the verification regime, operating on a testing and provisional basis, are at the disposal of the international community in conformity with the Treaty and under the guidance of the Preparatory Commission, and that such elements contribute to regional stability as a significant confidence-building measure, and strengthen the nuclear non-proliferation and disarmament regime;

Affirms that entry into force of the Treaty will contribute to the enhancement of international peace and security through its effective prevention of the proliferation of nuclear weapons in all its aspects and through its contribution to nuclear disarmament and recognizes that the Provisional Technical Secretariat has demonstrated its utility in bringing tangible scientific and civil benefits to States, for example through early tsunami warnings and seismological monitoring, and in this regard encourages the PrepCom to consider ways to ensure that these benefits can be

broadly shared by the international community in conformity with the Treaty, through capacity building and the sharing of relevant expertise on the verification regime;

Decides to remain seized of the matter.

Security Council Resolution 2572

[2021]

The Security Council,

Reaffirming its resolutions 1540 (2004) of 28 April 2004, 1673 (2006) of 27 April 2006, 1810 (2008) of 25 April 2008, 1977 (2011) of 20 April 2011, 2055 (2012) of 29 June 2012, and 2325 (2016) of 15 December 2016,

Endorsing the work already carried out by the Committee established pursuant to resolution 1540 (2004), hereafter the 1540 Committee, in accordance with its programmes of work, and reaffirming its continued support,

Noting that due to the coronavirus pandemic (COVID-19), the comprehensive review on the status of implementation of resolution 1540 (2004) was postponed,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend until 28 February 2022 the mandate of the 1540 Committee with the continued assistance of its group of experts, as specified in paragraph 5 of resolution 1977 (2011), and requests the Secretary-General to take the necessary administrative measures to this effect;

2. *Further decides* that the 1540 Committee, while continuing its current work pursuant to its mandate, shall continue to conduct and complete the comprehensive review on the status of implementation of resolution 1540 (2004) and submit to the Security Council a report on the conclusion of the review;

3. Decides to remain seized of the matter.

Security Council Press Statement in Support of Non-Proliferation Treaty

[2 April 2019]

Today, the Security Council convened under the chairmanship of the Foreign Minister of Germany, Heiko Maas. The high-level meeting in support of the Non-Proliferation Treaty (NPT) one year ahead of the 2020 Review Conference was introduced by International Atomic Energy Agency (IAEA) Director General Yukiya Amano and the United Nations Under-Secretary-General and High Representative for Disarmament Affairs, Izumi Nakamitsu.

The members of the Security Council reaffirmed their commitment to advance the goals of the NPT as the cornerstone of the nuclear non-proliferation regime and the foundation for the pursuit of nuclear disarmament and the peaceful uses of nuclear energy. They underscored the viability and the mutually reinforcing character of all the commitments taken under the treaty, the need for its full implementation and the importance of achieving universal adherence to the treaty.

The members of the Security Council concurred that the 2020 NPT Review Conference, which marks the fiftieth anniversary of the entry into force of the NPT, provided an opportunity for the NPT States parties to unambiguously reaffirm their commitment to this landmark treaty, to commemorate its historic achievements and, by further advancing its goals, strengthen the nuclear disarmament and non-proliferation regime. The members of the Security Council expressed their readiness to work together and join efforts to achieve a successful outcome at the 2020 NPT Review Conference.

Security Council Press Statement in Support Non-Proliferation Treaty Ahead of 2020 Review Conference

[26 February 2020]

Today, the Security Council convened under the chairmanship of the Foreign Minister of Germany, Heiko Maas. The high-level meeting in support of the Non-Proliferation Treaty (NPT) one year ahead of the 2020 Review Conference was introduced by International Atomic Energy Agency (IAEA) Director General Yukiya Amano and the United Nations Under-Secretary-General and High Representative for Disarmament Affairs, Izumi Nakamitsu.

Today, the Security Council convened in support of the Non-Proliferation Treaty (NPT), commemorating the fiftieth anniversary of its entry into force. Following briefings by the United Nations High Representative for Disarmament, Under-Secretary-General Izumi Nakamitsu, as well as the designated President of the NPT Review Conference, Ambassador Gustavo Zlauvinen, the members of the Security Council underlined that the NPT remains the cornerstone of the nuclear non-proliferation regime and the foundation for the pursuit of nuclear disarmament and the peaceful uses of nuclear energy. The members of the Council expressed their resolve to further advance the goals of the Treaty.

They underscored the viability and the mutually reinforcing character of all the commitments taken under the Treaty, the need for its full implementation and the importance of achieving universal adherence to the treaty.

The members of the Security Council paid tribute to the historical achievements made under the NPT and underlined its essential role in the preservation of international peace, security and stability, as well as the ultimate objective of a world without nuclear weapons. In light of current international geopolitical challenges, they stressed the importance of upholding and strengthening the Treaty.

Members of the Security Council called upon all States parties to the NPT to cooperate in facilitating progress in non-proliferation, the peaceful uses of nuclear energy, and nuclear disarmament. Members of the Security Council reaffirmed joint responsibility for the future of the Treaty, expressed their readiness to work together and join efforts to achieve a successful outcome at the 2020 NPT Review Conference.

L – Nuclear Weapon Testing Treaties

Comprehensive Test Ban Treaty

[Opened for signature 24 September 1996, not in force]

[Eds...]

Article I Basic Obligations

1. Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.
2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

Article II The Organization

A. General Provisions

1. The States Parties hereby establish the Comprehensive Nuclear Test-Ban Treaty organization (hereinafter referred to as 'the Organization') to achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.
2. All States Parties shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.
3. The seat of the Organization shall be Vienna, Republic of Austria.
4. There are hereby established as organs of the Organization: the Conference of the States Parties, the Executive Council and the Technical Secretariat, which shall include the International Data Centre.
5. Each State Party shall cooperate with the Organization in the exercise of its functions in accordance with this Treaty. States Parties shall consult, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Treaty.
6. The Organization shall conduct its verification activities provided for under this Treaty in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Treaty. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Treaty and, in particular, shall abide by the confidentiality provisions set forth in this Treaty.
7. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Treaty. It shall treat such information and data exclusively in connection with its rights and obligations under this Treaty.
8. The Organization, as an independent body, shall seek to utilize existing expertise and facilities, as appropriate, and to maximize cost efficiencies, through cooperative arrangements with other international organizations such as the International Atomic Energy Agency. Such arrangements, excluding those of a minor and normal commercial and contractual nature, shall be set out in agreements to be submitted to the Conference of the States Parties for approval.
9. The costs of the activities of the Organization shall be met annually by the States Parties in accordance with the United Nations scale of assessments adjusted to take into account differences in membership between the United Nations and the Organization.
10. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget.
11. A member of the Organization which is in arrears in the payment of its assessed contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. The Conference of the States Parties

Composition, Procedures and Decision-making

12. The Conference of the States Parties (hereinafter referred to as 'the Conference') shall be composed of all States Parties. Each State Party shall have one representative in the Conference, who may be accompanied by alternates and advisers.
13. The initial session of the Conference shall be convened by the Depositary no later than 30 days after the entry into force of this Treaty.
14. The Conference shall meet in regular sessions, which shall be held annually, unless it decides otherwise.
15. A special session of the Conference shall be convened:
    (a) When decided by the Conference;
    (b) When requested by the Executive Council; or
    (c) When requested by any State Party and supported by a majority of the States Parties.

The special session shall be convened no later than 30 days after the decision of the Conference, the request of the Executive Council, or the attainment of the necessary support, unless specified otherwise in the decision or request.
16. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article VII.
17. The Conference may also be convened in the form of a Review Conference in accordance with Article VI II.
18. Sessions shall take place at the seat of the Organization unless the Conference decides otherwise.
19. The Conference shall adopt its rules of procedure. At the beginning of each session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next session.
20. A majority of the States Parties shall constitute a quorum.
21. Each State Party shall have one vote.
22. The Conference shall take decisions on matters of procedure by a majority of members present and voting. Decisions on matters of substance shall be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.
23. When exercising its function under paragraph 26 (k), the Conference shall take a decision to add any State to the list of States contained in Annex 1 to this Treaty in accordance with the procedure for decisions on matters of substance set out in paragraph 22. Notwithstanding paragraph 22, the Conference shall take decisions on any other change to Annex 1 to this Treaty by consensus.

Powers and Functions

24. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Treaty, including those relating to the powers and functions of the Executive Council and the Technical Secretariat, in accordance with this Treaty. It may make recommendations and take decisions on any questions, matters or issues within the scope of this Treaty raised by a State Party or brought to its attention by the Executive Council.
25. The Conference shall oversee the implementation of, and review compliance with, this Treaty and act in order to promote its object and purpose. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines to either of them for the exercise of their functions.
26. The Conference shall:
    (a) Consider and adopt the report of the Organization on the

implementation of this Treaty and the annual programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;
(b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 9;
(c) Elect the members of the Executive Council;
(d) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as 'the Director-General');
(e) Consider and approve the rules of procedure of the Executive Council submitted by the latter;
(f) Consider and review scientific and technological developments that could affect the operation of this Treaty. In this context, the Conference may direct the Director-General to establish a Scientific Advisory Board to enable him or her, in the performance of his or her functions, to render specialized advice in areas of science and technology relevant to this Treaty to the Conference, to the Executive Council or to States Parties. In that case, the Scientific Advisory Board shall be composed of independent experts serving in their individual capacity and appointed, in accordance with terms of reference adopted by the Conference, on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty;
(g) Take the necessary measures to ensure compliance with this Treaty and to redress and remedy any situation that contravenes the provisions of this Treaty, in accordance with Article V;
(h) Consider and approve at its initial session any draft agreements, arrangements, provisions, procedures, operational manuals, guidelines and any other documents developed and recommended by the Preparatory Commission;
(i) Consider and approve agreements or arrangements negotiated by the Technical Secretariat with States Parties, other States and international organizations to be concluded by the Executive Council on behalf of the Organization in accordance with paragraph 38 (h);
(j) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Treaty; and
(k) Update Annex 1 to this Treaty, as appropriate, in accordance with paragraph 23.

C. The Executive Council

Composition, Procedures and Decision-making

27. The Executive Council shall consist of 51 members. Each State Party shall have the right, in accordance with the provisions of this Article, to serve on the Executive Council.
28. Taking into account the need for equitable geographical distribution the Executive Council shall comprise:
(a) Ten states Parties from Africa;
(b) Seven States Parties from Eastern Europe;
(c) Nine States Parties from Latin America and the Caribbean;
(d) Seven States Parties from the Middle East and South Asia;
(e) Ten States Parties from North America and Western Europe; and
(f) Eight States Parties from South-East Asia, the Pacific and the Far East.

All States in each of the above geographical regions are listed in Annex 1 to this Treaty. Annex 1 to this Treaty shall be updated, as appropriate, by the Conference in accordance with paragraphs 23 and 26 (k). It shall not be subject to amendments or changes under the procedures contained in Article VII.
29. The members of the Executive Council shall be elected by the Conference. In this connection, each geographical region shall designate States Parties from that region for election as members of the Executive Council as follows:
(a) At least one-third of the seats allocated to each geographical region shall be filled, taking into account political and security interests by States Parties in that region designated on the basis of the nuclear capabilities relevant to the Treaty as determined by international data as well as all or any of the following indicative criteria in the order of priority determined by each region:
(i) Number of monitoring facilities of the International Monitoring System;
(ii) Expertise and experience in monitoring technology; and
(iii) Contribution to the annual budget of the Organization;
(b) One of the seats allocated to each geographical region shall be filled on a rotational basis by the State Party that is first in the English alphabetical order among the States Parties in that region that have not served as members of the Executive Council for the longest period of time since becoming States Parties or since their last term, whichever is shorter. A State Party designated on this basis may decide to forgo its seat. In that case, such a State Party shall submit a letter of renunciation to the Director-General, and the seat shall be filled by the State Party following next-in-order according to this sub-paragraph; and
(c) The remaining seats allocated to each geographical region shall filled by States Parties designated from among all the States Parties in that region by rotation or elections.

30. Each member of the Executive Council shall have one representative on the Executive Council, who may be accompanied by alternates and advisers.
31. Each member of the Executive Council shall hold office from the end of the session of the Conference at which that member is elected until the end of the second regular annual session of the Conference thereafter, except that for the first election of the Executive Council, 26 members shall be elected to hold office until the end of the third regular annual session of the Conference, due regard being paid to the established numerical proportions as described in paragraph 28.
32. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.
33. The Executive Council shall elect its Chairman from among its members.
34. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.
35. Each member of the Executive Council shall have one vote.
36. The Executive Council shall take decisions on matters of procedure by a majority of all its members. The Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

Powers and Functions

37. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. It shall carry out the powers and functions entrusted to it in accordance with this Treaty. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their continuous and proper implementation.
38. The Executive Council shall:
(a) Promote effective implementation of, and compliance with, this Treaty;
(b) Supervise the activities of the Technical Secretariat;
(c) Make recommendations as necessary to the Conference for consideration of further proposals for promoting the object and purpose of this Treaty;
(d) Cooperate with the National Authority of each State Party;
(e) Consider and submit to the Conference the draft annual programme and budget of the Organization, the draft report of the Organization on the implementation of this Treaty, the report on the performance of its own activities and such other reports as it deems necessary or that the Conference may request;
(f) Make arrangements for the sessions of the Conference, including the preparation of the draft agenda;
(g) Examine proposals for changes, on matters of an administrative or technical nature, to the Protocol or the Annexes thereto, pursuant to Article VII, and make recommendations to the States Parties regarding their adoption;
(h) Conclude, subject to prior approval of the Conference, agreements or arrangements with States Parties, other States and international organizations on behalf of the Organization and supervise their implementation, with the exception of agreements or arrangements referred to in sub-paragraph (i);
(i) Approve and supervise the operation of agreements or arrangements relating to the implementation of verification

activities with States Parties and other States; and

(j) Approve any new operational manuals and any changes to the existing operational manuals that may be proposed by the Technical Secretariat.

39. The Executive Council may request a special session of the Conference.

40. The Executive Council shall:

(a) Facilitate cooperation among States Parties, and between States Parties and the Technical Secretariat, relating to the implementation of this Treaty through information exchanges;

(b) Facilitate consultation and clarification among States Parties in accordance with Article IV; and

(c) Receive, consider and take action on requests for, and reports on, on-site inspections in accordance with Article IV.

41. The Executive Council shall consider any concern raised by a State Party about possible non-compliance with this Treaty and abuse of the rights established by this Treaty. In doing so, the Executive Council shall consult with the States Parties involved and, as appropriate, request a State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, inter alia, one or more of the following measures:

(a) Notify all States Parties of the issue or matter;

(b) Bring the issue or matter to the attention of the Conference;

(c) Make recommendations to the Conference or take action, as appropriate, regarding measures to redress the situation and to ensure compliance in accordance with Article V.

D. The Technical Secretariat

42. The Technical Secretariat shall assist States Parties in the implementation of this Treaty. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification and other function entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council in accordance with this Treaty. The Technical Secretariat shall include, as an integral part, the International Data Centre.

43. The functions of the Technical Secretariat with regard to verification of compliance with this Treaty shall, in accordance with Article IV and the Protocol, include inter alia:

(a) Being responsible for supervising and coordinating the operation of the International Monitoring System;

(b) Operating the International Data Centre;

(c) Routinely receiving, processing, analyzing and reporting on International Monitoring System data;

(d) Providing technical assistance in, and support for, the installation and operation of monitoring stations;

(e) Assisting the Executive Council in facilitating consultation and clarification among States Parties;

(f) Receiving requests for on-site inspections and processing them, facilitating Executive Council consideration of such requests, carrying out the preparations for, and providing technical support during, the conduct of on-site inspections, and reporting to the Executive Council;

(g) Negotiating agreements or arrangements with States Parties, other States and international organizations and concluding, subject to prior approval by the Executive Council, any such agreements or arrangements relating to verification activities with States Parties or other States; and

(h) Assisting the States Parties through their National Authorities on other issues of verification under this Treaty.

44. The Technical Secretariat shall develop and maintain, subject to approval by the Executive Council, operational manuals to guide the operation of the various components of the verification regime, in accordance with Article IV and the Protocol. These manuals shall not constitute integral parts of this Treaty or the Protocol and may be changed by the Technical Secretariat subject to approval by the Executive Council. The Technical Secretariat shall promptly inform the States Parties of any changes in the operational manuals.

45. The functions of the Technical Secretariat with respect to administrative matters shall include:

(a) Preparing and submitting to the Executive Council the draft programme and budget of the Organization;

(b) Preparing and submitting to the Executive Council the draft report of the Organization on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;

(c) Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs;

(d) Addressing and receiving communications on behalf of the Organization relating to the implementation of this Treaty; and

(e) Carrying out the administrative responsibilities related to any agreements between the Organization and other international organizations.

46. All requests and notifications by States Parties to the Organization shall be transmitted through their National Authorities to the Director-General. Requests and notifications shall be in one of the official languages of this Treaty. In response the Director-General shall use the language of the transmitted request or notification.

47. With respect to the responsibilities of the Technical Secretariat for preparing and submitting to the Executive Council the draft programme and budget of the Organization, the Technical Secretariat shall determine and maintain a clear accounting of all costs for each facility established as part of the International Monitoring System. Similar treatment in the draft programme and budget shall be accorded to all other activities of the Organization.

48. The Technical Secretariat shall promptly inform the Executive Council of any problems that have arisen with regard to the discharge of its functions that have come to its notice in the performance of its activities and that it has been unable to resolve through consultations with the State Party concerned.

49. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter. The first Director-General shall be appointed by the Conference at its initial session upon the recommendation of the Preparatory Commission.

50. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of professional expertise, experience, efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

51. The Director-General may, as appropriate, after consultation with the Executive Council, establish temporary working groups of scientific experts to provide recommendations on specific issues.

52. In the performance of their duties, the Director-General, the inspectors, the inspection assistants and the members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect adversely on their positions as international officers responsible only to the Organization. The Director-General shall assume responsibility for the activities of an inspection team.

53. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors, the inspection assistants and the members of the staff and shall not seek to influence them in the discharge of their responsibilities.

E. Privileges and Immunities

54. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

55. Delegates of States Parties, together with their alternates and advisers, representatives of members elected to the Executive Council, together with their alternates and advisers, the Director-General, the inspectors, the inspection assistants and the members of the staff of the Organization shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.

56. The legal capacity, privileges and immunities referred to in this Article shall be defined in agreements between the Organization and the State Parties as well as in an agreement between the Organization and the State in which the Organization is seated. Such agreements shall be considered and approved in accordance with paragraph 26 (h) and (i).
57. Notwithstanding paragraphs 54 and 55, the privileges and immunities enjoyed by the Director-General, the inspectors, the inspection assistants and the members of the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in the Protocol.

Article III National Implementation Measures

1. Each State Party shall, in accordance with its constitutional processes, take any necessary measures to implement its obligations under this Treaty. In particular, it shall take any necessary measures:
(a) To prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Treaty ;
(b) To prohibit natural and legal persons from undertaking any such activity anywhere under its control; and
(c) To prohibit, in conformity with international law, natural person possessing its nationality from undertaking any such activity anywhere.
2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.
3. Each State Party shall inform the Organization of the measures taken pursuant to this Article.
4. In order to fulfill its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Organization upon entry into force of the Treaty for it. The National Authority shall serve as the national focal point for liaison with the Organization and with other States Parties.

Article IV Verification

A. General Provisions

1. In order to verify compliance with this Treaty, a verification regime shall be established consisting of the following elements:
(a) An International Monitoring System;
(b) Consultation and clarification;
(c) On-site inspections; and
(d) Confidence-building measures.
At entry into force of this Treaty, the verification regime shall be capable of meeting the verification requirements of this Treaty.
2. Verification activities shall be based on objective information, shall be limited to the subject matter of this Treaty, and shall be carried out on the basis of full respect for the sovereignty of States Parties and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification.
3. Each State Party undertakes in accordance with this Treaty to cooperate through its National Authority established pursuant to Article III, paragraph 4, with the Organization and with other States Parties to facilitate the verification of compliance with this Treaty by *inter alia:*
(a) Establishing the necessary facilities to participate in these verification measures and establishing the necessary communication;
(b) Providing data obtained from national stations that are part of the International Monitoring System;
(c) Participating, as appropriate, in a consultation and clarification process;
(d) Permitting the conduct of on-site inspections; and
(e) Participating, as appropriate, in confidence-building measures.
4. All States Parties, irrespective of their technical and financial capabilities, shall enjoy the equal right of verification and assume the equal obligation to accept verification.
5. For the purposes of this Treaty, no State Party shall be precluded from using information obtained by national technical means of verification in a manner consistent with generally recognized principles of international law, including that of respect for the sovereignty of States.
6. Without prejudice to the right of States Parties to protect sensitive installations, activities or locations not related to this Treaty, States Parties shall not interfere with elements of the verification regime of this Treaty or with national technical means of verification operating in accordance with paragraph 5.
7. Each State Party shall have the right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to this Treaty.
8. Moreover, all necessary measures shall be taken to protect the confidentiality of any information related to civil and military activities and facilities obtained during verification activities.
9. Subject to paragraph 8, information obtained by the Organization through the verification regime established by this Treaty shall be made available to all States Parties in accordance with the relevant provisions of this Treaty and the Protocol.
10. The provisions of this Treaty shall not be interpreted as restricting the international exchange of data for scientific purposes.
11. Each State Party undertakes to cooperate with the Organization and with other States Parties in the improvement of the verification regime, and in the examination of the verification potential of additional monitoring technologies such as electromagnetic pulse monitoring or satellite monitoring, with a view to developing, when appropriate, specific measures to enhance the efficient and cost-effective verification of this Treaty. Such measures shall, when agreed, be incorporated in existing provisions in this Treaty, the Protocol or as additional sections of the Protocol, in accordance with Article VII, or, if appropriate, be reflected in the operational manuals in accordance with Article II, paragraph 44.
12. The States Parties undertake to promote cooperation among themselves to facilitate and participate in the fullest possible exchange relating to technologies used in the verification of this Treaty in order to enable all States Parties to strengthen their national implementation of verification measures and to benefit from the application of such technologies for peaceful purposes.
13. The provisions of this Treaty shall be implemented in a manner which avoids hampering the economic and technological development of the States Parties for further development of the application of atomic energy for peaceful purposes.

Verification Responsibilities of the Technical Secretariat – [Eds…]

B. The International Monitoring System – [Eds…]

C. Consultation and Clarification – [Eds…]

D. On-Site Inspections – [Eds…]

E. Confidence-Building Measures – [Eds…]

Article V Measures to Redress a Situation and to Ensure Compliance, Including Sanctions

1. The Conference, taking into account, *inter alia,* the recommendations of the Executive Council, shall take the necessary measures, as set forth in paragraphs 2 and 3, to ensure compliance with this Treaty and to redress and remedy any situation which contravenes the provisions of this Treaty.
2. In cases where a State Party has been requested by the Conference or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfil the request within the specified time, the Conference may, *inter alia,* decide to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty until the Conference decides otherwise.
3. In cases where damage to the object and purpose of this Treaty may result from non-compliance with the basic obligations of this Treaty, the Conference may recommend to States Parties collective measures which are in conformity with international law.
4. The Conference, or alternatively, if the case is urgent, the Executive Council, may bring the issue, including relevant information and conclusions to the attention of the United Nations.

Article VI Settlement of Disputes

1. Disputes that may arise concerning the application or the interpretation of this Treaty shall be settled in accordance with the relevant provisions of this Treaty and in conformity with the provisions of the Charter of the United Nations.
2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the application or interpretation of this Treaty, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful

means of the parties' choice, including recourse to appropriate organs of this Treaty and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The parties involved shall keep the Executive Council informed of actions being taken.

3. The Executive Council may contribute to the settlement of a dispute that may arise concerning the application or interpretation of this Treaty by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to seek a settlement through a process of their own choice, bringing the matter to the attention of the Conference and recommending a time-limit for any agreed procedure.

4. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article II, paragraph 26 (j).

5. The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An agreement between the Organization and the United Nations shall be concluded for this purpose in accordance with Article II, paragraph 38 (h).

6. This Article is without prejudice to Articles IV and V.

Article VII Amendments

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to this Treaty, the Protocol, or the Annexes to the Protocol. Any State Party may also propose changes, in accordance with paragraph 7, to the Protocol or the Annexes thereto. Proposals for amendment shall be subject to the procedures in paragraphs 2 to 6. Proposals for changes, in accordance with paragraph 7, shall be subject to the procedures in paragraph 8.

2. The proposed amendment shall be considered and adopted only by a Amendment Conference.

3. Any proposal for an amendment shall be communicated to the Director-General, who shall circulate it to all States Parties and the Depositary and seek the views of the States Parties on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Director-General no later than 30 days after its circulation that they support further consideration of the proposal, the Director-General shall convene an Amendment Conference to which all States Parties shall be invited.

4. The Amendment Conference shall be held immediately following a regular session of the Conference unless all States Parties that support the convening of an Amendment Conference request that it be held earlier. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

5. Amendments shall be adopted by the Amendment Conference by a positive vote of a majority of the States Parties with no State Party casting a negative vote.

6. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all those States Parties casting a positive vote at the Amendment Conference.

7. In order to ensure the viability and effectiveness of this Treaty, Parts I and III of the Protocol and Annexes 1 and 2 to the Protocol shall be subject to changes in accordance with paragraph 8, if the proposed changes are related only to matters of an administrative or technical nature. All other provisions of the Protocol and the Annexes thereto shall not be subject to changes in accordance with paragraph 8.

8. Proposed changes referred to in paragraph 7 shall be made in accordance with the following procedures:

(a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;

(b) No later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Treaty and its implementation and shall communicate any such information to all States Parties and the Executive Council;

(c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 7. No later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;

(d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no state Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;

(e) If a recommendation of the Executive Council does not meet with the acceptance required under sub-paragraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 7, shall be taken as a matter of substance by the Conference at its next session;

(f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;

(g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

Article VIII Review of the Treaty

1. Unless otherwise decided by a majority of the States Parties, ten years after the entry into force of this Treaty a Conference of the States Parties shall be held to review the operation and effectiveness of this Treaty, with view to assuring itself that the objectives and purposes in the Preamble and the provisions of the Treaty are being realized. Such review shall take into account any new scientific and technological developments relevant to this Treaty. On the basis of a request by any State Party, the Review Conference shall consider the possibility of permitting the conduct of underground nuclear explosions for peaceful purposes. If the Review Conference decides by consensus that such nuclear explosions may be permitted, it shall commence work without delay, with a view to recommending to States Parties an appropriate amendment to this Treaty that shall preclude any military benefits of such nuclear explosions. Any such proposed amendment shall be communicated to the Director-General by any State Party and shall be dealt with in accordance with the provisions of Article VII.

2. At intervals of ten years thereafter, further Review Conferences may be convened with the same objective, if the Conference so decides as a matter of procedure in the preceding year. Such Conferences may be convened after an interval of less than ten years if so decided by the Conference as a matter of substance.

3. Normally, any Review Conference shall be held immediately following the regular annual session of the Conference provided for in Article II.

Article IX Duration and Withdrawal

1. This Treaty shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.

3. Withdrawal shall be effected by giving notice six months in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Notice of withdrawal shall include a statement of the extraordinary event or events which a State Party regards as jeopardizing its supreme interests.

Article X Status of the Protocol and the Annexes

The Annexes to this Treaty, the Protocol, and the Annexes to the Protocol form an integral part of the Treaty. Any reference to this Treaty, includes the Annexes to this Treaty, the Protocol and the Annexes to the Protocol.

Article XI Signature

This Treaty shall be open to all States for signature before its entry

into force.

Article XII Ratification

This Treaty shall be subject to ratification by signatory States according to their respective constitutional processes.

Article XIII Accession

Any State which does not sign this Treaty before its entry into force may accede to it at any time thereafter.

Article XIV Entry into Force

1. This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty, but in no case earlier than two years after its opening for signature.
2. If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification on the request of a majority of those States. That Conference shall examine the extent to which the requirement set out in paragraph 1 has been met and shall consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.
3. Unless otherwise decided by the Conference referred to in paragraph 2 or other such conferences, this process shall be repeated at subsequent anniversaries of the opening for signature of this Treaty, until its entry into force.
4. All States Signatories shall be invited to attend the Conference referred to in paragraph 2 and any subsequent conferences as referred to in paragraph 3, as observers.
5. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instruments of ratification or accession.

Article XV Reservations

The Articles of and the Annexes to this Treaty shall not be subject to reservations. The provisions of the Protocol to this Treaty and the Annexes to the Protocol shall not be subject to reservations incompatible with the object and purpose of this Treaty.

Article XVI Depositary

1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.
2. The Depositary shall promptly inform all States Signatories and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.
3. The Depositary shall send duly certified copies of this Treaty to the Governments of the States Signatories and acceding States.
4. This Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article XVII Authentic Texts

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Annex 1 to the Treaty

List of States Pursuant to Article II, Paragraph 28

Africa

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

Eastern Europe

Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia.

Latin America and the Caribbean

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

Middle East and South Asia

Afghanistan, Bahrain, Bangladesh, Bhutan, India, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Maldives, Oman, Nepal, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen.

North America and Western Europe

Andorra, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Holy see, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

South East Asia, the Pacific and the Far East

Australia, Brunei Darussalam, Cambodia, China, Cook Islands, Democratic People's Republic of Korea, Fiji, Indonesia, Japan, Kiribati, Lao People's Democratic Republic, Malaysia, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Thailand, Tonga, Tuvalu, Vanuatu, Viet Nam.

Annex 2 to the Treaty

List of States Pursuant to Article XIV

List of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's April 1996 edition of 'Nuclear Power Reactors in the World', and of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's December 1995 edition of 'Nuclear Research Reactors in the World':

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Democratic People's Republic of Korea, Egypt, Finland, France, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Romania, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Zaire.

Protocol to the Comprehensive Nuclear Test-Ban Treaty

Part I — The International Monitoring System and International Data Centre Functions – *[Eds…]*

Part II — On-Site Inspections – *[Eds…]*

Part III — Confidence-Building Measures – *[Eds...]*

Annex 1 to the Protocol – *[Eds...]*

Annex 2 to the Protocol – *[Eds...]*

Comprehensive Test Ban Treaty – Signatures and Ratifications

[as at 15 November 2021]

Total Signed:185 Total Ratified:170

Final Declaration and Measures to Promote the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty

CTBT-Art.XIV/2021/6
[30 September 2021]

Final Declaration

1. We, the ratifying States, together with other States Signatories, met on 23 and 24 September 2021 to discuss concrete measures to facilitate the urgent entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). We are deeply concerned that 25 years after opening for signature of the CTBT, the prospect for entry into force of the Treaty remains unclear. We affirm that a universal and effectively verifiable Treaty constitutes a fundamental instrument in the field of nuclear disarmament and non-proliferation. September 2021 coincides with the 25th anniversary of the CTBT. We mark this milestone by reaffirming the vital importance and urgency of the entry into force of the CTBT and urge all States to remain seized of the issue at the highest political level.

2. We reaffirm that overwhelming support for the Treaty and the urgency of its entry into force has been expressed by the United Nations General Assembly (UNGA), most recently in resolution A/RES/75/87; the United Nations Security Council Summit on nuclear non-proliferation and nuclear disarmament in New York on 24 September 2009, which adopted resolution 1887; the adoption by consensus of the conclusions and recommendations for follow-up actions of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); the calls for the entry into force as soon as possible of the CTBT made during the process leading to the 2020 NPT Review Conference held in Vienna, Geneva and New York; and all the resolutions adopted by the United Nations in 2019 and 2020 and all other resolutions and decisions relevant in the context of the CTBT, demonstrate continued strong international will and support to see this Treaty brought into force. We recall the deep concern expressed in the outcome document of the 2010 NPT Review Conference with respect to the catastrophic humanitarian consequences of any use of nuclear weapons. We reconfirm that wide support has been expressed at the NPT Review Conferences since the CTBT opened for signature in 1996 for the importance of the entry into force of the CTBT at the earliest possible date as a vital multilateral instrument for nuclear disarmament and nuclear non-proliferation.

3. We reiterate the importance of the process of the Conference on Facilitating the Entry into Force of the CTBT. We welcome the range of mutually supportive ratification outreach activities, including, among others, activities of the Group of Eminent Persons (GEM), the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) Youth Group, and individual efforts by States Signatories including the "Friends of the CTBT" Ministerial Meeting, which share the objective of early entry into force of the Treaty. We commend the support given by the Executive Secretary and the Provisional Technical Secretariat (PTS) of the Preparatory Commission for the CTBTO to those activities.

4. We welcome that 185 States have signed and 170 States have ratified the CTBT, including 36 whose ratification is necessary for its entry into force (Annex 2 States). In this respect, we welcome progress made towards universalization of the Treaty and recognize the significance of the signature and ratification of the Treaty by Cuba and its ratification by the Union of Comoros since the 2019 Conference on Facilitating the Entry into Force of the CTBT. We urge the remaining eight Annex 2 States (listed in the Appendix), whose ratification is necessary for the entry into force of the CTBT, to sign and ratify the CTBT without further delay, bearing in mind that the CTBT was opened for signature over 25 years ago, and call upon these States to take individual initiatives to sign and ratify the CTBT. In this regard, we would welcome opportunities to engage with the non-signatory States, in particular Annex 2 States. We would therefore like to encourage these States to participate in future sessions of the Preparatory Commission for the CTBTO as observers.

5. We further reiterate that "the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects". Pending the entry into force of the CTBT, we reaffirm our commitments, as expressed in the conclusions of the 2010 NPT Review Conference, and call on all States to refrain from nuclear weapon test explosions or any other nuclear explosions, the development and use of new nuclear weapon technologies and any action that would undermine the object and purpose and the implementation of the provisions of the CTBT and to maintain all existing moratoria on nuclear weapon test explosions, while stressing that these measures do not have the same permanent and legally binding effect to end nuclear weapon testing and all other nuclear explosions, which can only be achieved with the entry into force of the Treaty.

6. We note with regret that, since the 2019 Article XIV Conference there has been no tangible progress towards the ratification of the CTBT by nuclear weapon States, which is detrimental to our joint efforts to promote the entry into force of the Treaty. We recall with resolve the undertaking by all nuclear-weapon States to ratify the CTBT with all expediency, while also noting that positive decisions by nuclear-weapon States will have a beneficial impact towards the entry into force and universalization of the Treaty.

7. Within the mandate of the CTBT with regard to the prohibition of nuclear tests, we recall our condemnation of the six nuclear tests conducted by the Democratic People's Republic of Korea (DPRK) since 2006. We appreciate the effectiveness of the CTBT verification regime demonstrated in relation to those nuclear tests, which highlight the urgent need for entry into force of the Treaty. We recall the DPRK's statement in April 2018 concerning a moratorium on nuclear tests and efforts towards the dismantlement of the Punggye-ri nuclear test site, noting the statement made by DPRK in January 2020 of not being bound to that commitment any longer. We reiterate the importance of the full implementation of all relevant United Nations Security Council Resolutions, stating that "the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, and immediately cease all related activities" while "keeping the DPRK's actions under continuous review", being "prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance". We underscore the importance of the complete, verifiable and irreversible denuclearization of the Korean Peninsula in a peaceful manner including through Six-Party Talks. We welcome diplomatic efforts, inter alia including through holding summits by all Parties involved in this process and encourage a continued dialogue to this end. We call upon the DPRK to sign and ratify the CTBT.

8. We remain fully committed to providing the political, technical and financial support required to enable the Preparatory Commission for the CTBTO to complete all its tasks in the most efficient and cost effective way, in accordance with the provisions of the Treaty and the 1996 Resolution establishing the Preparatory Commission, in particular the further build-up of all elements of the verification regime, which will be unprecedented in its global reach. We note with satisfaction the further progress achieved in the establishment of the International Monitoring System (IMS), which currently has 302‡ certified facilities, the functioning of the International Data Centre (IDC), and the continuing progress in enhancing on-site inspection capabilities including through the conduct of build-up exercises upon the lessons learnt from the successful conduct of the Integrated Field Exercise held in Jordan in 2014. We welcome the transmission of IMS data to the IDC by all States on a testing and provisional operational basis before the entry into force of the Treaty, in accordance with the approved guidelines of the Nineteenth Session of the Preparatory Commission. We look forward to the entry into force of the Treaty, in accordance with Article XIV thereof, recognizing that only this will

allow the use of the verification regime, with all of its elements, for verification purposes.

9. While bearing in mind the Treaty's objective regarding nuclear non-proliferation and disarmament, we are encouraged by the fact that the IMS and the IDC of the CTBT verification regime, in addition to their mandate, have also demonstrated their utility in bringing tangible scientific and civil benefits, including for tsunami warning systems and possibly other disaster alert systems. We will continue to consider ways of ensuring that these benefits can be broadly shared by the international community in conformity with the Treaty and under the guidance of the Preparatory Commission. We also recognize the importance of capacity building and the sharing of relevant expertise on the verification regime, including through holding Science and Technology conferences.

10. We reaffirm our determination to take concrete and actionable steps towards early entry into force and universalization of the Treaty, and to this end adopt the following measures:

(a) Spare no effort and use all avenues open to us to encourage further signature and ratification of the Treaty, and urge all States to sustain the momentum generated by this Conference and remain seized of the issue at the highest political level;

(b) Support and encourage mutually supportive outreach initiatives and activities at the bilateral, regional and multilateral levels to promote the entry into force and universalization of the Treaty;

(c) Encourage ratifying States to continue the practice of designating coordinators to promote cooperation aimed at promoting further signatures and ratifications, taking note of a coordinators' action plan to implement the measures adopted in this declaration;

(d) Establish a contact list of countries among ratifying States which volunteer to assist the coordinators in various regions in promoting activities to achieve early entry into force of the Treaty;

(e) Encourage the remaining Annex 2 States to provide, on a voluntary basis, information on practical steps towards signature/ratification of the Treaty;

(f) Recognize the role of GEM in assisting activities of ratifying States to promote the objectives of the Treaty and to facilitate its early entry into force;

(g) Encourage all States to actively participate in the annual International Day against Nuclear Tests as established by the UNGA resolution A/RES/64/35, which has been instrumental in increasing awareness and education about the effects of nuclear weapon test explosions and all other nuclear explosions;

(h) Encourage the organization of regional seminars in conjunction with various regional meetings in order to increase awareness of the important role the Treaty plays and encourage the sharing of experience within regions;

(i) Call upon the Preparatory Commission to continue its international cooperation activities and the organization of workshops, seminars and training programmes in the legal and technical fields for the purpose of ratification outreach;

(j) Call upon the Preparatory Commission to continue to promote the understanding of the Treaty, including through education and training initiatives, and demonstrating the benefits of the civil and scientific applications of the verification technologies to wider audiences, bearing in mind the purpose and specific mandates as foreseen in the Treaty;

(k) Request that the PTS continue to provide States with legal assistance with respect to the ratification process and implementation measures and, in order to enhance these activities and their visibility, maintain a list of national contact points for the exchange and dissemination of relevant information and documentation;

(l) Request the PTS to continue to act as a focal point for collecting information on outreach activities undertaken by ratifying States and other States Signatories, and to maintain a consolidated and updated overview of the information based on inputs provided by ratifying States and other States Signatories;

(m) Encourage cooperation with intergovernmental and non-governmental organizations and other elements of civil society to raise awareness of and support for the Treaty and its objectives, as well as the need for its early entry into force;

(n) Reaffirm the need to fully support the work of the Preparatory Commission to complete the verification regime through international cooperation and the need to continue capacity building and the sharing of expertise;

(o) Encourage all States to participate in and contribute to the completion of the verification regime and support the endeavors to enhance the effectiveness of the Preparatory Commission for the CTBTO through technical and political support to the PTS.

Joint Video Statement by Friends of CTBT Group

[CTBTO, 1 October 2020]

In a video message released today, the Foreign Ministers of Australia, Canada, Finland, Germany, Japan and the Netherlands call for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which bans all forms of nuclear weapons testing. Due to the COVID 19 pandemic, the Foreign Ministers of the Friends of the CTBT cannot, for the first time since 2002, hold the biennial Ministerial Meeting endorsed by many countries at the UN General Assembly high level week.

In the video, Japanese Foreign Minister Motegi Toshimitsu stated that the "tragedies of Hiroshima and Nagasaki must never be repeated". Motegi added that "worldwide condemnation against North Korea's nuclear tests demonstrates the strengthened sense of norm against nuclear testing". Australian Foreign Minister Marise Payne added that "prior to the CTBT's opening for signature, more than 2000 nuclear tests had been conducted. Each test had contributed to the development of nuclear weapons". Canadian Foreign Minister François-Philippe Champagne stated that "nuclear testing heightens global tensions and leaves devastating, enduring impacts on people and the environment."

Germany's Foreign Minister Heiko Maas reaffirmed that, until we achieve entry into force, "the Friends of the CTBT will continue to lobby for the treaty. It is an excellent example of multilateralism in practice and an effective response to the nuclear threat."

Regarding the spin off uses of CTBTO verification data for disaster warning and science, Stef Blok, Foreign Minister of the Netherlands, noted that the CTBT had already provided a "wealth of knowledge about the arrival of monsoons, the impact of meteorites, the migration patterns of whales and eruptions of volcanoes. In itself, this discovery is a valuable lesson for humankind".

Finnish Foreign Minister Pekka Haavisto stated that he was "proud to host one of the stations of the CTBT's global network, detecting nuclear tests and assisting in disaster warning across the globe". He emphasised that "our common goal is a world free of nuclear weapons. The CTBT is a key contribution towards that end."

In the video, the Secretary-General of the United Nations, António Guterres and the Executive Secretary of the Comprehensive Nuclear Test-Ban-Treaty Organization, Dr Lassina Zerbo, also pledged their support to the CTBT in their official capacity.

Joint Statement by the Foreign Minister of Kazakhstan and CTBTO Executive Secretary

[CTBTO, 27 August 2021]

The following statement was issued by H.E. Mr. Mukhtar Tileuberdi, Deputy Prime Minister – Minister of Foreign Affairs of the Republic of Kazakhstan, and Dr. Robert Floyd, Executive Secretary of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO):

1. On the occasion of the International Day against Nuclear Tests, unanimously proclaimed by the United Nations General Assembly at the initiative of the First President of the Republic of Kazakhstan

Nursultan Nazarbayev, we reaffirm our commitment to realizing a world free of nuclear testing and renew our resolve to achieve the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT).

2. 29 August is a symbolic date for Kazakhstan and the international community. This year marks the 30th anniversary of the closure of the Semipalatinsk nuclear test site. This historic decision sent a strong political message and contributed to international efforts that led to the adoption of the CTBT in 1996. Since its adoption, Kazakhstan has consistently provided significant support for the CTBT and the build-up of its verification regime.

3. This year also marks the 25th anniversary of the opening for signature of the CTBT. As a key pillar of the nuclear non-proliferation and disarmament regime, the CTBT is an effective and practical measure to achieve a world without nuclear weapons. With 185 signatures and 170 ratifications, there has been much progress towards the universalization of the CTBT. Its verification regime is nearly complete. Although yet to become legally binding, adherence to the CTBT and the norm against nuclear testing has become virtually universal.

4. We note the upcoming 2021 Article XIV Conference and consider it an opportunity to renew the call for concrete and coordinated actions by all States to advance the entry into force of the CTBT.

5. We invite all States to attend the high-level plenary meeting of the General Assembly to commemorate and promote the International Day against Nuclear Tests at the United Nations Headquarters in New York, which will take place on 8 September 2021.

6. We call on all States to continue to observe the moratoria on nuclear explosions. We urge those States that have not yet signed and/or ratified the Treaty to do so without delay. We call on the eight remaining Annex 2 States, whose ratifications are required for entry into force of the CTBT, to demonstrate their commitment to nuclear non-proliferation and disarmament by taking this important step in support of international peace and security.

7. We conclude that it is high time to bring the Comprehensive Nuclear-Test-Ban Treaty into force to advance nuclear disarmament and create a safer and more secure world for future generations.

First Committee Resolution, 'Comprehensive Nuclear-Test-Ban Treaty'

A/C.1/76/L.49
[14 October 2021]

The General Assembly,

[Eds…]

1. *Stresses* the vital importance and urgency of signature and ratification, without delay and without conditions, in order to achieve the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

2. *Welcomes* the contributions by the signatory States to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, in particular its efforts to ensure that the verification regime of the Treaty will be capable of meeting the verification requirements of the Treaty upon its entry into force, in accordance with article IV of the Treaty, and encourages their continuation;

3. *Underlines* the need to maintain momentum towards the completion of all elements of the verification regime;

4. *Urges* all States not to carry out nuclear-weapon test explosions or any other nuclear explosions, to maintain their moratoriums in this regard and to refrain from acts that would defeat the object and purpose of the Treaty, while stressing that these measures do not have the same permanent and legally binding effect as the entry into force of the Treaty;

5. *Reiterates its condemnation* of the six nuclear tests conducted by the Democratic People's Republic of Korea in violation of relevant Security Council resolutions, urges full compliance with the obligations under those resolutions, including that the Democratic People's Republic of Korea abandon its nuclear weapons programme and not conduct any further nuclear tests, reaffirms its support for the complete, verifiable and irreversible denuclearization of the Korean Peninsula in a peaceful manner, including through the Six-Party Talks, welcomes all efforts and dialogue to this end, including the inter-Korean summits and summits between the United States of America and the Democratic People's Republic of Korea, and encourages all parties to continue such efforts and dialogue;

6. *Urges* all States that have not yet signed or ratified, or that have signed but not yet ratified, the Treaty, in particular those whose ratification is needed for its entry into force, to sign and ratify it as soon as possible and to accelerate their ratification processes with a view to ensuring their earliest successful conclusion;

7. *Welcomes,* since the adoption of its previous resolution on the subject, the signature and ratification of the Treaty by Cuba and the ratification of the Treaty by the Comoros, since each signature or ratification is a significant step towards the entry into force and universalization of the Treaty;

8. *Encourages* further expressions from among the remaining States whose ratification is needed for the Treaty to enter into force of their intention to pursue and complete the ratification process;

9. *Welcomes* the election by States signatories to the Comprehensive Nuclear-Test-Ban Treaty of Robert Floyd as the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization;

10. *Urges* all States to remain seized of the issue at the highest political level and, where in a position to do so, to promote adherence to the Treaty through bilateral and joint outreach, seminars and other means;

11. *Decides* to include in the provisional agenda of its seventy-seventh session the item entitled "Comprehensive Nuclear-Test-Ban Treaty".

M – Nuclear-Weapon-Free Zone Treaties

Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean [Treaty of Tlatelolco]

Opened for signature on 14 February 1967; entered into force for each government individually with the amendments adopted by the General Conference Articles 7, 14, 15, 16, 19, 20 and 25

[Eds . . .]

Have agreed as follows:

Obligations

Article 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

1. The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and

2. The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

Definition of the Contracting Parties

Article 2

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

Definition of Territory

Article 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

Zone of Application

Article 4

1. The Zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of Article 29, paragraph 1, the Zone of Application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0° latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

Definition of Nuclear Weapons

Article 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

Meeting of Signatories

Article 6

At the request of any of the Signatory States or if the Agency established by Article 7 should so decide, a meeting of all the Signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the Secretary General.

Organization

Article 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the "Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean", hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising there from.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

Organs

Article 8

1. There are hereby established as principal organs of the Agency: a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

The General Conference

Article 9

2. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

3. The General Conference:

1. May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.

2. Shall establish procedures for the Control System to ensure observance of this Treaty in accordance with its provisions.

3. Shall elect the Members of the Council and the Secretary General.

4. May remove the Secretary General from office if the proper functioning of the Agency so requires.

5. Shall receive and consider the biennial and special reports submitted by the Council and the Secretary General.

6. Shall initiate and consider studies designed to facilitate the optimum fulfillment of the aims of this Treaty, without prejudice to the power of the Secretary General independently to carry

out similar studies for submission to and consideration by the Conference.

7. Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

4. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

5. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

6. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the Control System and measures referred to in Article 20, the admission of new Members, the election or removal of the Secretary General, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

7. The General Conference shall adopt its own Rules of Procedure.

The Council

Article 10

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the Secretary General, ensure the proper operation of the Control System in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own Rules of Procedure.

The Secretariat

Article 11

1. The Secretariat shall consist of a Secretary General, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the Secretary General shall be four years and he may be re-elected for a single additional term. The Secretary General may not be a national of the country in which the Agency has its headquarters. In case the office of Secretary General becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the Secretary General, in accordance with rules laid down by the General Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference, the Secretary General shall ensure, as provided by Article 10, paragraph 5, the proper operation of the Control System established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The Secretary General shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the Secretary General may deem desirable.

5. The Secretary General shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the Secretary General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the Secretary General and the staff and not to seek to influence them in the discharge of their responsibilities.

Control System

Article 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with Article 1, a Control System shall be established which shall be put into effect in accordance with the provisions of Articles 13-18 of this Treaty.

2. The Control System shall be used in particular for the purpose of verifying:

a. That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons,

b. That none of the activities prohibited in Article I of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and

c. That explosions for peaceful purposes are compatible with Article 18 of this Treaty.

IAEA Safeguards

Article 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or *force majeure.*

Reports of the Contracting Parties

Article 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties to the Treaty shall simultaneously transmit to the Agency a copy of the reports submitted to the International Atomic Energy Agency which relate to matters subject of this Treaty that are relevant to the work of the Agency.

3. The information furnished by the Contracting Parties shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when the Contracting Parties give their express consent.

Complementary or Supplementary Information

Article 15

1. At the request of any of the Contracting Parties and with the authorization of the Council, the Secretary General may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any extraordinary event or circumstance which affects the compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the Secretary General.

2. The Secretary General shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

Special Inspections

Article 16

1. The International Atomic Energy Agency has the power of carrying out special inspections in accordance with Article 12 and with the agreements referred to in Article 13 of this Treaty.

2. At the request of any of the Contracting Parties and in accordance with the procedures established in Article 15 of this Treaty, the Council may submit for the consideration of the International Atomic Energy Agency a request that the necessary mechanisms be put into operation to carry out a special inspection.

3. The Secretary General shall request the Director General of the International Atomic Energy Agency to transmit to him in a timely manner the information forwarded to the Board of Governors of the IAEA relating to the conclusion of the special inspection. The Secretary General shall make this information available to the Council promptly.

4. The Council, through the Secretary General shall transmit this information to all the Contracting Parties.

Use of Nuclear Energy for Peaceful Purposes

Article 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

Explosions for Peaceful Purposes

Article 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes -including explosions which involve devices similar to those used in nuclear weapons- or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this Article and the other articles of the Treaty, particularly Articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

a. The nature of the nuclear device and the source from which it was obtained,

b. The place and purpose of the planned explosion,

c. The procedures which will be followed in order to comply with paragraph 3 of this Article,

d. The expected force of the device, and

e. The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

The Secretary General and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this Article and the other provisions of this Treaty.

3. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present Article, in accordance with paragraphs 2 and 3 thereof.

Relations with the International Atomic Energy Agency

Article 19

The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the Control System established by this Treaty.

Relations with other International Organizations

Article 20

1. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

2. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

Measures in the Event of Violation of the Treaty

Article 21

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.

2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

United Nations and Organization of American States

Article 22

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of State Members of the Organization of American States, under existing regional treaties.

Privileges and Immunities

Article 23

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its purposes.

2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this Article.

Notification of other Agreements

Article 24

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

Settlement of Disputes

Article 25

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

Signature

Article 26

1. This Treaty shall be open indefinitely for signature by:

   a. All the Latin American Republics, and the Caribbean.

   b. All other sovereign States in the western hemisphere situated in their entirety south of parallel 35° north latitude; and, except as provided in paragraph 2 of this Article, all such States when they have been admitted by the General Conference.

2. The condition of State Party to the Treaty of Tlatelolco shall be restricted to Independent States which are situated within the Zone of application of the Treaty in accordance with Article 4 of same, and with paragraph I of the present Article, and which were Members of the United Nations as of December 10, 1985 as well as to the non-autonomous territories mentioned in document OEA/CER.P, AG/doc. 1939/ 85 of November 5, 1985, once they attain their independence.

Ratification and Deposit

Article 27

1. This Treaty shall be subject to ratification by Signatory States in accordance with their respective constitutional procedures.

2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.

3. The Depositary Government shall send certified copies of this Treaty to the Governments of Signatory States and shall notify them of the deposit of each instrument of ratification.

Reservations

Article 28

This Treaty shall not be subject to reservations.

Entry into Force

Article 29

1. Subject to the provisions of paragraph 2 of this Article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

   a. Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in Article 26 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of Article 26, paragraph 2;

   b. Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having de jure or de facto international responsibility for territories situated in the Zone of Application of the Treaty;

   c. Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;

   d. Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with Article 13 of this Treaty.

2. All Signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

4. After the entry into force of this Treaty for all the countries of the Zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, subparagraph c) of this Article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

Amendments

Article 30

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the Secretary General, who shall transmit them to all the other Contracting Parties and, in addition, to all other Signatories in accordance with Article 6. The Council through the Secretary General, shall immediately following the meeting of Signatories convene a Special Session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.

2. Amendments adopted shall enter into force as soon as the requirements set forth in Article 29 of this Treaty have been complied with.

Duration and Denunciation

Article 31

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the Secretary General of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and I I which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the Secretary General of the Agency of the notification by the Government of the Signatory State concerned. The Secretary General shall immediately communicate such notification to the other Contracting Parties and to the Secretary General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary General of the Organization of American States.

Authentic Texts and Registration

Article 32

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with Article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary General of the Organization of American States for its information.

Transitional Article

Denunciation of the declaration referred to in Article 29, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

Done at Mexico, Distrito Federal, on the fourteenth day of February, one thousand nine hundred and sixty-seven.

Additional Protocol I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons

in Latin America and the Caribbean, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVII I) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1. To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in Articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in territories for which, *de jure or de facto,* they are internationally responsible and which lie within the limits of the geographical Zone established in that Treaty.

Article 2. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

Article 3. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

Additional Protocol II

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVII I) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1. The statute of denuclearization of Latin America and the Caribbean in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2. The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of Article 1 of the Treaty in the territories to which the Treaty applies in accordance with Article 4 thereof.

Article 3. The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

Article 4. The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in Articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in Articles 27, 28, 31 and 32 of the Treaty.

Article 5. This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification. In witness whereof the undersigned Plenipotentiaries, having deposited their full powers found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

Status of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and its Additional Protocols I and II and its Amendments [Treaty of Tlatelolco]

Status on 15 November 2021

Signed in Mexico City, Mexico, on 14 February 1967
Entered into force on 25 April 1969
Depository: Government of Mexico

The Ministry of Foreign Relations of Mexico, in the capacity of Depositary of the Treaty of Tlatelolco, sent the following information to the Secretariat General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

Country	Signature	Ratification	Waiver (Art.28)
Antigua and Barbuda	11 Oct 1983	11 Oct 1983	11 Oct 1983
Argentina	27 Sep 1967	18 Jan 1994	18 Jan 1994
Bahamas	29 Nov 1976	26 Apr 1977	26 Apr 1977
Barbados	18 Oct 1968	25 Apr 1969	25 Apr 1969
Belize	14 Feb 1992	9 Nov 1994	9 Nov 1994
Bolivia	14 Feb 1967	18 Feb 1969	18 Feb 1969
Brazil	9 May 1967	29 Jan 1968	30 May 1994
Chile	14 Feb 1967	9 Oct 1974	18 Jan 1994
Colombia	14 Feb 1967	4 Aug 1972	6 Sep 1972
Costa Rica	14 Feb 1967	25 Aug 1969	25 Aug 1969
Cuba	25 Mar 1995	23 Oct 2002	23 Oct 2002
Dominica	2 May 1989	4 Jun 1993	25 Aug 1993
Dominican Republic	28 Jul 1967	14 Jun 1968	14 Jun 1968
Ecuador	14 Feb 1967	11 Feb 1969	11 Feb 1969
El Salvador	14 Feb 1967	22 Apr 1968	22 Apr 1968
Granada	29 Apr 1975	20 Jun 1975	20 June 1975
Guatemala	14 Feb 1967	6 Feb 1970	6 Feb 1970
Guyana	16 Jan 1995	16 Jan 1995	14 May 1997
Haiti	14 Feb 1967	23 May 1969	23 May 1969
Honduras	14 Feb 1967	23 Sep 1968	23 Sep 1968
Jamaica	26 Oct 1967	26 Jun 1969	26 Jun 1969
Mexico	14 Feb 1967	20 Sep 1967	20 Sep 1967
Nicaragua	15 Feb 1967	24 Oct 1968	24 Oct 1968
Panama	14 Feb 1967	11 Jun 1971	11 Jun 1971
Paraguay	26 Apr 1967	19 Mar 1969	19 Mar 1969
Peru	14 Feb 1967	4 Mar 1969	4 Mar 1969
Saint Kitts and Nevis	18 Feb 1994	18 Apr 1995	14 Feb 1997
Saint Lucia	25 Aug 1992	2 Jun 1995	2 Jun 1995
Saint Vincent and the Gren.	14 Feb 1992	14 Feb 1992	11 May 1992
Suriname	13 Feb 1976	10 Jun 1997	10 Jun 1977
Trinidad and Tobago	27 Jun 1967	3 Dec 1970	27 Jun 1975
Uruguay	14 Feb 1967	20 Aug 1968	20 Aug 1968
Venezuela	14 Feb 1967	23 Mar 1970	23 Mar 1970

Additional Protocol I

Country	Signature	Ratification
France	2 Mar 1979	24 Aug 1992
Netherlands	15 Mar 1968	26 Jul 1971
United Kingdom	20 Dec 1967	11 Dec 1969
Unites States	26 May 1977	23 Nov 1981

Additional Protocol II

Country	Signature	Ratification

France	18 Jul 1973	22 Mar 1974
China	21 Aug 1973	12 Jun 1974
United Kingdom	20 Dec 1967	11 Dec 1969
United States	1 Apr 1968	12 May 1971
Russia Federation	18 May 1978	8 Jan 1979

Amendments of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

Regarding the signature and ratification of the first amendment of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) pursuant to Resolution 267 (E-V), of the General Conference of OPANAL approved in Mexico City on 30 July 30 1990, which resolved to add to the legal name of the Treaty for the Prohibition of Nuclear Weapons in Latin America the words "and the Caribbean," and consequently amend Article 7 of the Treaty, the countries that have signed and ratified the first amendment until now are:

Country	Signature	Ratification
Antigua and Barbuda		13 Jun 2013
Argentina	10 Dec 1990	18 Jan 1994
Bahamas	18 Mar 1992	
Barbados	14 Feb 1997	14 Feb 1997
Belize	23 Nov 1995	23 Nov 1995
Bolivia	10 Dec 1990	
Brazil	5 Dec 1990	30 May 1994
Chile	16 Jan 1991	18 Jan 1994
Colombia	5 Dec 1990	18 Jan 1999
Costa Rica	10 Dec 1990	20 Jan 1999
Cuba	5 Dec 1995	
Dominica		
Dominican Republic	16 Jan 1991	
Ecuador	5 Dec 1990	18 Oct 1995
El Salvador	21 Feb 1991	22 May 1992
Granada	17 Sep 1991	17 Sep 1991
Guatemala	10 Dec 1990	21 Aug 1998
Guyana	16 Jan 1995	
Haiti	16 Jan 1991	
Honduras	16 Jan 1991	6 Apr 2017
Jamaica	21 Feb 1991	13 Mar 1992
Mexico	5 Nov 1990	24 Oct 1991
Nicaragua	10 Dec 1990	22 Jan 2021
Panama		8 Aug 2000
Paraguay	19 Feb 1991	22 Oct 1996
Peru	5 Dec 1990	14 Jul 1995
Saint Kitts and Nevis	18 Feb 1994	16 Nov 2012
Saint Vincent and Gren.		
Saint Lucia		10 Apr 2014
Suriname		13 Jan 1994 (AC)
Trinidad and Tobago		30 Nov 2012
Uruguay	16 Nov 1990	30 Aug 1994
Venezuela	16 Jan 1991	14 Feb 1997

South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga]

Opened for signature on 6 August 1985; entered into force on 11 December 1986

The Parties to this Treaty,

United in their commitment to a world at peace,

Gravely concerned that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people,

Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth,

Believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all,

Determined to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing to world security,

Noting, in particular, that Article VII of the NPT recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

Noting that the prohibitions of emplantation and emplacement of nuclear weapons on the sea-bed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof apply in the South Pacific,

Noting also that the prohibition of testing of nuclear weapons in the atmosphere or under water, including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water applies in the South Pacific,

Determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter,

Guided by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the communique of that meeting,

Agreed as follows:

Article 1. Usage of terms

For the purposes of this Treaty and its Protocols:

(a) 'South Pacific Nuclear Free Zone' means the areas described in Annex 1 as illustrated by the map attached to that Annex;

(b) 'Territory' means internal waters, territorial sea and archipelagic waters, the sea-bed and subsoil beneath, the land territory and the airspace above them;

(c) 'Nuclear explosive device' means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but, does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) 'Stationing' means emplantation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.

Article 2. Application of the Treaty

1. Except where otherwise specified, this Treaty and its Protocols shall apply to territory within the South Pacific Nuclear Free Zone.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the right, of any State under international law with regard to freedom of the seas.

Article 3. Renunciation of nuclear explosive devices

Each Party undertakes:

(a) Not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific Nuclear Free Zone;

(b) Not to seek or receive any assistance in the manufacture or acquisition of any nuclear explosive device;

(c) Not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State.

Article 4. Peaceful nuclear activities

Each Party undertakes:

(a) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:

(i) Any non-nuclear-weapon State unless subject to the safeguards required by Article III.1 of the NPT, or

(ii) Any nuclear-weapon State unless subject to applicable safeguards agreement with the International Atomic Energy Agency (IAEA).

Any such provision shall be in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use;

(b) To support the continued effectiveness of the international non-proliferation system based on the NPT and the IAEA safeguards system.

Article 5. Prevention of stationing of nuclear explosive devices

1. Each Party undertakes to prevent in its territory the stationing of any nuclear explosive device.

2. Each Party in the exercise of it sovereign right remains free to decide for itself whether to allow visit by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

*Article 6***.** Prevention of testing of nuclear explosive devices

Each Party undertakes:

(a) to prevent in its territory the testing of any nuclear explosive device;

(b) not to take any action to assist or encourage the testing of any nuclear explosive device by any State.

Article 7. Prevention of dumping

1. Each Party undertakes:

(a) Not to dump radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;

(b) To prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial sea;

(c) Not to take any action to assist or encourage the dumping by anyone of radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;

(d) To support the conclusion as soon as possible of the proposed Convention relating to the protection of the natural resources and environment of the South Pacific region and its Protocol for the prevention of pollution of the South Pacific region by dumping, with the aim of precluding dumping at sea of radioactive wastes and other radioactive matter by anyone anywhere in the region.

2. Paragraphs 1 (a) and 1 (b) of this Article shall not apply to areas of the South Pacific Nuclear Free Zone in respect of which such a Convention and Protocol have entered into force.

*Article 8***.** Control system

1. The Parties hereby establish a control system for the purpose of verifying compliance with their obligations under this Treaty.

2. The control system shall comprise:

(a) Reports and exchange of information as provided for in Article 9;

(b) Consultations as provided for in Article 10 and Annex 4 (1);

(c) The application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;

(d) A complaints procedure as provided for in Annex 4.

Article 9. Reports and exchanges of information

1. Each Party shall report to the Director of the South Pacific Bureau for Economic Co-operation (the Director) as soon as possible any significant event within its jurisdiction affecting the implementation of this Treaty. The Director shall circulate such reports promptly to all Parties.

2. The Parties shall endeavour to keep each other informed on matters arising under or in relation to this Treaty. They may exchange information by communicating it to the Director, who shall circulate it to all Parties.

3. The Director shall report annually to the South Pacific Forum on the status of this Treaty and matters arising under or in relation to it, incorporating reports and communications made under paragraphs 1 and 2 of this Article and matters arising under Articles 8 (2) (d) and 10 and Annex 2 (4).

Article 10. Consultations and review

Without prejudice to the conduct of consultations among Parties by other means, the Director, at the request of any Party, shall convene a meeting of the Consultative Committee established by Annex 3 for consultation and co-operation on any matter arising in relation to this Treaty or for reviewing its operation.

Article 11. Amendment

The Consultative Committee shall consider proposals for amendment of the provisions of this Treaty proposed by any Party and circulated by the Director to all Parties not less than three months prior to the convening of the Consultative Committee for this purpose. Any proposal agreed upon by consensus by the Consultative Committee shall be communicated to the Director, who shall circulate it for acceptance to all Parties. An amendment shall enter into force thirty days after receipt by the depository of acceptances from all Parties.

Article 12. Signature and ratification

1. This Treaty shall be open for signature by any Member of the South Pacific Forum.

2. This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depository of this Treaty and its Protocols.

3. If a member of the South Pacific Forum whose territory is outside the South Pacific Nuclear Free Zone becomes a Party to this Treaty, Annex 1 shall be deemed to be amended so far as is required to enclose at least the territory of that Party within the boundaries of the South Pacific Nuclear Free Zone. The delineation of any area added pursuant to this paragraph shall be approved by the South Pacific Forum.

Article 13. Withdrawal

1. This Treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any Party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.

2. Withdrawal shall be effected by giving notice twelve months in advance to the Director who shall circulate such notice to all other Parties.

Article 14. Reservations

This Treaty shall not be subject to reservations.

Article 15. Entry into force

1. This Treaty shall enter into force on the date of deposit of the eighth instrument of ratification.

2. For a signatory which ratifies this Treaty after the date of deposit of the eighth instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

Article 16. Depository functions

The depository shall register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations and shall transmit certified copies of the Treaty and its Protocols to all Members of the South Pacific Forum and all States eligible to become Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and it Protocols.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Government, have signed this Treaty.

DONE at Rarotonga, this sixth day of August, One thousand nine hundred and eighty-five, in a single original in the English language.

Annex I – South Pacific Nuclear Free Zone

A. The area bounded by a line:

(1) Commencing at the point of intersection of the Equator by the maritime boundary between Indonesia and Papua New Guinea;

(2) Running thence northerly along that maritime boundary to its intersection by the outer limit of the exclusive economic zone of Papua New Guinea;

(3) Thence generally north-easterly and south-easterly along that outer limit to its intersection by the Equator;

(4) Thence east along the Equator to it intersection by the meridian of Longitude 163 degrees East;

(5) Thence north along that meridian to its intersection by the parallel of Latitude 3 degrees North;

(6) Thence east along that parallel to its intersection by the meridian of Longitude 171 degrees East;

(7) Thence north along that meridian to its intersection by the parallel of Latitude 4 degrees North;

(8) Thence east along that parallel to its intersection by the meridian of Longitude 180 degrees East;

(9) Thence south along that meridian to its intersection by the Equator;

(10) Thence east along the Equator to its intersection by the meridian of Longitude 165 degrees West;

(11) Thence north along that meridian to its intersection by the parallel of Latitude 5 degrees 30 minutes North;

(12) Thence east along that parallel to its intersection by the meridian of Longitude 154 degrees West;

(13) Thence south along that meridian to its intersection by the Equator;

(14) Thence east along the Equator to its intersection by the meridian of Longitude 115 degrees West;

(15) Thence south along that meridian to its intersection by the parallel of Latitude 60 degrees South;

(16) Thence west along that parallel to its intersection by the meridian of Longitude 115 degrees East;

(17) Thence north along that meridian to its southernmost intersection by the outer limit of the territorial sea of Australia;

(18) Thence generally northerly and easterly along the outer limit of the territorial sea of Australia to its intersection by the meridian of Longitude 136 degrees 45 minutes East;

(19) Thence north-easterly along the geodesic to the point of Latitude 10 degrees 50 minutes South, Longitude 139 degrees 12 minutes East;

(20) Thence north-easterly along the maritime boundary between Indonesia and Papua New Guinea to where it joins the land border between those two countries;

(21) Thence generally northerly along that land border to where it joints the maritime boundary between Indonesia and Papua New Guinea, on the northern coastline of Papua New Guinea; and

(22) Thence generally northerly along that boundary to the point of commencement.

B. The areas within the outer limits of the territorial seas of all Australian islands lying westward of the area described in paragraph A and north of Latitude 60 degrees South, provided that any such areas shall cease to be part of the South Pacific Nuclear Free Zone upon receipt by the depository of written notice from the Government of Australia stating that the areas have become subject to another treaty having an object and purpose substantially the same as that of this Treaty.

Annex II – IAEA Safeguards

1. The safeguards referred to in Article 8 shall in respect of each Party be applied by the IAEA as set forth in an agreement negotiated and concluded with the IAEA on all source or special fissionable material in all peaceful nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with the NPT on the basis of the material reproduced in document INFCIRC/153 (Corrected) of the IAEA. Each Party shall take all appropriate steps to ensure that such an agreement is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purposes of this Treaty, the safeguards referred to in paragraph 1 shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices.

4. Each Party agrees upon the request of any other Party to transmit to that Party and to the Director for the information of all Parties a copy of the overall conclusions of the most recent report by the IAEA on its inspection activities in the territory of the Party concerned, and to advise the Director promptly of any subsequent findings of the Board of Governors of the IAEA in relation to those conclusions for the information of all Parties.

Annex III – Consultative Committee

1. There is hereby established a Consultative Committee which shall be convened by the Director from time to time pursuant to Articles 10 and 11 and Annex 4 (2). The Consultative Committee shall be constituted of representatives of the Parties, each Party being entitled to appoint one representative who may be accompanied by advisers. Unless otherwise agreed, the Consultative Committee shall be chaired at any given meeting by the representative of the Party which last hosted the meeting of Heads of Government of Members of the South Pacific Forum. A quorum shall be constituted by representatives of half the Parties. Subject to the provisions of Article 11, decisions of the Consultative Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of those present and voting. The Consultative Committee shall adopt such other rules of procedure as it sees fit.

2. The costs of the Consultative Committee, including the cost of special inspections pursuant to Annex 4, shall be borne by the South Pacific Bureau for Economic Co-operation. It may seek special funding should this be required.

Annex IV – Complaints Procedure

1. A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall, before bringing such a complaint to the Director, bring the subject-matter of the Complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter.

2. If the matter is not so resolved, the complainant Party may bring the complaint to the Director with a request that the Consultative Committee be convened to consider it. Complaints shall be supported by an account of evidence of breach of obligations known to the complainant Party. Upon receipt of a complaint the Director shall convene the Consultative Committee as quickly as possible to consider it.

3. The Consultative Committee, taking account of effort made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Consultative Committee decides that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or elsewhere, the Consultative Committee shall direct that such special inspection be made as quickly as possible by a special inspection team of three suitably qualified special inspectors appointed by the Consultative Committee in

consultation with the complained of and complainant Parties, provided that no national of either Party shall serve on the special inspection team. If so requested by the Party complained of, the special inspection team shall be accompanied by representatives of that Party. Neither the right of consultation on the appointment of special inspectors, nor the right to accompany special inspectors, shall delay the work of the special inspection team.

5. In making a special inspection, special inspectors shall be subject to the direction only of the Consultative Committee and shall comply with such directives concerning tasks, objectives, confidentiality and procedures as may be decided upon by it. Directives shall take account of the legitimate interests of the Party complained of in complying with its other international obligations and commitments and shall not duplicate safeguards procedures to be undertaken by the IAEA pursuant to agreements referred to in Annex 2(1). The special inspectors shall discharge their duties with due respect for the laws of the Party complained of.

6. Each Party shall give to special inspectors full and free access to all information and places within its territory which may be relevant to enable the special inspectors to implement the directives given to them by the Consultative Committee.

7. The Party complained of shall take all appropriate steps to facilitate the special inspection, and shall grant to special inspectors privileges and immunities necessary for the performance of their functions, including inviolability for all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken and written, for the purpose of the special inspection.

8. The special inspectors shall report in writing as quickly as possible to the Consultative Committee, outlining their activities, setting out relevant facts and information as ascertained by them, with supporting evidence and documentation as appropriate, and stating their conclusions. The Consultative Committee shall report fully to all Members of the South Pacific Forum, giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.

9. If the Consultative Committee has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant or complained of Party, the Parties shall meet promptly at a meeting of the South Pacific Forum.

Protocol I

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)
Have agreed as follows:

Article 1

Each Party undertakes to apply, in respect of the territories for which it is internationally responsible situated within the South Pacific Nuclear Free Zone, the prohibitions contained in Articles 3, 5 and 6, in so far as they relate to the manufacture, stationing and testing of any nuclear explosive device within those territories, and the safeguards specified in Article 8(2)(c) and Annex 2 of the Treaty.

Article 2

Each Party may, by written notification to the depository, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty.

Article 3

This Protocol shall be open for signature by the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depository of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

Protocol II

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)
Have agreed as follows:

Article 1

Each Party further undertakes not to use or threaten to use any nuclear explosive device against:

(a) Parties to the Treaty; or

(b) any territory within the South Pacific Nuclear Free Zone for which a State that has become a Party to Protocol 1 is internationally responsible.

Article 2

Each Party undertakes not to contribute to any act which constitutes a violation of the Treaty, or to any act of another Party to a Protocol which constitutes a violation of a Protocol.

Article 3

Each Party may, by written notification to the depository, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

Article 4

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the depository of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

Protocol III

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)
Have agreed as follows:

Article 1

Each party undertakes not to test any nuclear explosive device anywhere within the South Pacific Nuclear Free Zone.

Article 2

Each Party may, by written notification to the depository, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

Article 3

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the depositary three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depository of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

Status of the South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga] and Protocols

Status on 30 March 2021

Opened for signature in Rarotonga, Cook Islands, on 6 August 1985
Entered into force on 11 December 1986
Depositary: Director of the South Pacific Bureau for Economic Cooperation

Country	Signature	Ratification
Australia	6 August 1985	11 December 1986
Cook Islands	6 August 1985	11 December 1986
Fed. States of Micronesia		
Fiji	6 August 1985	11 December 1986
Kiribati	6 August 1985	11 December 1986
Marshall Islands		
Nauru	17 July 1986	13 April 1987
New Zealand	6 August 1985	11 December 1986
Niue	6 August 1985	11 December 1986
Palau		
Papua New Guinea	16 September 1985	15 September 1989
Samoa	6 August 1985	11 December 1986
Solomon Islands	29 May 1987	27 January 1989
Tonga	2 August 1996	18 December 2000
Tuvalu	6 August 1985	11 December 1986
Vanuatu	16 September 1995	9 February 1996

Protocol I

Country	Signature	Ratification
France	25 Mar 1996	20 Sep 1996
United Kingdom	25 Mar 1996	19 Sep 1997
United States	25 Mar 1996	

Protocol II

Country	Signature	Ratification	In Force
China	10 Feb 1987	21 Oct 1988	21 Oct 1988
France	25 Mar 1996	20 Sep 1996	20 Sep 1996
Russian Federation	15 Dec 1986	21 Apr 1988	21 Apr 1988
United Kingdom	25 Mar 1996	19 Sep 1997	19 Sep 1997
United States	25 Mar 1996		

Protocol III

Country	Signature	Ratification	In Force
China	10 Feb 1987	21 Oct 1988	21 Oct 1988
France	25 Mar 1996	20 Sep 1996	20 Sep 1996
Russian Federation	15 Dec 1986	21 Apr 1988	21 Apr 1988
United Kingdom	25 Mar 1996	19 Sep 1997	19 Sep 1997
United States	25 Mar 1996		

Southeast Asia Nuclear-Weapon-Free Zone Treaty [Treaty of Bangkok]

Reproduced from the ASEAN Summit press release, 5 December 1995; entered into force on 27 March 1997

The States Parties to this Treaty:

[Eds...]

Have agreed as follows:

Article I. Use of Terms

For the purposes of this Treaty and its Protocol:

(a) 'Southeast Asia Nuclear Weapon-Free Zone', hereinafter referred to as the 'Zone', means the area comprising the territories of all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam, and their respective continental shelves and Exclusive Economic Zones (EEZ);

(b) 'territory' means the land territory, internal waters, territorial sea, archipelagic waters, the seabed and the sub-soil thereof and the airspace above them;

(c) 'nuclear weapon' means any explosive device capable of releasing nuclear energy in an uncontrolled manner but does not include the means, transport or delivery of such device if separable from and not an indivisible part thereof;

(d) 'station' means to deploy, emplace, emplant, install, stockpile or store;

(e) 'radioactive material' means material that contains radionuclides above clearance or exemption levels recommended by the International Atomic Energy Agency (IAEA);

(f) 'radioactive wastes' means material that contains or is contaminated with radionuclides at concentrations or activities greater than clearance levels recommended by the IAEA and for which no use is foreseen; and

(g) 'dumping' means

(i) any deliberate disposal at sea, including seabed, and subsoil insertion of radioactive wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, and

(ii) any deliberate disposal at sea, including seabed and subsoil insertion, of vessels, aircraft, platforms or other man-made structures at sea containing radioactive material,

but does not include the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their

equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose, of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures.

Article 2. Application of the Treaty

1. This Treaty and its Protocol shall apply to the territories, continental shelves and EEZ of the States Parties within the Zone in which the Treaty is in force.

2. Nothing in this Treaty shall prejudice the rights or the exercise of these rights by any State under the provisions of the United Nations Convention on the Law of the Sea of 1982, in particular with regard to freedom of the high seas, rights of innocent passage, archipelagic sea lanes passage or transit passage of ships and aircraft, and consistent with the Charter of the United Nations.

Article 3. Basic Undertakings

1. Each State Party undertakes not to, anywhere inside or outside the Zone:

(a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;

(b) station or transport nuclear weapons by any means; or

(c) test or use nuclear weapons.

2. Each State Party also undertakes not to allow, in its territory, any other State to:

(a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;

(b) station nuclear weapons; or

(c) test or use nuclear weapons.

3. Each State Party also undertakes not to:

(a) dump at sea or discharge into the atmosphere anywhere within the Zone any radioactive material or wastes;

(b) dispose radioactive material or wastes on land in the territory of or under the jurisdiction of other States except as stipulated in Paragraph 2(e) of Article 4; or

(c) allow, within in territory, any other State to dump at sea or discharge into the atmosphere any radioactive material or wastes.

4. Each State Party undertakes not to:

(a) seek or receive any assistance in the commission of any act in violation of the provisions of Paragraphs 1, 2 and 3 of this Article; or

(b) take any action to assist or encourage the commission of any act in violation of the provisions of Paragraphs 1, 2 and 3 of this Article.

Article 4. Use of Nuclear Energy for Peaceful Purposes

1. Nothing in this Treaty shall prejudice the right of the States Parties to use nuclear energy, in particular for their economic development and social progress.

2. Each State Party therefore undertakes:

(a) to use exclusively for peaceful purposes nuclear material and facilities which are within its territory and areas under its jurisdiction and control;

(b) prior to embarking on its peaceful nuclear energy programme, to subject its programme to rigorous nuclear safety assessment conforming to guidelines and standards recommended by the IAEA for the protection of health and minimization of danger to life and property in accordance with Paragraph 6 of Article I I I of the Statute of the IAEA;

(c) upon request, to make available to another State Party the assessment except information relating to personal data, information protected by intellectual property rights or by industrial or commercial confidentiality, and information relating to national security;

(d) to support the continued effectiveness of the international non-proliferation system based on the Treaty on Non-Proliferation of Nuclear Weapons (NPT) and the IAEA safeguards system; and

(e) to dispose radioactive wastes and other radioactive material in accordance with IAEA standards and procedures on land within its territory or on land within the territory of another State which has consented to such disposal.

3. Each State Party further undertakes not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to:

(a) any non-nuclear-weapon State except under conditions subject to the safeguards required by Paragraph I of Article III of the NPT; or

(b) any nuclear-weapon State except in conformity with applicable safeguards agreements with the IAEA.

Article 5. IAEA Safeguards

Each State Party which has not done so shall conclude an agreement with the IAEA for the application of full scope safeguards to its peaceful nuclear activities not later than eighteen months after the entry into force for that State Party of this Treaty.

Article 6. Early Notification of a Nuclear Accident

Each State Party which has not acceded to the Convention on Early Notification of a Nuclear Accident shall endeavour to do so.

Article 7. Foreign Ships and Aircraft

Each State Party, on being notified, may decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships through its territorial sea or archipelagic waters and overflight of foreign aircraft above those waters in a manner not governed by the rights of innocent passage, archipelagic sea lanes passage or transit passage.

Article 8. Establishment of the Commission for the Southeast Asia Nuclear Weapon-Free Zone

1. There is hereby established a Commission for the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the 'Commission'.

2. All States Parties are *ipso facto* members of the Commission. Each State Party shall be represented by its Foreign Minister or his representative accompanied by alternates and advisers.

3. The function of the Commission shall be to oversee the implementation of this Treaty and ensure compliance with its provisions.

4. The Commission shall meet as and when necessary in accordance with the provisions of this Treaty including upon the request of any State Party. As far as possible, the Commission shall meet in conjunction with the ASEAN Ministerial Meeting.

5. At the beginning of each meeting, the Commission shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next meeting.

6. Unless otherwise provided for in this Treaty, two-thirds of the members of the Commission shall be present to constitute a quorum.

7. Each member of the Commission shall have one vote.

8. Except as provided for in this Treaty, decisions of the Commission shall be taken by consensus or, failing consensus, by a two-thirds majority of the members present and voting.

9. The Commission shall, by consensus, agree upon and adopt rules of procedure for itself as well as financial rules governing its funding and that of its subsidiary organs.

Article 9. The Executive Committee

1. There is hereby established, as a subsidiary organ of the Commission, the Executive Committee.

2. The Executive Committee shall be composed of all States Parties to this Treaty. Each State Party shall be represented by one senior official as its representative, who may be accompanied by alternates and advisers.

3. The functions of the Executive Committee shall be to:

(a) ensure the proper operation of verification measures in accordance with the provisions on the Control System as stipulated in Article 10;

(b) consider and decide on requests for clarification and for a fact-finding mission;

(c) set up a fact-finding mission in accordance with the Annex of this Treaty;

(d) consider and decide on the findings of a fact-finding mission and report to the Commission;

(e) request the Commission to convene a meeting when appropriate and necessary;

(f) conclude such agreements with the IAEA or other international organizations as referred to in Article 18 on behalf of the Commission after being duly authorized to do so by the Commission; and

(g) carry out such other tasks as may, from time to time, be assigned by the Commission.

4. The Executive Committee shall meet as and when necessary for the efficient exercise of its functions. As far as possible, the Executive Committee shall meet in conjunction with the ASEAN Senior Officials Meeting.

5. The Chairman of the Executive Committee shall be the representative Chairman of the Commission. Any submission or communication made by a State Party to the Chairman of the Executive Committee shall be disseminated to the other members of the Executive Committee.

6. Two-thirds of the members of the Executive Committee shall be present to constitute a quorum.

7. Each member of the Executive Committee shall have one vote.

8. Decisions of the Executive Committee shall be taken by consensus or, failing consensus, by two-thirds of the members present and voting.

Article 10. Control System

1. There is hereby established a control system for the purpose of verifying compliance with the obligations of the States Parties under this Treaty.

2. The Control System shall comprise:

(a) the IAEA safeguards system as provided for in Article 5;

(b) report and exchange of information as provided for in Article 11;

(c) request for clarification as provided for in Article 12; and

(d) request and procedures for a fact-finding mission as provided for in Article 13.

Article 11. Report and Exchange of Information

1. Each State Party shall submit reports to the Executive Committee on any significant event within its territory and areas under its jurisdiction and control affecting the implementation of this Treaty.

2. The States Parties may exchange information on matters arising under or in relation to this Treaty.

Article 12. Request for Clarification

1. Each State Party shall have the right to request another State Party for clarification concerning any situation which may be considered ambiguous or which may give rise to doubts about the compliance of that State Party with this Treaty. It shall inform the Executive Committee of such a request. The requested State Party shall duly respond by providing without delay the necessary information and inform the Executive Committee of its reply to the requesting State Party.

2. Each State Party shall have the right to request the Executive Committee to seek clarification from another State Party concerning any situation which may be considered ambiguous or which may give rise to doubts about compliance of that State Party with this Treaty. Upon receipt of such a request, the Executive Committee shall consult the State Party from which clarification is sought for the purpose of obtaining the clarification requested.

Article 13. Request for a Fact-Finding Mission

A State Party shall have the right to request the Executive Committee to send a fact-finding mission to another State Party in order to clarify and resolve a situation which may be considered ambiguous or which may give rise to doubts about compliance with the provisions of this Treaty, in accordance with the procedure contained in the Annex to this Treaty.

Article 14. Remedial Measures

1. In case the Executive Committee decides in accordance with the Annex that there is a breach of this Treaty by a State Party, that State Party shall, within a reasonable time, take all steps necessary to bring itself in full compliance with this Treaty and shall promptly inform the Executive Committee of the action taken or proposed to be taken by it.

2. Where a State Party fails or refuses to comply with the provisions of Paragraph 1 of this Article, the Executive Committee shall request the Commission to convene a meeting in accordance with the provisions of Paragraph 3(e) of Article 9.

3. At the meeting convened pursuant to Paragraph 2 of this Article, the Commission shall consider the emergent situation and shall decide on any measure it deems appropriate to cope with the situation, including the submission of the matter to the IAEA and, where the situation might endanger international peace and security, the Security Council and the General Assembly of the United Nations.

4. In the event of breach of the Protocol attached to this Treaty by a State Party to the Protocol, the Executive Committee shall convene a special meeting of the Commission to decide on appropriate measures to be taken.

Article 15. Signature, Ratification, Accession, Deposit and Registration

1. This Treaty shall be open for signature by all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

2. This Treaty shall be subject to ratification in accordance with the constitutional procedure of the signatory States. The instruments of ratification shall be deposited with the Government of the Kingdom of Thailand which is hereby designated as the Depositary State.

3. This Treaty shall be open for accession. The instruments of accession shall be deposited with the Depositary State.

4. The Depositary State shall inform the other States Parties to this Treaty on the deposit of instruments of ratification or accession.

5. The Depositary State shall register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations.

Article 16. Entry into Force

1. This Treaty shall enter into force on the date of the deposit of the seventh instrument of ratification and/or accession.

2. For States which ratify or accede to this Treaty after the date of this seventh instrument of ratification or accession, the Treaty shall enter into force on the date of deposit of its instrument of ratification or accession.

Article 17. Reservations

This Treaty shall not be subject to reservations.

Article 18. Relations with Other International Organizations

The Commission may conclude such agreements with the IAEA or other international organizations as it considers likely to facilitate

the efficient operation of the Control System established by this Treaty.

Article 19. Amendments

1. Any State Party may propose amendments to this Treaty and its Protocol and shall submit its proposals to the Executive Committee, which shall transmit them to all the other States Parties. The Executive Committee shall immediately request the Commission to convene a meeting to examine the proposed amendments. The quorum required for such a meeting shall be all the members of the Commission. Any amendment shall be adopted by a consensus decision of the Commission.

2. Amendments adopted shall enter into force 30 days after the receipt by the Deposit State of the seventh instrument of acceptance from the States Parties.

Article 20. Review

Ten years after this Treaty enters into force, a meeting of the Commission shall be convened for the purpose of reviewing the operation of this Treaty. A meeting of the Commission for the same purpose may also be convened at anytime thereafter if there is consensus among all its members.

Article 21. Settlement of Disputes

Any dispute arising from the interpretation of the provisions of this Treaty shall be settled by peaceful means as may be agreed upon by the States Parties to the dispute. If within one month the parties to the dispute are unable to achieve a peaceful settlement of the dispute by negotiation, mediation, enquiry or conciliation, any of the parties concerned shall, with the prior consent of the other parties concerned, refer the dispute to arbitration or to the International Court of Justice.

Article 22. Duration and Withdrawal

1. This Treaty shall remain in force indefinitely.

2. In the event of a breach by any State Party of this Treaty essential to the achievement of the objectives of this Treaty, every other State Party shall have the right to withdraw from this Treaty.

3. Withdrawal under Paragraph 2 of Article 22, shall be effected by giving notice twelve months in advance to the members of the Commission.

In witness whereof, the undersigned have signed this Treaty.

Done at Bangkok, this fifteenth day of December, one thousand nine hundred and ninety-five, in one original in the English language.

Annex

Procedure for a Fact-Finding Mission

1. The State Party requesting a fact-finding mission as provided in Article 13, hereinafter referred to as the 'requesting State', shall submit the request to the Executive Committee specifying the following:

(a) the doubts or concerns and the reasons for such doubts or concerns;

(b) the location in which the situation which gives rise to doubts has allegedly occurred;

(c) the relevant provisions of the Treaty about which doubts of compliance have arisen; and

(d) any other relevant information.

2. Upon receipt of a request for a fact-finding mission, the Executive Committee shall:

(a) immediately inform the State Party to which the fact-finding mission is requested to be sent, hereinafter referred to as the 'receiving State', about the receipt of the request; and

(b) not later than 3 weeks after receiving the request, decide if the request complies with the provisions of Paragraph 1 and whether or not it is frivolous, abusive or clearly beyond the scope of this Treaty. Neither the requesting nor receiving State Party shall participate in such decisions.

3. In case the Executive Committee decides that the request does not comply with the provisions of Paragraph 1, or that it is frivolous, abusive or clearly beyond the scope of this Treaty, it shall take no further action on the request and inform the requesting State and the receiving State accordingly.

4. In the event that the Executive Committee decides that the request complies with the provisions of Paragraph 1, and that it is not frivolous, abusive or clearly beyond the scope of this Treaty, it shall immediately forward the request for a fact-finding mission to the receiving State, indicating, *inter alia,* the proposed date for sending the mission. The proposed date shall not be later than 3 weeks from the time the receiving State receives the request for a fact-finding mission. The Executive Committee shall also immediately set up a fact-finding mission consisting of 3 inspectors from the IAEA who are neither nationals of the requesting nor receiving State.

5. The receiving State shall comply with the request for a fact-finding mission referred to in Paragraph 4. It shall cooperate with the Executive Committee in order to facilitate the effective functioning of the fact-finding mission, *inter alia,* by promptly providing unimpeded access of the fact-finding mission to the location in question. The receiving State shall accord to the members of the fact-finding mission such privileges and immunities as are necessary for them to exercise their functions effectively, including inviolability of all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken for the purpose of the mission.

6. The receiving State shall have the right to take measures to protect sensitive installations and to prevent disclosures of confidential information and data not related to this Treaty.

7. The fact-finding mission, in the discharge of its functions, shall:

(a) respect the laws and regulations of the receiving State;

(b) refrain from activities inconsistent with the objectives and purposes of this Treaty;

(c) submit preliminary or interim reports to the Executive Committee; and

(d) complete its task without undue delay and shall submit its final report to the Executive Committee within a reasonable time upon completion of its work.

8. The Executive Committee shall:

(a) consider the reports submitted by the fact-finding mission and reach a decision on whether or not there is a breach of this Treaty;

(b) immediately communicate its decision to the requesting State and the receiving State; and

(c) present a full report on its decision to the Commission.

9. In the event that the receiving State refuses to comply with the request for a fact-finding mission in accordance with Paragraph 4, the requesting State through the Executive Committee shall have the right to request for a meeting of the Commission. The Executive Committee shall immediately request the Commission to convene a meeting in accordance with Paragraph 3(e) of Article 9.

Protocol to the Treaty on Southeast Asia Nuclear Weapon-Free Zone

The States Parties to this Protocol,

Desiring to contribute to efforts towards achieving general and complete disarmament of nuclear weapons, and thereby ensuring international peace and security, including in Southeast Asia;

Noting the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, signed at Bangkok, on the fifteenth day of December, one thousand nine hundred and ninety-five;

Have agreed as follows:

Article 1

Each State Party undertakes to respect the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the 'Treaty', and not to contribute to any act which constitutes a

violation of the Treaty or its Protocol by States Parties to them.

Article 2

Each State Party undertakes not to use or threaten to use nuclear weapons against any State Party to the Treaty. It further undertakes not to use or threaten to use nuclear weapons within the Southeast Asia Nuclear Weapon-Free Zone.

Article 3

This Protocol shall be open for signature by the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

Each State Party undertakes, by written notification to the Depositary State, to indicate its acceptance or other wise of any alteration to its obligations under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to Article 19 thereof.

Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. It shall give notice of such withdrawal to the Depositary State twelve months in advance. Such notice shall include a statement of the extraordinary events its regards as having jeopardized its supreme national interests.

Article 6

This Protocol shall be subject to ratification.

Article 7

This Protocol shall enter into force for each State Party on the date of its deposit of its instrument of ratification with the Depositary State. The Depositary State shall inform the other States Parties to the Treaty and to this Protocol on the deposit of instruments of ratification.

In witness whereof the undersigned, being duly authorised by their Governments, have signed the Protocol.

Status of Southeast Asia Nuclear-Weapon-Free Zone Treaty [Treaty of Bangkok] and Protocols

Status on 30 March 2021

Signed in Bangkok, Thailand, on 15 December 1995
Entered into force on 27 March 1997
Depositary: Government of Thailand

Country	Signature	Ratification
Brunei Darussalam	15 December 1995	22 November 1996
Cambodia	15 December 1995	27 March 1997
Indonesia	15 December 1995	10 April 1997
Laos	15 December 1995	16 July 1996
Malaysia	15 December 1995	11 October 1996
Myanmar	15 December 1995	17 July 1996
Philippines	15 December 1995	21 June 2001
Singapore	15 December 1995	27 March 1997
Thailand	15 December 1995	20 March 1997
Vietnam	15 December 1995	26 November 1996

Protocol

Country	Signature	Ratification	Deposit
China			
France			
Russian Federation			
United Kingdom			
United States			

African Nuclear-Weapon-Free Zone Treaty [Treaty of Pelindaba]

Opened for signature 11 April 1996; entered into force on 15 July 2009

The Parties to this Treaty,

Guided by the Declaration on the Denuclearization of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity (hereinafter referred to as OAU) at its first ordinary session, held at Cairo from 17 to 21 July 1964 (AHG/RES.11(1)), in which they solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons,

Guided also, by the resolutions of the fifth-fourth and fifty-sixth ordinary sessions of the Council of Ministers of OAU, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992 respectively, (CM/RES.1342 (LIV) and CM/RES.1395 (LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the Cairo Declaration as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development,

Recalling United Nations General Assembly resolution 3472 B (XXX) of 11 December 1975, in which it considered nuclear-weapon-free zones one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,

Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.

Aware that regional disarmament measures contribute to global disarmament efforts,

Believing that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

Noting with satisfaction existing NWFZs and recognizing that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT) and the need for the implementation of all its provisions,

Desirous of taking advantage of article IV of the NPT, which recognizes the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

Determined to promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the Africa continent,

Determined to keep Africa free of environmental pollution by radioactive wastes and other radioactive matter,

Welcoming the cooperation of all States and governmental and non-governmental organizations for the attainment of these objectives,

Have decided by this treaty to establish the African NWFZ and hereby agree as follows:

Article 1. Definition/Usage of Terms

For the purpose of this Treaty and its Protocols:

(a) 'African nuclear-weapon-free zone' means the territory of the continent of Africa, islands States members of OAU and

(b) all islands considered by the Organisation of African Unity in its resolutions to be part of Africa;

(c) 'Territory' means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath;

(d) 'Nuclear explosive device' means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(e) 'Stationing' means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;

(f) 'Nuclear installation' means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present.

(g) 'Nuclear material' means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA.

Article 2. Application of the Treaty

1. Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone, as illustrated in the map in annex I.

2. Nothing in this Treaty shall prejudice of in any way affect the rights, or the exercise of the rights, of any state under international law with regards to freedom of the seas.

Article 3. Renunciation of Nuclear Explosive Devices

Each Party undertakes:

(a) Not to conduct research on, develop, manufacture, stockpile of otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;

(b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;

(c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, of possession of any nuclear explosive device

Article 4. Prevention of Stationing of Nuclear Explosive Devices

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.

2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea of archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5. Prohibition of Testing of Nuclear Explosive Devices

Each Party undertakes:

(a) Not to test any nuclear explosive device;

(b) To prohibit in its territory the testing of any nuclear explosive device;

(c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 6. Declaration, Dismantling, Destruction or Conversion of Nuclear Explosive Devices and the Facilities for their Manufacture

Each Party undertakes:

(a) To declare any capability for the manufacture of nuclear explosive devices;

(b) To dismantle and destroy any nuclear explosive devices that it has manufactured prior to the coming into force of this treaty;

(c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;

(d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7. Prohibition of Dumping of Radioactive Wastes

Each Party undertakes:

(a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;

(b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8. Peaceful Nuclear Activities

1. Nothing in this treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.

2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.

3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9. Verification of Peaceful Uses

Each Party undertakes:

(a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;

(b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;

(c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10. Physical Protection of Nuclear Materials and Facilities

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, *inter alia,* undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

Article 11. Prohibition of Armed Attack on Nuclear Installations

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

Article 12. Mechanism for Compliance

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the

African Commission of Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.

2. The Commission shall be responsible *inter alia* for:

(a) Collating the reports and the exchange of information as provided for in article 13;

(b) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;

(c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;

(d) Bringing into effect the complaints procedure elaborated in annex IV;

(e) Encouraging regional and sub-regional programs for cooperation in the peaceful uses of nuclear science and technology;

(f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.

3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.

Article 13. Report and Exchanges of Information

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.

2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.

3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14. Conference of Parties

1. A Conference of all Parties to the Treaty shall be convened by the Depositary as soon as possible after the entry into force of the Treaty to, *inter alia,* elect members of the Commission and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12.

2. The Conference of all Parties to the Treaty shall adopt the Commission's budget and a scale of assessment to be paid by the State Parties.

Article 15. Interpretation of the Treaty

Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

Article 16. Reservations

This Treaty shall not be subject to reservations.

Article 17. Duration

This Treaty shall be of unlimited duration and shall remain in force indefinitely.

Article 18. Signature, Ratification and Entry into Force

1. This Treaty shall be open for signature by any state in the African nuclear-weapon-free zone. It shall be subject to ratification.

2. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.

3. For a signatory that ratifies this Treaty after the date of the deposit of the twenty-eighth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

Article 19. Amendments

1. Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.

2. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.

3. An amendment so adopted shall enter into force for all parties after receipt by the Depository of the instrument of ratification by the majority of Parties.

Article 20. Withdrawal

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.

2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depository. The Depository shall circulate such notice to all other parties.

Article 21. Depository Functions

1. This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of OAU, who is hereby designated as Depository of the Treaty.

2. The Depository shall:

(a) Receive instruments of ratification;

(b) Register this Treaty and its Protocols pursuant to article 102 of the Charter of the United Nations;

(c) Transmit certified copies of the Treaty and its Protocols to all states in the African nuclear-weapon-free zone and to all states eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

Article 22. Status of the Annexes

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

Annex I – Map of an African Nuclear-weapon-Free Zone

[not reproduced]

Annex II – Safeguards of the International Atomic Energy Agency

1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.

4. Each Party shall include in its annual report to the Commission, in conformity with art. 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

Annex III – African Commission on Nuclear Energy

1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to included Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.

2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organization of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the Commission. The Commission shall adopt its rules of procedure at that meeting.

3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.

4.

(a) The budget of the Commission, including the costs of inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties;

(b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty;

Annex IV – Complaints procedure and settlement of disputes

1. A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol I I I is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter thirty days to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.

2. If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.

3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Commission considers that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the I International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspection team.

(a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;

(b) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that Party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;

(c) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the inspection;

(d) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;

(e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;

(f) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;

(g) The States Parties convened in extraordinary session may as necessary, make recommendations to the Party held to be in breach of its obligations and to the Organization of African Unity. The Organization of African Unity may, if necessary, refer the matter to the United Nations Security Council;

(h) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.

5. The Commission may also establish its own inspection mechanisms.

Protocol I

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African N uclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev. 1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against:

(a) Any Party to the Treaty; or

(b) Any territory within the African nuclear-weapon-free zone for which a State that has become a Party to Protocol III is internationally responsibility as defined in annex I.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depositary twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, which ever is later.

In witness whereof the undersigned, being duly authorised by their Governments, have signed this Protocol.

Protocol II

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Bearing in mind the objective of concluding a treaty banning all nuclear tests,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the Unites States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdrawal from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, which ever is later. *In witness whereof* the undersigned, being duly authorised by their Governments, have signed this Protocol.

Protocol III

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes to apply, in respect of the territories for which it is de jure or de facto internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3,4,5,6,7,8,9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by France and Spain.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely provided that each Party shall, in exercising its national sovereignty have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later. *In witness whereof* the undersigned, being duly authorised by their Governments have signed this Protocol.

Status of African Nuclear-Weapon-Free Zone Treaty [Treaty of Pelindaba] and Protocols

Status on 30 March 2021

Signed in Cairo, Egypt, on 11 April 1996
Entered into force on 15 July 2009
Depositary: African Union

Country	Signature	Deposit
Algeria	11 April 1996	11 February 1998
Angola	11 April 1996	20 June 2014
Benin	11 April 1996	4 September 2007
Botswana	9 June 1998	16 June 1999
Burkina Faso	11 April 1996	27 August 1998
Burundi	11 April 1996	15 July 2009
Cameroon	11 April 1996	28 September 2010
Cape Verde	11 April 1996	07 February 2020
Central African Republic	11 April 1996	
Chad	11 April 1996	18 January 2012
Comoros	11 April 1996	24 July 2012
Congo	27 January 1997	26 November 2013
Côte d'Ivoire	11 April 1996	28 July 1999
Dem. Rep. of Congo	11 April 1996	
Djibouti	11 April 1996	
Egypt	11 April 1996	
Equatorial Guinea		19 February 2003
Eritrea	11 April 1996	
Ethiopia	11 April 1996	13 March 2008
Gabon	11 April 1996	12 June 2007
Gambia	11 April 1996	16 October 1996
Ghana	11 April 1996	27 July 2011
Guinea	11 April 1996	21 January 2000
Guinea-Bissau	11 April 1996	4 January 2012
Kenya	11 April 1996	9 January 2001
Lesotho	11 April 1996	14 March 2002
Liberia	9 July 1996	
Libya	11 April 1996	11 May 2005
Madagascar		23 December 2003
Malawi	11 April 1996	23 April 2009
Mali	11 April 1996	22 July1999
Mauritania	11 April 1996	24 February 1998
Mauritius	11 April 1996	24 April 1996
Morocco	11 April 1996	
Mozambique	11 April 1996	28 August 2008
Namibia	11 April 1996	1 March 2012
Niger	11 April 1996	22 February 2017
Nigeria	11 April 1996	18 June 2001
Rwanda	11 April 1996	1 February 2007
Sao Tome and Principe	9 July 1996	
Senegal	11 April 1996	25 October 2006
Seychelles	9 July 1996	23 May 2014
Sierra Leone	11 April 1996	
Somalia	23 February 2006	
South Africa	11 April 1996	27 March 1998
Sudan	11 April 1996	
Swaziland	11 April 1996	17 July 2000
Tanzania	11 April 1996	19 June 1998
Togo	11 April 1996	18 July 2000
Tunisia	11 April 1996	7 October 2009
Uganda	11 April 1996	
Zambia	11 April 1996	18 August 2010
Zimbabwe	11 April 1996	6 April 1998

"This treaty shall be open for signature by any State in the African Nuclear-Weapon-Free Zone. It shall be subject to ratification. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification."

Protocol I

Country	Signature	Ratification	Deposit
China	11 Apr 1996	6 Sep 1996	10 Oct 1997
France	11 Apr 1996	31 Jul 1997	10 Oct 1997
Russian Federation	5 Nov 1996	11 Mar 2011	5 Apr 2011
United Kingdom	11 Apr 1996	27 Feb 2001	12 Mar 2001
United States	11 Apr 1996		

Protocol II

Country	Signature	Ratification	Deposit
France	11 Apr 1996	31 Jul 1997	20 Sep 1996
China	11 Apr 1996	6 Sep 1996	10 Oct 1997
Russian Federation	5 Nov 1996	11 Mar 2011	5 Apr 2011
United Kingdom	11 Apr 1996	27 Feb 2001	12 Mar 2001
United States	11 Apr 1996		

Protocol III

Country	Signature	Ratification	Deposit
France	11 Apr 1996	31 Jul 1997	20 Sep 1996
Spain			

Treaty on a Nuclear-Weapon-Free Zone in Central Asia

Opened for signature 8 September 2006, entered into force 21 March 2009

The Parties to this Treaty,

Guided by the Almaty Declaration of the Heads of State of the Central Asian States adopted on 28 February 1997; the Statement of the Ministers of Foreign Affairs of the five States of the region adopted at Tashkent on 15 September 1997; the United Nations General Assembly resolutions and decisions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 December 2000, 57/69 of 22 November 2002, 58/518 of 8 December 2003, 59/513 of 3 December 2004 and 60/516 of 8 December 2005, entitled "Establishment of a nuclear-weapon-free zone in Central Asia", and the Communiqué of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations adopted at Bishkek on 9 July 1998,

Stressing the need for continued systematic and consistent efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control, and *convinced* that all states are obliged to contribute to that end,

Convinced that a Central Asian Nuclear-Weapon-Free Zone will constitute an important step toward strengthening the nuclear non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting cooperation in the environmental rehabilitation of territories affected by radioactive contamination, and enhancing regional and international peace and security,

Believing that a Central Asian Nuclear-Weapon-Free Zone will help to promote the security of Central Asian States, particularly if the five Nuclear-Weapon States, as recognized under the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 (hereafter referred to as the NPT) adhere to the accompanying Protocol on security assurances,

Recognizing that a number of regions, including Latin America and the Caribbean, the South Pacific, South-East Asia and Africa, have created nuclear-weapon-free zones, in which the possession of nuclear weapons, their development, production, introduction and deployment as well as use or threat of use, are prohibited, and *striving* to broaden such regime throughout the planet for the good of all living things,

Reaffirming the obligations set out in the NPT, the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted by the 1995 Review and Extension Conference of the Parties to the NPT, and the Final Document of the 2000 Review Conference of the Parties to the NPT, as well as the principles and objectives set out in the Comprehensive Nuclear-Test-Ban Treaty of 1996 (hereafter referred to as the CTBT),

Have decided to establish a nuclear-weapon-free zone in Central Asia and *have agreed* as follows:

Article 1. Definitions and Usage of Terms

For the purposes of this Treaty and its Protocol:

(a) The "Central Asian Nuclear-Weapon-Free Zone" includes: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;

(b) "Nuclear weapon or other nuclear explosive device" means any weapon or other explosive device capable of releasing nuclear

energy, irrespective of the military or civilian purpose for which the weapon or device could be used. The term includes such a weapon or device in unassembled or partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(c) "Stationing" means implantation, emplacement stockpiling, storage, installation and deployment;

(d) "Nuclear material" means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (hereinafter referred to as the IAEA), as amended from time to time by the IAEA**;**

(e) "Radioactive waste" means any radioactive material, i.e. any substance containing radionuclides, that will be or has already been removed and is no longer utilized, at activities and activity concentrations of radionuclides greater than the exemption levels established in international standards issued by the IAEA;

(f) "Facility" means:

(i) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or

(ii) any location where nuclear material in amounts greater than one effective kilogram is customarily used.

Article 2. Application of the Treaty

a) The scope of application of a Central Asian Nuclear-Weapon-Free Zone is defined exclusively for the purposes of this Treaty as the land territory, all waters (harbors, lakes, rivers and streams) and the air space above them, which belong to the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;

b) Nothing in this Treaty shall prejudice or in any way affect the rights of any Central Asian States in any dispute concerning the ownership of or sovereignty over lands or waters that may or may not be included within this zone.

Article 3. Basic Obligations

1. Each Party undertakes:

(a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear weapon or other nuclear explosive device by any means anywhere;

(b) Not to seek or receive any assistance in research on, development, manufacture, stockpiling, acquisition, possession or obtaining control over any nuclear weapon or other nuclear explosive device;

(c) Not to take any action to assist or encourage the conduct of research on, development, manufacture, stockpiling, acquisition or possession of any nuclear weapon or other nuclear explosive device;

(d) Not to allow in its territory:

(i) The production, acquisition, stationing, storage or use, of any nuclear weapon or other nuclear explosive device;

(ii) The receipt, storage, stockpiling, installation or other form of possession of or control over any nuclear weapon or other nuclear explosive device;

(iii) Any actions, by anyone, to assist or encourage the development, production, stockpiling, acquisition, possession of or control over any nuclear weapon or other nuclear explosive device.

2. Each Party undertakes not to allow the disposal in its territory of radioactive waste of other States.

Article 4. Foreign Ships, Aircraft, and Ground Transportation

Without prejudice to the purposes and objectives of this Treaty, each Party, in the exercise of its sovereign rights, is free to resolve issues related to transit through its territory by air, land or water, including visits by foreign ships to its ports and landing of foreign aircraft at its airfields.

Article 5. Prohibition of Testing of Nuclear Weapons or Other Nuclear Explosive Devices

Each Party undertakes, in accordance with the CTBT:

(a) Not to carry out any nuclear weapon test explosion or any other nuclear explosion;

(b) To prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control;

(c) To refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

Article 6. Environmental Security

Each Party undertakes to assist any efforts toward the environmental rehabilitation of territories contaminated as a result of past activities related to the development, production or storage of nuclear weapons or other nuclear explosive devices, in particular uranium tailings storage sites and nuclear test sites.

Article 7. Use of Nuclear Energy for Peaceful Purposes

No provision of this Treaty shall prejudice the rights of the Parties to use nuclear energy for peaceful purposes.

Article 8. IAEA Safeguards

Each Party undertakes:

(a) To use for exclusively peaceful purposes the nuclear material and facilities which are within its territory, under its jurisdiction, or under its control anywhere;

(b) To conclude with the IAEA and bring into force, if it has not already done so, an agreement for the application of safeguards in accordance with the NPT (INFCIRC/153 (Corr.)), and an Additional Protocol (INFCIRC/540 (Corr.)) not later than 18 months after the entry into force of this Treaty;

(c) Not to provide: (i) source or special fissionable material or (ii) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State, unless that State has concluded with the IAEA a comprehensive safeguards agreement and its Additional Protocol referred to in paragraph (b) of this article.

Article 9. Physical Protection of Nuclear Material and Equipment

Each Party undertakes to maintain effective standards of physical protection of nuclear material, facilities and equipment to prevent its unauthorized use or handling or theft. To that end, each Party undertakes to apply measures of physical protection to nuclear material in domestic use, transport and storage, to nuclear material in international transport, and to nuclear facilities within its territory at least as effective as those called for by the Convention on Physical Protection of Nuclear Material of 1987 and by the recommendations and guidelines developed by the IAEA for physical protection.

Article 10. Consultative Meetings

The Parties agree to hold annual meetings of their representatives, on a rotating basis, as well as extraordinary meetings, at the request of any Party, in order to review compliance with this Treaty or other matters related to its implementation.

Article 11. Settlement of Disputes

Disputes between the Parties involving the interpretation or application of this Treaty shall be settled through negotiations or by other means as may be deemed necessary by the Parties.

Article 12. Other Agreements

This Treaty does not affect the rights and obligations of the Parties under other international treaties which they may have concluded prior to the date of the entry into force of this Treaty. The Parties shall take all necessary measures for effective implementation of the purposes and objectives of this Treaty in accordance with the main principles contained therein.

Article 13. Reservations

This Treaty shall not be subject to reservations.

Article 14. Signature and Ratification

(a) This Treaty shall be open for signature at Semipalatinsk, the Republic of Kazakhstan, by all States of the Central Asian Nuclear-Weapon-Free Zone: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan.

(b) This Treaty shall be subject to ratification.

Article 15. Entry into Force and Duration

(a) This Treaty shall enter into force 30 days after the date of the deposit of the fifth instrument of ratification.

(b) This Treaty shall be of unlimited duration.

Article 16. Withdrawal from the Treaty

(a) Any Party may, by written notification addressed to the Depositary, withdraw from the Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests.

(b) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of the Protocol.

Article 17. Amendments

(a) Any amendment to this Treaty, proposed by a Party, shall be circulated by it to all Parties and submitted to the Consultative Meeting at least 90 days before the Meeting.

(b) Decisions on the adoption of such an amendment shall be taken by consensus of the Parties.

(c) An amendment so adopted shall enter into force for all Parties after receipt by the Depositary of the instrument of ratification of this amendment from all Parties.

Article 18. Depositary

(a) This Treaty shall be deposited with the Kyrgyz Republic, which is hereby designated as Depositary of this Treaty.

(b) The Depositary shall, *inter alia:*

(i) Provide an opportunity to sign this Treaty and its Protocol and receive instruments of ratification of this Treaty and its Protocol;

(ii) Register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations;

(iii) Transmit certified copies of this Treaty and its Protocol to all Parties and to all Parties to its Protocol, and notify them of signatures and ratifications of this Treaty and its Protocol.

In witness whereof, the undersigned, being duly authorized, have signed this Treaty.

Done at Semipalatinsk, the Republic of Kazakhstan, this eighth day of September, two thousand six, in one copy in the English and Russian languages, both texts being equally authentic.

Protocol

The Parties to this Protocol,

[Eds...]

Have agreed as follows:

Article 1. Negative Security Assurances

Each Party to this Protocol undertakes not to use or threaten to use a nuclear weapon or other nuclear explosive device against any Party to the Treaty.

Article 2. Not Contributing to Violations

Each Party to this Protocol undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol by Parties to them.

Article 3. Effect of Treaty Amendments

Each Party to this Protocol undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of amendments to the Treaty pursuant to Article 17 of the Treaty.

Article 4. Signature

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5. Ratification

This Protocol shall be subject to ratification.

Article 6. Duration of and Withdrawal from the Protocol

(a) This Protocol is of a permanent nature and shall remain in force indefinitely;

(b) Any Party to this Protocol may, by written notification addressed to the Depositary, withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests;

(c) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of this Protocol.

Article 7. Entry into Force

This Protocol shall enter into force for each Party to this Protocol on the date of its deposit with the Depositary of its instrument of ratification or on the date of entry into force of the Treaty, whichever is later.

Rules of Procedure to Implement Article 10 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia

Consultative Meetings of the Parties to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia

1. Consultative Meetings

Pursuant to Article 10 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia the Parties shall hold annual meetings or extraordinary meetings in order to review compliance with the Treaty or other matters related to its implementation.

2. First Consultative Meeting

2.1 The first annual consultative meeting shall take place no later than 2 months after the entry into force of the Treaty.

2.2 The first annual consultative meeting will take place in Dushanbe, the Republic of Tajikistan.

2.3 At the end of the first annual meeting, the Parties shall decide on the venue and date of the next annual meeting.

3. Extraordinary Consultative Meeting

3.1 Extraordinary consultative meetings shall be convened, at the request of any Party to the Treaty, whenever that motion is seconded by two other Parties.

3.2 The motion to convene an extraordinary consultative meeting shall be transmitted through, diplomatic channels, by the initiating Party to the Party acting as Host at that time, with an explanation of the need to convene it.

3.3 The Host Party clears the holding of the meeting with all other Parties within 10 days since the receipt of the motion to convene such a meeting.

4. Duration of Consultative Meetings

The duration of consultative meetings shall be normally no more than 3 days unless the Parties decide otherwise.

5. Composition of Delegations

5.1 An official delegation of the Party shall consist of the head of the delegation (or an authorized official) and his/her advisors.

5.2 The names of the members of the official delegation and the accompanying officials are communicated by the Parties to the

Host Party through, diplomatic channels, normally no later than 10 days before the start of the meeting.

5.3 The composition of official delegations sent to attend consultative meetings shall not exceed the "1+3" formula.

6. The Host Party's functions and responsibilities as Chair

6.1 The Host Party, through its representative, chairs annual and extraordinary consultative meetings.

6.2 The Host Party acts as Chair until the next annual meeting.

6.3 Throughout that period, the designated Depository of the Treaty is responsible for any communications related to the implementation of Article 10 of the Treaty.

7. Decision Making

7.1 Each Party shall have one vote.

7.2 Decisions of consultative meetings shall be taken by consensus.

7.3 Decisions adopted by the Parties are reflected in the outcome documents signed by the heads of official delegations of the Parties (or authorized officials). Documents adopted at consultative meetings constitute a mandatory annex to the outcome documents.

7.4 The outcome documents are prepared in the Russian and, if needed, in the English languages.

8. Observers

With the consent of the Parties to the Treaty, the five Nuclear-Weapon States, as recognized under the NPT, as well as representatives of relevant international organization may be invited to attend annual as well as extraordinary consultative meetings as observers.

9. Working languages

English and Russian will be the working languages of annual meetings or extraordinary meetings.

10. Reporting

At the conclusion of the Consultative Meeting, the Host Country prepares a record in the Russian and, if needed, in the English languages. With the consent of all Parties to the Treaty, the record may be transmitted to all interested international organizations as well as to the observers attending the meeting.

11. Cost Sharing

The cost of holding of annual or extraordinary meetings, except transportation and accommodation, shall be borne by the Host Country.

Status of Central Asia Nuclear-Weapon-Free Zone (CANWFZ) and Protocols

Status on 30 March 2021

Signed in Semipalatinsk, Kazakhstan, on 8 September 2006
Entered into force on 21 March 2009
Depository: Government of Kyrgyzstan

Country	Signature	Ratification
Kazakhstan	8 September 2006	19 February 2009
Kyrgyzstan	8 September 2006	27 July 2007
Tajikistan	8 September 2006	13 January 2009
Turkmenistan	8 September 2006	17 January 2009
Uzbekistan	8 September 2006	10 May 2007

Protocol

Country	Signature	Ratification
China	6 May 2014	17 August 2015
France	6 May 2014	21 November 2014
Russian Federation	6 May 2014	22 June 2015
United Kingdom	6 May 2014	30 January 2015
United States	6 May 2014	

Declaration by Mongolia Regarding Its Nuclear-Weapon Free Status

17 September 2012

Emphasizing that in its foreign policy Mongolia sets the goal of pursuing its national interests, developing friendly cooperation with all the countries of the world as well as actively contributing, to the extent possible, to the efforts of the international community to strengthen peace and security;

Emphasizing also that with respect to its two neighbouring States Mongolia is pursuing the policy of maintaining balanced and friendly relations and developing broad cooperation;

Welcoming the Joint Declaration of the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, on Mongolia's Nuclear-Weapon-Free Status signed on 17 September 2012;

Noting in particular the intent of these states, expressed in their Joint Declaration of 17 September 2012, as long as Mongolia maintains its nuclear-weapon-free status, to respect that status and not to contribute to any act that would violate it;

Mongolia declares as follows:

1. Mongolia is pursuing a policy of refraining from joining any military alliance or grouping, or allowing the use of its territory against any other State as well as banning the stationing on its territory of foreign troops and weapons, including nuclear and other weapons of mass destruction.

2. Mongolia confirms that as a non-nuclear-weapons-State party to the Treaty on the Non-Proliferation of Nuclear Weapons it has fully complied with, in particular, the commitments set out in Article II of that Treaty, and that, pursuant to the Law of Mongolia on its Nuclear-Weapon-Free Status, which entered into force on February 3, 2000, Mongolia also has the domestic legal status of being free from all nuclear weapons.

3. Mongolia confirms that, pursuant to Mongolia's law on its nuclear-weapon-free status, committing, initiating, or participating in the following acts or activities relating to nuclear weapons is prohibited on the territory of Mongolia:

a) developing, manufacturing, or otherwise acquiring, possessing or having control over nuclear weapons;

b) stationing or transporting nuclear weapons by any means;

c) testing or using nuclear weapons;

d) dumping or disposing of nuclear-weapons-grade radioactive material or nuclear waste;

e) transporting through the territory of Mongolia nuclear weapons, or parts or components thereof, as well as nuclear waste or any other nuclear material specially designed or produced for weapons purposes.

4. Mongolia welcomes the following texts, which constitute the elements on which Mongolia's nuclear-weapon-free status is based:

a) The statement concerning security assurances for Mongolia as regards nuclear weapons issued on October 5, 2000, by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America;

b) The Joint Declaration of the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on Mongolia's Nuclear-Weapon-Free Status issued on 17 September 2012.

Joint Declaration, the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on Mongolia's Nuclear-Weapon-Free Status

17 September 2012

The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America;

Welcoming the declaration by Mongolia in 1992 of its nuclear-weapon-free status, and passage of the Law of Mongolia on its Nuclear-Weapon-Free Status, which entered into force on February 3, 2000;

Taking into account that the negative security assurances were given to Mongolia, as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America in their respective unilateral declarations issued on April 5 and 6, 1995, and referred to in the Security Council Resolution 984 (1995) of April 11, 1995, or as subsequently updated;

Recalling the statement concerning security assurances for Mongolia as regards nuclear weapons issued on October 5, 2000, by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America;

Taking into account Mongolia's status as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as its unique geographic status;

Welcoming Mongolia's policy of developing peaceful, friendly and mutually beneficial relations with other States;

Welcoming Mongolia's Declaration Regarding Its Nuclear-Weapon-Free Status of 17 September 2012;

Noting that the following declaration constitutes a political commitment only and does not create by itself any legal obligations;

Declare as follows:

1. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm to Mongolia their intent to cooperate on the implementation of General Assembly Resolution 53/77D of December 4, 1998, with respect to Mongolia's nuclear-weapon-free status, in accordance with the principles of the Charter of the United Nations.

2. The People's Republic of. China, France" the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their intent to seek immediate Security Council action to provide assistance to Mongolia, as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, in accordance with the provisions of Security Council resolution 984 (1995) of April 11, 1995, if Mongolia should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

3. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm, in the case of Mongolia, their respective unilateral negative security assurances as stated in their declarations Issued on April 5 and 6, 1995 and referred to in Security Council Resolution 984 (1995) of April 11, 1995, or as subsequently updated.

4. The People's Republic of China and the Russian Federation recall and reconfirm the legally binding commitments undertaken by them with respect to Mongolia through the conclusion of bilateral treaties with Mongolia regarding these matters.

5. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America affirm their intent, as long as Mongolia maintains its nuclear-weapon-free status, to respect that status and not to contribute to any act that would violate it.

N – The International Atomic Energy Agency: Statutes, Resolutions and Decisions

Statute of the International Atomic Energy Agency

Approved 23 October 1956, entered into force 29 July 1957

Article I — Establishment of the Agency

The Parties hereto establish an International Atomic Energy Agency (hereinafter referred to as 'the Agency') upon the terms and conditions hereinafter set forth.

Article II — Objectives

The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

Article III — Functions

A. The Agency is authorized:

1. To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the Agency for another: and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;
2. To make provision, in accordance with this Statute, for materials, services, equipment and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, with due consideration for the needs of the under-developed areas of the world;
3. To foster the exchange of scientific and technical information on peaceful uses of atomic energy;
4. To encourage the exchange and training of scientists and experts in the field of peaceful uses of atomic energy;
5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy;
6. To establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), and to provide for the application of these standards to its own operations as well as to the operations making use of materials, services, equipment, facilities, and information made available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of the parties, to operations under any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy;
7. To acquire or establish any facilities, plant and equipment useful in carrying out its authorized functions, whenever the facilities, plant, and equipment otherwise available to it in the area concerned are inadequate or available only on terms it deems unsatisfactory.

B. In carrying out its functions, the Agency shall:

1. Conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies;
2. Establish control over the use of special fissionable materials received by the Agency, in order to ensure that these materials are used only for peaceful purposes;
3. Allocate its resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the under-developed areas of the world;
4. Submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council: if in connexion with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security, and may also take the measures open to it under this Statute, including those provided in paragraph C or article XII;
5. Submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of these organs.

C. In carrying out its functions, the Agency shall not make assistance to members subject to any political, economic, military, or other conditions incompatible with the provisions of this Statute.

D. Subject to the provisions of this Statute and to the terms of agreements concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States.

Article IV — Membership

A. The initial members of the Agency shall be those States Members of the United Nations or of any of the specialized agencies which shall have signed this Statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.

B. Other members of the Agency shall be those States, whether or not Members of the United Nations or of any of the specialized agencies, which deposit an instrument of acceptance of this Statute after their membership has been approved by the General Conference upon the recommendation of the Board of Governors. In recommending and approving a State for membership, the Board of Governors and the General Conference shall determine that the State is able and willing to carry out the obligations of membership in the Agency, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations.

C. The Agency is based on the principle of the sovereign equality of all its members, and all members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligation assumed by them in accordance with this Statute.

Article V — General Conference

A. A General Conference consisting of representatives of all members shall meet in regular annual session and in such special sessions as shall be convened by the Director General at the request of the Board of Governors or of a majority of members. The sessions shall take place at the headquarters of the Agency unless otherwise determined by the General Conference.

B. At such sessions, each member shall be represented by one delegate who may be accompanied by alternates and by advisers. The cost of attendance of any delegation shall be borne by the member concerned.

C. The General Conference shall elect a President and such other officers as may be required at the beginning of each session. They shall hold office for the duration of the session. The General Conference, subject to the provisions of this Statute, shall adopt its own rules of procedure. Each member shall have one vote. Decisions pursuant to paragraph H of article XIV, paragraph C of article XVIII and paragraph B or article XIX shall be made by a two-thirds majority of the members present and voting. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting. A majority of members shall constitute of quorum.

D. The General Conference may discuss any questions or any matters within the scope of this Statute or relating to the powers and

functions of any organs provided for in this Statute and may make recommendations to the membership of the Agency or to the Board of Governors or to both on any such questions or matters.

E. The General Conference shall:
1. Elect members of the Board of Governors in accordance with article VI;
2. Approve States for membership in accordance with article IV;
3. Suspend a member from the privileges and rights of membership in accordance with article XIX;
4. Consider the annual report of the Board;
5. In accordance with article XIV, approve the budget of the Agency recommended by the Board or return it with recommendations as to its entirety or parts to the Board for resubmission to the General Conference;
6. Approve reports to be submitted to the United Nations as required by the relationship agreement between the Agency and the United Nations, except reports referred to in paragraph C of article XI I, or return them to the Board with its recommendations;
7. Approve any agreement or agreements between the Agency and the United Nations and other organizations as provided in article XVI or return such agreements with its recommendations to the Board, for resubmission to the General Conference;
8. Approve rules and limitations regarding the exercise of borrowing powers by the Board, in accordance with paragraph G of article XIV; approve rules regarding the acceptance of voluntary contributions to the Agency; and approve, in accordance with paragraph F or article XIV, the manner in which the general fund referred to in that paragraph may be used:
9. Approve amendments to this Statute in accordance with paragraph C of article XVIII;
10. Approve the appointment of the Director General in accordance with paragraph A of article VII.

F. The General Conference shall have the authority:
1. To take decisions on any matter specifically referred to the General Conference for this purpose by the Board;
2. To propose matters for consideration by the Board and request from the Board reports on any matter relating to the functions of the Agency.

Article VI — Board of Governors

A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the ten members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid ten is located:
(1) North America
(2) Latin America
(3) Western Europe
(4) Eastern Europe
(5) Africa
(6) Middle East and South Asia
(7) South East Asia and the Pacific
(8) Far East

2. The General Conference shall elect to membership of the Board of Governors:
(a) Twenty members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office: and
(b) One further member from among the members in the following areas:
Middle East and South Asia
South East Asia and the Pacific
Far East
(c) One further member from among the members in the following areas:
Africa
Middle East and South Asia
South East Asia and the Pacific

B. The designations provided for in sub-paragraph A-1 of this article shall take place not less than sixty days before each regular annual session of the General Conference. The elections provided for in sub-paragraph A-2 of this article shall take place at regular annual sessions of the General Conference.

C. Members represented on the Board of Governors in accordance with sub-paragraph A-1 of this article shall hold office from the end of the next regular annual session of the General Conference after their designation until the end of the following regular annual session of the General Conference.

D. Members represented on the Board of Governors in accordance with sub-paragraph A-2 of this article shall hold office from the end of the regular annual session of the General Conference at which they are elected until the end of the second regular annual session of the General Conference thereafter.

E. Each member of the Board of Governors shall have one vote. Decisions on the amount of the Agency's budget shall be made by a two-thirds majority of those present and voting, as provided in paragraph H of article XIV. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of those present and voting. Two-thirds of all members of the Board shall constitute a quorum.

F. The Board of Governors shall have authority to carry out the functions of the Agency in accordance with this Statute, subject to its responsibilities to the General Conference as provided in this Statute.

G. The Board of Governors shall meet at such times as it may determine. The meetings shall take place at the headquarters of the Agency unless otherwise determined by the Board.

H. The Board of Governors shall elect a Chairman and other officers from among its members and, subject to the provisions of this Statute, shall adopt its own rules of procedure.

I. The Board of Governors may establish such committees as it deems advisable. The Board may appoint persons to represent it in its relations with other organizations.

J. The Board of Governors shall prepare an annual report to the General Conference concerning the affairs of the Agency and any projects approved by the Agency. The Board shall also prepare for submission to the General Conference such reports as the Agency is or may be required to make to the United Nations or to any other organization the work of which is related to that of the Agency. These reports, along with the annual reports, shall be submitted to members of the Agency at least one month before the regular annual session of the General Conference.

Article VII — Staff

A. The staff of the Agency shall be headed by a Director General. The Director General shall be appointed by the Board of Governors with the approval of the General Conference for a term of four years. He shall be the chief administrative officer of the Agency.

B. The Director General shall be responsible for the appointment, organization and functioning of the staff and shall be under the authority of and subject to the control of the Board of Governors. He shall perform his duties in accordance with regulations adopted by the Board.

C. The staff shall include such qualified scientific and technical and other personnel as may be required to fulfil the objectives and functions of the Agency. The Agency shall be guided by the principle that its permanent staff shall be kept to a minimum.

D. The paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service shall be to secure employees of the highest standards of efficiency, technical competence, and integrity. Subject to this consideration, due regard shall be paid to the contributions of members to the Agency and to the importance of recruiting the staff

on as wide a geographical basis as possible.

E. The terms and conditions on which the staff shall be appointed, remunerated, and dismissed shall be in accordance with regulations made by the Board of Governors, subject to the provisions of this Statute and to general rules approved by the General Conference on the recommendation of the Board.

F. In the performance of their duties, the Director General and the staff shall not seek or receive instructions from any source external to the Agency. They shall refrain from any action which might reflect on their position as officials of the Agency; subject to their responsibilities to the Agency, they shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency. Each member undertakes to respect the international character of the responsibilities of the Director General and the staff and shall not seek to influence them in the discharge of their duties.

G. In this article the term 'staff' includes guards.

Article VIII — Exchange of information

A. Each member should make available such information as would, in the judgement of the member, be helpful to the Agency.

B. Each member shall make available to the Agency all scientific information developed as a result of assistance extended by the Agency pursuant to article XI.

C. The Agency shall assemble and make available in an accessible form the information made available to it under paragraphs A and B of this article. It shall take positive steps to encourage the exchange among its members of information relating to the nature and peaceful uses of atomic energy and shall serve as an intermediary among its members for this purpose.

Article IX — Supplying of materials

A. Members may make available to the Agency such quantities of special fissionable materials as they deem advisable and on such terms as shall be agreed with the Agency. The materials made available to the Agency may, at the discretion of the member making them available, be stored either by the member concerned or, with the agreement of the Agency, in the Agency's depots.

B. Members may also make available to the Agency source materials as defined in article XX and other materials. The Board of Governors shall determine the quantities of such materials which the Agency will accept under agreements provided for in article XIII.

C. Each member shall notify the Agency of the quantities, form, and composition of special fissionable materials, source materials, and other materials which that member is prepared, in conformity with its laws, to make available immediately or during a period specified by the Board of Governors.

D. On request of the Agency a member shall, from the materials which it has made available, without delay deliver to another member or group of members such quantities of such materials as the Agency may specify, and shall without delay deliver to the Agency itself such quantities of such materials as are really necessary for operations and scientific research in the facilities of the Agency.

E. The quantities, form and composition of materials made available by any member may be changed at any time by the member with the approval of the Board of Governors.

F. An initial notification in accordance with paragraph C of this article shall be made within three months of the entry into force of this Statute with respect to the member concerned. In the absence of a contrary decision of the Board of Governors, the materials initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to the member concerned. Subsequent notifications shall likewise, in the absence of a contrary action by the Board, relate to the period of the calendar year following the notification and shall be made no later than the first day of November of each year.

G. The Agency shall specify the place and method of delivery and, where appropriate, the form and composition, of materials which it has requested a member to deliver from the amounts which that member has notified the Agency it is prepared to make available. The Agency shall also verify the quantities of materials delivered and shall report those quantities periodically to the members.

H. The Agency shall be responsible for storing and protecting materials in its possession. The Agency shall ensure that these materials shall be safeguarded against (1) hazards of the weather, (2) unauthorized removal of diversion, (3) damage or destruction, including sabotage, and (4) forcible seizure. In storing special fissionable materials in its possession, the Agency shall ensure the geographical distribution of these materials in such a way as not to allow concentration of large amounts of such materials in any one country or region of the world.

I. The Agency shall as soon as practicable establish or acquire such of the following as may be necessary:
1. Plant, equipment, and facilities for the receipt, storage, and issue of materials;
2. Physical safeguards;
3. Adequate health and safety measures;
4. Control laboratories for the analysis and verification of materials received;
5. Housing and administrative facilities for any staff required for the foregoing.

J. The materials made available pursuant to this article shall be used as determined by the Board of Governors in accordance with the provisions of this Statute. No member shall have the right to require that the materials it makes available to the Agency be kept separately by the Agency or to designate the specific project in which they must be used.

Article X — Services, equipment, and facilities

Members may make available to the Agency services, equipment, and facilities which may be of assistance in fulfilling the Agency's objectives and functions.

Article XI — Agency projects

A. Any member or group of members of the Agency desiring to set up any project for research on, or development or practical application of, atomic energy for peaceful purposes may request the assistance of the Agency in securing special fissionable and other materials, services, equipment, and facilities necessary for this purpose. Any such request shall be accompanied by an explanation of the purpose and extent of the project and shall be considered by the Board of Governors.

B. Upon request, the Agency may also assist any member or group of members to make arrangements to secure necessary financing from outside sources to carry out such projects. In extending this assistance, the Agency will not be required to provide any guarantees or to assume any financial responsibility for the project.

C. The Agency may arrange for the supplying of any materials, services, equipment, and facilities necessary for the project by one or more members or may itself undertake to provide any or all of these directly, taking into consideration the wishes of the member or members making the request.

D. For the purpose of considering the request, the Agency may send into the territory of the member or group of members making the request a person or persons qualified to examine the project. For this purpose the Agency may, with the approval of the member or group of members making the request, use members of its own staff or employ suitably qualified nationals of any member.

E. Before approving a project under this article, the Board of Governors shall give due consideration to:
1. The usefulness of the project, including its scientific and technical feasibility;
2. The adequacy of plans, funds, and technical personnel to assure the effective execution of the project;
3. The adequacy of proposed health and safety standards for handling and storing materials and for operating facilities;
4. The inability of the member or group of members making the request to secure the necessary finances, materials, facilities, equipment, and services;
5. The equitable distribution of materials and other resources available to the Agency;
6. The special needs of the under-developed areas of the world; and

7. Such other matters as may be relevant.

F. Upon approving a project, the Agency shall enter into an agreement with the member or group of members submitting the project, which agreement shall:
1. Provide for allocation to the project of any required special fissionable or other materials;
2. Provide for transfer of special fissionable materials from their then place of custody, whether the materials be in the custody of the Agency or of the member making them available for use in Agency projects, to the member or group of members submitting the project, under conditions which ensure the safety of any shipment required and meet applicable health and safety standards;
3. Set forth the terms and conditions, including charges, on which any materials, services, equipment, and facilities are to be provided by the Agency itself, and, if any such materials, services, equipment, and facilities are to be provided by a member, the terms and conditions as arranged for by the member or group of members submitting the project and the supplying member;
4. Include undertakings by the member or group of members submitting the project: (a) that the assistance provided shall not be used in such a way as to further any military purpose; and (b) that the project shall be subject to the safeguards provided for in article XII, the relevant safeguards being specified in the agreement;
5. Make appropriate provision regarding the rights and interests of the Agency and the member or members concerned in any inventions or discoveries, or any patents therein, arising from the project;
6. Make appropriate provision regarding settlement of disputes;
7. Include such other provisions as may be appropriate.

G. The provisions of this article shall also apply where appropriate to a request for materials, services, facilities, or equipment in connexion with an existing project.

Article XII — Agency safeguards

A. With respect to any Agency project, or other arrangement where the Agency is requested by the parties concerned to apply safeguards, the Agency shall have the following rights and responsibilities to the extent relevant to the project or arrangement:
1. To examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the view-point of assuring that it will not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards provided for in this article.
2. To require the observance of any health and safety measures prescribed by the Agency;
3. To require maintenance and production of operating records to assist in ensuring accountability for source and special fissionable materials used or produced in the project or arrangement;
4. To call for and receive progress reports;
5. To approve the means to be used for the chemical processing of irradiated materials solely to ensure that this chemical processing will not lend itself to diversion of materials for military purposes and will comply with applicable health and safety standards; to require that special fissionable materials recovered or produced as a by-product be used for peaceful purposes under continuing Agency safeguards for research or in reactors, existing or under construction, specified by the member or members concerned; and to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stockpiling of these materials, provided that thereafter at the request of the member or members concerned special fissionable materials so deposited with the Agency shall be returned promptly to the member or members concerned for use under the same provisions as stated above.
6. To send into the territory of the recipient State or States inspectors, designated by the Agency after consultation with the State or States concerned, who shall have access at all times to all places and data and to any person who by reason of his occupation deals with materials, equipment, or facilities which are required by this Statute to be safeguarded, as necessary to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military purpose referred to in sub-paragraph F-4 of article XI, with the health and safety measures referred to in sub-paragraph A-2 of this article, and with any other conditions prescribed in the agreement between the Agency and the State or States concerned. Inspectors designated by the Agency shall be accompanied by representatives of the authorities of the States concerned if that State so requests, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions;
7. In the event of non-compliance and failure by the recipient State or States to take requested corrective steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.

B. The Agency shall, as necessary, establish a staff of inspectors. The Staff of inspectors shall have the responsibility of examining all operations conducted by the Agency itself to determine whether the Agency is complying with the health and safety measures prescribed by it for application to projects subject to its approval, supervision or control, and whether the Agency is taking adequate measures to present the source and special fissionable materials in its custody or used or produced in its own operations from being used in furtherance of any military purpose. The Agency shall take remedial action forthwith to correct any non-compliance or failure to take adequate measures.

C. The staff of inspectors shall also have the responsibility of obtaining and verifying the accounting referred to in sub-paragraph A-6 of this article and of determining whether there is compliance with the undertaking referred to in sub-paragraph F-4 of article XI, with the measures referred to in sub-paragraph A-2 of this article, and with all other conditions of the project prescribed in the agreement between the Agency and the State or States concerned. The inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors. The Board shall call upon the recipient State or States to remedy forthwith any non-compliance which it finds to have occurred. The Board shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations. In the event of failure of the recipient State or States to take fully corrective action within a reasonable time, the Board may take one or both of the following measures: direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient member or group of members. The Agency may also, in accordance with article XIX, suspend any non-complying member from the exercise of the privileges and rights of membership.

Article XIII — Reimbursement of members

Unless otherwise agreed upon between the Board of Governors and the member furnishing to the Agency materials, services, equipment, or facilities, the Board shall enter into an agreement with such member providing for reimbursement for the items furnished.

Article XIV — Finance

A. The Board of Governors shall submit to the General Conference the annual budget estimates for the expenses of the Agency. To facilitate the work of the Board in this regard, the Director General shall initially prepare the budget estimates. If the General Conference does not approve the estimates, it shall return them together with its recommendations to the Board. The Board shall then submit further estimates to the General Conference for its approval.

B. Expenditures of the Agency shall be classified under the following categories:
1. Administrative expenses: these shall include:
(a) Costs of the staff of the Agency other than the staff employed in connexion with materials, services, equipment, and facilities referred to in sub-paragraph B-2 below; costs of meetings; and expenditures required for the preparation of Agency projects and for the distribution of information;
(b) Costs of implementing the safeguards referred to in article XII in relation to Agency projects or, under sub-paragraph A-5 of article III, in relation to any bilateral or multilateral arrangement, together with the costs of handling and storage of special fissionable material by the Agency other than the storage and handling charges referred to in paragraph E below;
2. Expenses, other than those included in sub-paragraph 1 of this paragraph, in connexion with any materials, facilities, plant, and equipment acquired or established by the Agency in carrying out its authorized functions, and the costs of materials, services,

equipment, and facilities provided by it under agreements with one or more members.

C. In fixing the expenditures under sub-paragraph B-1(b) above, the Board of Governors shall deduct such amounts as are recoverable under agreements regarding the application of safeguards between the Agency and parties to bilateral or multilateral arrangements.

D. The Board of Governors shall apportion the expenses referred to in sub-paragraph B-1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations.

E. The Board of Governors shall establish periodically a scale of charges, including reasonable uniform storage and handling charges, for materials, services, equipment, and facilities furnished to members by the Agency. The scale shall be designed to produce revenues for the Agency adequate to meet the expenses and costs referred to in sub-paragraph B-2 above, less any voluntary contributions which the Board of Governors may, in accordance with paragraph F, apply for this purpose. The proceeds of such charges shall be placed in a separate fund which shall be used to pay members for any materials, services, equipment, or facilities furnished by them and to meet other expenses referred to in sub-paragraph B-2 above which may be incurred by the Agency itself.

F. Any excess of revenues referred to in paragraph E over there referred to, and any voluntary contributions to the Agency, shall be placed in a general fund which may be used as the Board of Governors, with the approval of the General Conference, may determine.

G. Subject to rules and limitations approved by the General Conference, the Board of Governors shall have the authority to exercise borrowing powers on behalf of the Agency without, however, imposing on members of the Agency any liability in respect of loans entered into pursuant to this authority, and to accept voluntary contributions made to the Agency.

H. Decisions of the General Conference on financial questions and of the Board of Governors on the amount of the Agency's budget shall require a two- thirds majority of those present and voting.

Article XV — Privileges and immunities

A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connexion with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director General acting under instructions of the Board of Governors. and the members.

Article XVI — Relationship with other organizations

A. The Board of Governors, with the approval of the General Conference, is authorized to enter into an agreement or agreements establishing an appropriate relationship between the Agency and the United Nations and any other organizations the work of which is related to that of the Agency.

B. The agreement or agreements establishing the relationship of the Agency and the United Nations shall provide for:
1. Submission by the Agency of reports as provided for in sub-paragraphs B-4 and B-5 of Article I II;
2. Consideration by the Agency of resolutions relating to it adopted by the General Assembly or any of the Councils of the United Nations and the submission of reports, when requested, to the appropriate organ of the United Nations on the action taken by the Agency or by its members in accordance with this Statute as a result of such consideration.

Article XVII — Settlement of disputes

A. Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.

B. The General Conference and the Board of Governors are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Agency's activities.

Article XVIII — Amendments and withdrawals

A. Amendments to this Statute may be proposed by any member. Certified copies of the text of any amendment proposed shall be prepared by the Director General and communicated by him to all members at least ninety days in advance of its consideration by the General Conference.

B. At the fifth annual session of the General Conference following the coming into force of this Statute, the question of a general review of the provisions of this Statute shall be placed on the agenda of that session. On approval by a majority of the members present and voting, the review will take place at the following General Conference. Thereafter, proposals on the question of a general review of this Statute may be submitted for decision by the General Conference under the same procedure.

C. Amendments shall come into force for all members when:
(i) Approved by the General Conference by a two-thirds majority of those present and voting after consideration of observations submitted by the Board of Governors on each proposed amendment, and
(ii) Accepted by two-thirds of all the members in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the depositary Government referred to in paragraph C of article XXI.

D. At any time after five years from the date when this Statute shall take effect in accordance with paragraph E of article XXI or whenever a member is unwilling to accept an amendment to this Statute, it may withdraw from the Agency by notice in writing to that effect given to the depositary Government referred to in paragraph C of article XXI, which shall promptly inform the Board of Governors and all members.

E. Withdrawal by a member from the Agency shall not affect its contractual obligations entered into pursuant to article XI or its budgetary obligations for the year in which it withdraws.

Article XIX — Suspension of privileges

A. A member of the Agency which is in arrears in the payment of its financial contributions to the Agency shall have no vote in the Agency if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The General Conference may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. A member which has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute may be suspended from the exercise of the privileges and rights of membership by the General Conference acting by a two-thirds majority of the members present and voting upon recommendation by the Board of Governors.

Article XX — Definitions

As used in this Statute:

1. The term 'special fissionable materials' means plutonium-239; uranium-233,; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term 'special fissionable materials' does not include source material.
2. The term 'uranium enriched in the isotopes 235 or 233' means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope

238 occurring in nature.
3. The term 'source material' means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

Article XXI — Signature, acceptance, and entry into force

A. This Statute shall be open for signature on 26 October 1956 by all States Members of the United Nations or of any of the specialized agencies and shall remain open for signature by those States for a period of ninety days.

B. The signatory States shall become parties to this Statute by deposit of an instrument of ratification.

C. Instruments of ratification by signatory States and instruments of acceptance by States whose membership has been approved under paragraph C or article IV or this Statute shall be deposited with the Government of the United States of America, hereby designated as depositary Government.

D. Ratification or acceptance of this Statute shall be effected by States in accordance with their respective constitutional processes.

E. This Statute, apart from the Annex, shall come into force when eighteen States have deposited instruments of ratification in accordance with paragraph B of this article, provided that such eighteen States shall include at least three of the following States: Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Instruments of ratification and instruments of acceptance deposited thereafter shall take effect on the date of their receipt.

F. The depositary Government shall promptly inform all States signatory to this Statute of the date of each deposit of ratification and the date of entry into force of the Statute. The depositary Government shall promptly inform all signatories and members of the dates on which States subsequently become parties thereto.

G. The Annex to this Statute shall come into force on the first day this Statute is open for signature.

Article XXII — Registration with the United Nations

A. This Statute shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

B. Agreements between the Agency and any member or members, agreements between the Agency and any other organization or organizations, and agreements between members subject to approval of the Agency, shall be registered with the Agency. Such agreements shall be registered by the agency with the United Nations if registration is required under Article 102 of the Charter of the United Nations.

Article XXIII — Authentic texts and certified copies

This Statute, done in the Chinese, English, French, Russian and Spanish languages, each being equally authentic, shall be deposited in the archives of the depositary Government. Duly certified copies of this Statute shall be transmitted by the depositary Government to the Governments of the other signatory States and to the Governments of States admitted to membership under paragraph B of article IV.

In witness whereof the undersigned, duly authorized, have signed this Statute.

DONE at the Headquarters of the United Nations, this twenty-sixth day of October, one thousand nine hundred and fifty-six.

ANNEX

PREPARATORY COMMISSION

A. A Preparatory Commission shall come into existence on the first day this Statute is open for signature. It shall be composed of one representative each of Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Portugal, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America, and one representative each of six other States to be chosen by the International Conference on the Statute of the International Atomic Energy Agency. The Preparatory Commission shall remain in existence until this Statute comes into force and thereafter until the General Conference has convened and a Board of Governors has been selected in accordance with Article VI.

B. The expenses of the Preparatory Commission may be met by a loan provided by the United Nations and for this purpose the Preparatory Commission shall make the necessary arrangements with the appropriate authorities of the United Nations, including arrangements for repayment of the loan by the Agency. Should these funds be insufficient, the Preparatory Commission may accept advances from Governments. Such advances may be set off against the contributions of the Governments concerned to the Agency.

C. The Preparatory Commission shall:
1. Elect its own officers, adopt its own rules of procedure, meet as often as necessary, determine its own place of meeting and establish such committees as it deems necessary;
2. Appoint an executive secretary and staff as shall be necessary, who shall exercise such powers and perform such duties as the Commission may determine;
3. Make arrangements for the first session of the General Conference, including the preparation of a provisional agenda and draft rules of procedure, such session to be held as soon as possible after the entry into force of this Statute;
4. Make designations for membership on the first Board of Governors in accordance with sub-paragraph A-1 and A-2 and paragraph B of article VI;
5. Make studies, reports, and recommendations for the first session of the General Conference and for the first meeting of the Board of Governors on subjects of concern to the Agency requiring immediate attention, including (a) the financing of the Agency; (b) the programmes and budget for the first year of the Agency; (c) technical problems relevant to advance planning of Agency operations; (d) the establishment of a permanent Agency staff; and (e) the location of the permanent headquarters of the Agency;
6. Make recommendations for the first meeting of the Board of Governors concerning the provisions of a headquarters agreement defining the status of the Agency and the rights and obligations which will exist in the relationship between the Agency and host Government;
7. (a) Enter into negotiations with the United Nations with a view to the preparation of a draft agreement in accordance with article XVI of this Statute, such draft agreement to be submitted to the first session of the General Conference and to the first meeting of the Board of Governors; and

(b) make recommendations to the first session of the Conference and to the first meeting of the Board of Governors concerning the relationship of the Agency to other international organizations as contemplated in article XVI of this Statute.

65th General Conference of IAEA Resolution, The IAEA and the COVID-19 Pandemic

GC(65)/RES/2

September 2021

The General Conference,

[Eds…]

1. Expresses appreciation for the leadership of the Director General and for the professionalism of the staff of the IAEA;

2. Requests the IAEA to continue carrying out its functions during the COVID-19 pandemic in all domains of its mandate with a view to:

(a) Ensure the continuity of the work done by the Agency in nuclear energy and nuclear applications in support of interested Member States to enhance their capabilities and thus contribute to maximizing the benefits of the peaceful uses of nuclear science, technology and applications;

(b) Assist Member States in timely identification of actions to mitigate the impact of the COVID-19 pandemic on the operation, safety and security of nuclear and radiation facilities, and continue facilitating the exchange of information among Member States, including through the pilot peer-to-peer COVID-19 OPEX Network and the maintenance of readiness of the IAEA's Incident and Emergency Centre;

(c) Ensure business continuity for the Agency, including the uninterrupted implementation of safeguards under the relevant safeguards agreements, while underlining the importance of all Member States continuing to provide essential cooperation to this end;

(d) Quickly adapt to the limitations imposed by pandemic-related public health and safety measures, including through remote operation of the staff, organizing training webinars for Member States (and providing online information material on COVID-19 through a dedicated page on the Human Health Campus) as well as by making the necessary arrangements and adaptations for holding virtual and hybrid technical briefings and meetings of the Board of Governors;

(e) Ensure business continuity for the Agency in the implementation of the Technical Cooperation Programme;

3. Commends the IAEA for quickly mobilizing and providing assistance to Member States and non-Member States2 in their efforts to address the COVID-19 pandemic, through technical cooperation project INT0098 which involved the provision of equipment and diagnostic kits, as well as necessary guidance and training;

4. Supports the Director General's initiative on resource mobilization by building and promoting new partnerships with a broader range of players including the private sector in relation to the Agency's efforts in assisting Member States in combatting COVID-19;

5. Appreciates the Member States whose extra-budgetary and in-kind contributions enabled the Agency to provide assistance to other Member States and non-Member States3 in need and encourages those Member States in a position to do so, to support or continue supporting the IAEA in its efforts to continue assisting Member States to combat COVID-19;

6. Takes note of the longstanding collaboration of the IAEA with the Food and Agriculture Organization of the United Nations (FAO), the World Organisation for Animal Health (OIE) and the World Health Organization (WHO), welcomes the IAEA's membership of the COVID-19 UN Crisis Management Team (COVID-19 CMT), comprised of 15 agencies4, which is recognition of the IAEA's important work and acknowledges the importance of partnerships and collaborations with international/UN organizations with complementary expertise and mandates to enhance service delivery and support to Member States in the handling of COVID-19 and other diseases;

7. Encourages the Agency to maintain its institutional resilience to effectively cope with similar challenges in the future, taking into account the lessons learned and experience gained during these challenging times; and

8. Requests the Secretariat to report to the Board of Governors at its March 2022 meeting and to the General Conference at its sixty-sixth (2022) regular session on all matters related to the IAEA in relation to the COVID-19 pandemic, including the implications of the COVID-19 pandemic for the work of the Agency, as well as the impact of the Agency's COVID-19 response.

65th General Conference of IAEA Resolution, Nuclear Security

GC(65)/RES/9

September 2021

The General Conference,

[Eds…]

1. Affirms the central role of the Agency in strengthening the nuclear security framework globally and in coordinating international activities in the field of nuclear security, while avoiding duplication and overlap;

2. Calls upon all Member States, within their responsibility, to achieve and maintain highly effective nuclear security, including physical protection, of nuclear and other radioactive material during use, storage and transport and of the associated facilities at all stages in their life cycle, as well as protecting sensitive information;

3. Calls upon the Secretariat to continue to implement the Nuclear Security Plan 2018–2021 (GC(61)/24) and to implement the Nuclear Security Plan 2022–2025 (GC(65)/24) accordingly and in a comprehensive and coordinated manner;

4. Encourages the Agency to enhance its technical capabilities and keep abreast of scientific and technological innovations with a view to confronting current and evolving challenges and risks to nuclear security;

5. Welcomes the fact that the IAEA Secretariat and Member States have taken into account resolution GC(64)/RES/10 and also have considered the ICONS 2020 Ministerial Declaration in the consultations process between the Secretariat and the Member States during the development of the IAEA's Nuclear Security Plan 2022–2025;

6. Calls upon the Secretariat to continue to organize ICONS every four years;

7. Calls upon Member States that have not yet done so to establish or designate, and sustain a competent authority or authorities responsible for the implementation of the legislative and regulatory framework, which is or are functionally independent in its or their regulatory decision-making from any other bodies that deal with the promotion or utilization of nuclear or other radioactive material, and which has or have the legal authority and the human, financial and technical resources necessary for fulfilling its or their responsibilities;

8. Calls upon all States to ensure that measures to strengthen nuclear security do not hamper international cooperation in the field of peaceful nuclear activities, the production, transfer and use of nuclear and other radioactive material, the exchange of nuclear material for peaceful purposes and the promotion of peaceful uses of nuclear energy, and do not undermine the established priorities of the Agency's technical cooperation programme;

9. Calls upon all Member States to consider providing the necessary political, technical and financial support to the Agency's efforts to enhance nuclear security through various arrangements at the bilateral, regional and international levels, and recalls the decision of the Board of Governors on support for the Nuclear Security Fund;

10. Encourages all Parties to the CPPNM and its 2005 Amendment to fully implement their obligations thereunder, encourages States that have not yet done so to become party to this Convention and its Amendment, further encourages the Agency to continue efforts to promote further adherence to the Amendment with the aim of its universalization, welcomes the organization by the Secretariat of CPPNM meetings and encourages all Parties to the Convention to participate in relevant meetings, and reminds all Parties to inform the depositary of their laws and regulations which give effect to the Convention;

11. Welcomes the ongoing preparatory process for the 2022 Conference, which is being convened in accordance with article 16.1 of the CPPNM, as modified by its 2005 Amendment, and encourages all States Parties and EURATOM to engage actively;

12. Notes the creation of an online repository of documents on the CPPNM, its 2005 Amendment, and relevant Review Conferences and requests the Secretariat to continue to update it as appropriate;

13. Encourages all Member States that have not yet done so to become parties to the International Convention on the Suppression of Acts of Nuclear Terrorism as soon as possible;

14. Encourages the Secretariat to continue to assist Member States, upon request, in their development of national legislative and regulatory frameworks and, in consultation with Member States, to consider ways of further promoting and facilitating the exchange, on a voluntary basis, of information on the implementation of the international legal instruments relevant to nuclear security;

15. Takes note that regional organizations of regulatory authorities can strengthen regional cooperation through the exchange of information, experience and technical expertise, and encourages the Secretariat to provide assistance to such fora, on request;

16. Requests the Secretariat to continue improving communication with the public and Member States about its nuclear security activities, such as advisory services, development of non-legally binding guidance, assistance and training, and how these activities assist Member States to improve nuclear security globally, and welcomes the efforts by Member States to contribute to raising the awareness of the Agency's nuclear security activities, with due respect to confidentiality;

17. Recognizes and supports the key role of the Nuclear Security Guidance Committee (NSGC), including through coordination and priority-setting in the development and periodic review, when necessary and in a timely manner, of the Nuclear Security Series publications, encourages all Member States to actively participate in the NSGC and the review process of the Nuclear Security Series publications, and requests the continued assistance of the Secretariat to enable representatives of all Member States to participate in the work of the NSGC;

18. Encourages the Secretariat to further address delays in the editing and publication process of Nuclear Security Series documents so that they may be made available in a timely manner and in all UN languages;

19. Requests the Secretariat, while recognizing the distinction between nuclear safety and nuclear security, to continue facilitating, in close cooperation with Member States, a coordination process to address their interfaces in a timely manner, encourages the Agency to develop safety and security publications, to ensure consistency and to foster culture accordingly, and notes the current discussion on the development of publications reflecting their interfaces;

20. Calls upon all Member States to take into account information security, considering the balance between security and transparency as provided for in IAEA Nuclear Security Series No. 23-G with a view to further strengthening and improving relevant mechanisms that handle information pertaining to nuclear or other radioactive material encountered out of regulatory control;

21. Encourages all Member States to take into account, as appropriate, the Nuclear Security Series publications, including the Nuclear Security Fundamentals, and to make use of them at their national discretion in their efforts to strengthen nuclear security;

22. Encourages the Agency to continue, in coordination with Member States, to actively fulfill its central and coordinating role in nuclear security activities among international organizations and initiatives, taking into account their respective mandates and memberships, and to work jointly, as appropriate, with relevant international and regional organizations and institutions, welcomes regular IAEA Information Exchange Meetings and requests the Secretariat to keep Member States informed in this regard;

23. Encourages the Secretariat to promote international exchanges of experience, knowledge and good practices as regards ways to develop, foster and maintain a robust nuclear security culture compatible with States' nuclear security regimes, and encourages the Secretariat to organize an international workshop on nuclear security culture;

24. Encourages the Secretariat, in consultation with Member States, to increase its assistance to States, upon request, on the development and consolidation of a nuclear security culture, including publishing guidance, providing training activities and offering related self-assessment and training materials and tools;

25. Encourages the Secretariat, in cooperation with Member States, to continue its training and train- the-trainers programmes taking into account the IAEA Nuclear Security Series, and to adapt the courses as appropriate, within its mandate, to meet the needs of Member States;

26. Encourages ongoing initiatives of Member States, in cooperation with the Secretariat, to further enhance nuclear security culture, through the development of skills and knowledge of personnel, dialogue and cooperation with the nuclear industry as well as international and regional networks, as appropriate, including through centres of excellence, the International Network for Nuclear Security Training and Support Centres (NSSC Network) and the International Nuclear Security Education Network (INSEN), and requests the Secretariat to continue to report to the Board of Governors on its activities in this respect;

27. Takes note of the initiative by the Secretariat and Member States to develop and establish the Nuclear Security Training and Demonstration Centre at Seibersdorf to complement the activities of Member States' Nuclear Security Support Centres (NSSCs), where relevant and while avoiding duplication and overlap, encourages the Secretariat, in close consultations with Member States, to consider all aspects, including planning for financial resources, related to the long-term sustainability of the Centre and asks the Secretariat to keep Member States informed of progress made;

28. Recognizes and supports the Agency's continuing work to assist, upon request, States' efforts to establish effective and sustainable national nuclear security regimes, to fulfil their obligations under United Nations Security Council resolutions 1540 and 2325, provided that the requests are within the scope of the Agency's statutory responsibilities;

29. Recognizes and supports the Agency's continuing work to assist, upon request, States' efforts to ensure the security of their nuclear and other radioactive material, including assistance in the implementation of Agency Nuclear Security Fundamentals and Recommendations when radioactive material is supplied by the Agency and takes note of the 2022 International Conference on the Safety and Security of Radioactive Sources;

30. Encourages States to make further use of assistance in the field of nuclear security, including, as appropriate, through the establishment of Integrated Nuclear Security Support Plans (INSSPs), and similarly encourages States in a position to do so to make available such assistance;

31. Encourages the Secretariat to assist Member States, upon request, in the development of implementation strategies of their INSSPs in close consultation with the concerned Member State;

32. Requests the Secretariat to further develop, in close consultation with Member States, a voluntary mechanism to match Member States' requests for assistance with other Member States' offers of assistance, and highlighting, in cooperation with the recipient State, the most urgent needs for assistance, with due regard to the confidentiality of information relevant to nuclear security and asks the Secretariat to keep Member States informed of progress made in this regard;

33. Calls upon the Agency to support continued dialogue on the security of radioactive sources and disused radioactive sources, and to promote research and development in this field;

34. Calls upon the Agency, within its mandate, to inform Member States of nuclear and radiation technology options which are technically feasible, economically viable and sustainable, while respecting Member States' choices in nuclear technologies;

35. Encourages all Member States to make political commitments to the non-legally-binding Code of Conduct on the Safety and Security of Radioactive Sources and its Guidance on the Import and Export of Radioactive Sources and its Guidance on the

Management of Disused Radioactive Sources, and to implement these, as appropriate, in order to maintain effective safety and security of radioactive sources throughout their life cycle, and requests the Secretariat to continue supporting Member States in this regard;

36. Calls upon all Member States to ensure that there is adequate provision for safe and secure storage and disposition pathways for disused radioactive sealed sources so that such sources within their territories remain under regulatory control, and further encourages all Member States to develop arrangements, as practicable, to permit the return of disused sources to the supplier States or consider other options including the reuse or recycling of sources whenever possible;

37. Calls upon all States to improve and sustain, based on national security threat assessments, their national capabilities to prevent, detect, deter and respond to illicit trafficking and other unauthorized activities and events involving nuclear and other radioactive material throughout their territories and to meet their relevant international obligations, and calls upon those States in a position to do so to work to enhance international partnerships and capacity building in this regard;

38. Encourages Member States to conduct national and regional exercises, where appropriate, to strengthen their capacities to prepare and respond to a nuclear security event involving nuclear or other radioactive material;

39. Notes the utility of the Incident and Trafficking Database (ITDB) as a voluntary mechanism for the international exchange of information on incidents and illicit trafficking of nuclear and other radioactive material, encourages the Agency to further facilitate, including through designated Points of Contact, the timely exchange of information including through secured electronic access to information contained in the ITDB, and encourages all States to join and participate actively in the ITDB programme in support of their national efforts to prevent, detect and respond to nuclear and other radioactive materials that may have fallen out of regulatory control;

40. Calls upon States to continue efforts on their territory to recover and secure nuclear and other radioactive material that has fallen out of regulatory control;

41. Calls upon all Member States to continue to take appropriate steps, consistent with the national legislation and regulation, to prevent, detect, and protect against insider threats at nuclear facilities, and calls upon the Secretariat to advise Member States, upon request, on taking further preventive and protective measures against insider threats to enhance nuclear security, including through the Use of Nuclear Material Accounting and Control for Nuclear Security Purposes at Facilities (IAEA Nuclear Security Series No. 25-G);

42. Calls upon all Member States to continue to take appropriate steps, consistent with the national legislation and regulation, to prevent, detect, and protect against insider threats at facilities using radioactive sources, and during transport;

43. Notes the Agency's efforts to raise awareness of the threat of cyber-attacks, and their potential impact on nuclear security, encourages States to take effective security measures against such attacks, and encourages the Agency to continue its efforts to strengthen computer security, to improve international cooperation, to bring together experts and policy-makers to promote the exchange of information and experiences, to develop appropriate guidance and to assist Member States, upon request, in this area by providing training courses and hosting further expert meetings specific to the computer security of nuclear facilities;

44. Welcomes the Agency's work of promotion and support in the field of nuclear forensics, including through the development of guidance, further requests the Secretariat to assist interested Member States, upon their request, through the provision of education and training, and encourages Member States to make available experts, to share experiences, knowledge and good practices, in nuclear forensics with due regard to the principle of protection of sensitive information, and, if they have not yet done so, to consider establishing, where practical, national nuclear material databases or national nuclear forensics libraries;

45. Encourages the Agency to continue to provide, upon request, technical assistance to Member States hosting major public events, and to share, on a voluntary basis, good practices and lessons learned after such events, as appropriate;

46. Requests the Secretariat to continue the implementation of and to report on the Coordinated Research Projects (CRPs) in the field of nuclear security and to provide further information in this respect;

47. Encourages the Member States concerned, on a voluntary basis, to further minimize highly enriched uranium (HEU) in civilian stocks and use low enriched uranium (LEU) where technically and economically feasible;

48. Encourages Member States to voluntarily use, and make available experts to the Agency to carry out, the Agency's nuclear security advisory services for exchanges of views and advice on nuclear security measures, welcomes the increased recognition of the value of IPPAS (International Physical Protection Advisory Service), INSServ (International Nuclear Security Advisory Service) and INSSP missions by Member States, and notes with appreciation the organization by the Agency of meetings, to allow interested Member States to share experience and lessons learned, with due regard to the principle of confidentiality, and to make recommendations for improvements to these missions;

49. Requests the Secretariat to continue to strengthen its internal planning and results-based management within its mandate and to improve, where appropriate, measures of effectiveness for its nuclear security programme, and to keep Member States updated and informed on implementation in this regard in order to maintain overall oversight by Member States, including through the Programme and Budget;

50. Requests the Secretariat to promote workforce diversity, including gender equality and geographical diversity, in the context of its nuclear security activities, and encourages Member States to establish an inclusive workforce within their national nuclear security regimes, including ensuring equal access to education and training;

51. Encourages the Secretariat, in cooperation with Member States, to continue to develop and promote self-assessment methodologies and approaches that are based on Nuclear Security Series documents and can be used by Member States on a voluntary basis to ensure effective and sustainable national nuclear security infrastructure;

52. Encourages Member States to make use of the IAEA Nuclear Security Information Management System (NUSIMS), on a voluntary basis;

53. Supports the steps taken by the Secretariat to ensure confidentiality of information relevant to nuclear security and requests the Secretariat to continue its efforts to implement appropriate confidentiality measures in conformity with the Agency's confidentiality regime and to report as appropriate to the Board of Governors on the status of the implementation of the confidentiality measures;

54. Requests the Director General to submit an annual Nuclear Security Report to the General Conference at its sixty-sixth (2022) regular session on activities undertaken by the Agency in the area of nuclear security, and on external users of the ITDB and on past and planned activities of educational, training and collaborative networks, as well as highlighting significant accomplishments of the previous year within the framework of the Nuclear Security Plan and indicating programmatic goals and priorities for the year to come; and

55. Requests the Secretariat to implement the actions called for in this resolution in a prioritized manner within available resources.

65th General Conference of IAEA Resolution, Strengthening of the Agency's technical cooperation activities

GC(65)/RES/10

September 2021

1. General

The General Conference,

[Eds…]

1. Requests that the Secretariat, when formulating the TC programme, should adhere strictly to the provisions of the Statute and the guiding principles and policies as contained in the Revised Guiding Principles and General Operating Rules (INFCIRC/267) and to the relevant directives from the General Conference and the Board of Governors, and welcomes the Secretariat's efforts to ensure that TC projects are consistent with the Agency's Statute;

2. Calls upon all Member States receiving technical cooperation to sign an RSA Concerning the Provision of Technical Assistance by the Agency and implement its provisions; and

3. Requests the Secretariat to continue to assist Member States in the peaceful, safe and secure application of nuclear science and technologies;

2. Strengthening technical cooperation activities

[Eds…]

1. Requests the Secretariat to continue to facilitate and to enhance the development of nuclear technology and know-how and its transfer to and among Member States for peaceful uses as embodied in the Agency's TC programme, taking into account and emphasizing the importance of specific needs of developing countries, including those of LDCs in line with Article III of the Statute, and encourages Member States to contribute in sharing knowledge and technology in the field of peaceful uses of nuclear energy;

2. Requests the Director General to continue to strengthen the Agency's TC activities, in consultation with Member States, through development of effective, efficient and outcomes oriented programmes aimed at promoting and improving the scientific, technological, research and regulatory capacities and capabilities of the Member States implementing projects, with account being taken of the infrastructure and the level of technology of the countries concerned, by continuing to assist them in their peaceful, safe and secure applications of atomic energy and nuclear techniques;

3. Requests the Secretariat, in close coordination with Member States, to continue its efforts to further advance gender mainstreaming and gender balance, including among experts and lecturers, in the TC programme and encourages Member States to cooperate closely with the Secretariat in this regard;

4. Requests the Director General to make every effort to ensure, where relevant, that the Agency's TC programme, taking into account specific needs of each Member State, particularly developing countries and LDCs, as well as the Agency's adoption of the 'technical cooperation among developing countries' (TCDC) modality in assisting LDCs, contributes to the implementation of the principles expressed in the Istanbul Declaration, the Programme of Action for the Least Developed Countries for the Decade 2011–2020 and to the attainment of the internationally agreed development goals, including the SDGs, and further requests the Director General to keep Member States informed of the Agency's activities in this regard;

5. Calls upon the Secretariat to continue to provide assistance to Member States, upon request, on climate change adaptation and mitigation through the use of nuclear techniques, including through the TC programme;

6. Requests the Secretariat to continue, within the framework of the TC programme, to work actively to provide assistance and support services to Member States to identify and implement the lessons learned from the Fukushima Daiichi accident;

7. Requests the Secretariat to continue, within the framework of the TC programme, to work actively to render assistance and radiological support to the most affected countries in mitigating the consequences of the Chernobyl disaster and rehabilitating the contaminated territories;

8. Requests the Secretariat to continue examining in depth the specific characteristics and problems of the LDCs with respect to the peaceful applications of nuclear energy and, in this regard, also requests the Secretariat to continue to address this matter and to report accordingly in the Technical Cooperation Reports;

9. Requests the Secretariat to implement the new unified approach to cancer control as outlined by the Director General in his report GOV/INF/2019/2, in a manner that enables Member States to continue receiving robust support in maintaining, expanding and improving their cancer control capacity by integrating medical uses of ionizing radiation into a comprehensive cancer control programme that maximizes its effectiveness and public health impact;

10. Requests the Secretariat to update Member States on the efforts to reform PACT as well as on the status of all recommendations, as contained in document GOV/2018/11;

11. Encourages the Secretariat to continue implementing the Programme Cycle Management Framework (PCMF) in phases, and to make it simpler and user-friendly so that Member States may use the tools effectively, and to take into account, in designing and implementing subsequent phases, difficulties experienced and concerns of Member States, including lack of adequate training, equipment and IT infrastructure in developing countries, particularly in LDCs; and

12. Requests the Secretariat to commence consultations with Member States towards convening a follow up to the 2018 Ministerial Conference on nuclear science, technology and applications and the Technical Cooperation Programme in 2023 with a view to convening every four years thereafter;

3. Effective execution of the technical cooperation programme

[Eds…]

1. Urges the Secretariat to continue to work, in close cooperation with Member States, to strengthen TC activities, including the provision of sufficient resources, in accordance with Member States' requests based on their needs and national priorities, inter alia through ensuring that the components of TC projects, training, expertise and equipment are readily available to the Member States that have made such requests;

2. Requests the Secretariat, within available resources, to enhance TC project implementation capacity by ensuring that staff are adequately and appropriately assigned at all levels;

3. Also requests the Secretariat to give due consideration to qualified experts nominated by all Member States, particularly developing and LDCs, for participation in TC expert missions;

4. Welcomes and further encourages the continuing efforts of the Secretariat to optimize the quality, the number and the impact of TC projects and to create synergies among them, whenever feasible, and in coordination with the Member States concerned;

5. Requests the Secretariat to continue to provide Member States with adequate information and training on project development, including through e-learning, according to the LFA sufficiently in advance of their consideration by the Technical Assistance and Cooperation Committee and the Board of Governors;

6. Recognizes the importance of regular reporting on the implementation and outcomes of TC projects, urges Member States to adhere to all the requirements in this regard, welcomes the progress achieved and encourages further progress by Member States in the submission of their Project Progress Assessment Reports (PPARs), including through electronic PPARs and, in this regard, requests the Secretariat to continue to provide necessary

guidance to Member States on improving their reporting, as appropriate;

7. Requests the Secretariat to keep Member States informed of the results of the efforts to implement outcome monitoring in the TC programme and to report on the implementation of outcome monitoring in the pilot projects on human health and nutrition, including the associated potential human and financial resource implications;

8. Requests the Secretariat, when applying the two-step mechanism in monitoring the quality of TC projects, to reflect on the findings in the TC annual report in this regard, as appropriate;

9. Encourages the Secretariat and Member States to enhance adherence to the central criterion and all the TC requirements, and calls upon the Secretariat to guide Member States in this regard;

10. Requests the Secretariat to continue providing updates on the progress of TC programme implementation in between annual TC reports;

11. Stresses that the regular work of OIOS and the External Auditor should, within resources allocated to these offices from the Regular Budget, be consistent across all Major Programmes; further stresses that, in this context, OIOS should evaluate TC projects on the basis of specific outcomes achieved in relation to objectives outlined in the relevant Country Programme Framework (CPF) or national development plan and further requests the External Auditor to report the results to the Board of Governors; and

12. Encourages the Secretariat to continue to seek to carry out each TC project in the IAEA official language chosen by the beneficiary Member State, where possible;

4. Technical cooperation programme resources and delivery

[Eds…]

1. Stresses the need for the Secretariat to continue to work, in consultation with Member States, towards establishing means, including mechanisms, that would achieve the goal of making TC resources sufficient, assured and predictable;

2. Urges Member States to pay in full and on time their voluntary contributions to the TCF, encourages Member States to pay their NPCs on time, and requests those which are in arrears with Assessed Programme Costs (APCs) to meet this obligation;

3. Requests the Secretariat to ensure that the commencement of projects within a national programme will take place upon the receipt of at least the minimum payment of the NPCs without affecting the preparatory activities and that, in the event of a failure to pay any second instalment during a biennium, funding for a core project in the next biennium will be suspended until full payment is received;

4. Requests the Secretariat to strictly apply the due account mechanism in line with all the elements contained in GOV/2019/25 with a view to guaranteeing the maximum quality of all national, regional and interregional TC projects as well as the TC programme;

5. Further requests the Director General to continue to take account of the views of the General Conference when requesting Member States to pledge and pay their respective shares of the TCF targets and to make timely payments to the TCF;

6. Requests the Secretariat, within available resources, to continue its support to Member States' development efforts, including the attainment of the SDGs;

7. While cognizant of the diverse nature of export control regimes, urges Member States to work in close cooperation with the Agency to facilitate the transfer of necessary equipment for TC activities, in accordance with the Statute, in order to ensure that TC project implementation is not delayed by denials of necessary equipment supply to Member States;

8. Requests the Secretariat to continue to actively seek resources to implement footnote-a/ projects;

9. Encourages Member States in a position to make voluntary contributions to show flexibility as regards their use in order to enable the implementation of more footnote-a/ projects;

10. Welcomes all extra budgetary contributions announced by Member States, including the Agency's Peaceful Uses Initiative, which is designed to raise extra budgetary contributions to Agency activities, and encourages all Member States in a position to do so to make contributions to meet this goal, and requests the Secretariat to continue to work with all Member States in matching contributions to Member States' needs;

11. Encourages Member States to make full use of the tools to share voluntarily their CPFs and footnote-a/ project details, via the electronic search engine;

12. Requests that the actions of the Secretariat called for in this resolution that are not directly related to the implementation of TC projects be undertaken subject to the availability of resources; and

13. Calls upon the Agency to continue to take the necessary actions on the recommendations made by the WGFAA including to examine the ways and means to render resources for the TCF sufficient, assured and predictable, as contained in GOV/2014/49, GOV/INF/2015/4 and GOV/INF/2016/7;

5. Partnership and cooperation

[Eds…]

1. Requests the Secretariat to continue to strengthen strategic partnerships and to work in close cooperation with Member States and other relevant partners with a view to assisting Member States in implementing the 2030 Agenda, in accordance with their national priorities, and optimizing the impact and benefits of the Agency´s support, and requests the Secretariat to report on the implementation of these partnerships;

2. Requests the Secretariat to continue consultations and interactions with interested States, the competent organizations of the UN system, multilateral financial institutions, regional development bodies and other relevant intergovernmental and non-governmental bodies, to ensure the coordination and optimization of complementary activities, including by participating in relevant UN processes such as the High-Level Political Forum on Sustainable Development, and to ensure that they are regularly informed, where relevant, about the developmental impact of the TC programme, while aiming at achieving sufficient, assured and predictable resources for the TC programme;

3. Welcomes the Agency's participation and contribution with respect to South–South and triangular cooperation which is an essential tool in addressing common challenges of developing countries efficiently and effectively, as well as fostering the exchange of best practices and encourage networking, and in this regard, welcomes the Agency's cooperation with the United Nations Office for South–South Cooperation (UNOSSC) and its participation, in consultation with Member States, in the relevant fora and conferences, including the 2nd High-level UN Conference on South–South Cooperation held in 2019 in Buenos Aires, Argentina;

4. Requests the Director General to promote, in close consultation with Member States, TC activities supporting the self-reliance, sustainability and further relevance of national nuclear and other entities in Member States, particularly in developing countries, and, in this context, requests the Director General to continue and further enhance regional and interregional cooperation by (a) encouraging activities under and seeking complementarities between national projects and regional cooperation, including regional cooperation agreements, (b) identifying, utilizing and strengthening established regional capacities and resource centres or other qualified institutes, (c) formulating guidelines for the use of such centres and (d) strengthening guidance for partnership mechanisms; and in this regard to keep Member States informed of the Agency's activities;

5. Requests the Director General to resume and to further develop and facilitate cost-sharing, outsourcing and other forms of partnership in development by reviewing and amending or

simplifying, as appropriate, relevant financial and legal procedures for these partnerships, to ensure that their objectives are specific, measurable, achievable, realistic and timely (SMART);

6. Notes the adoption of UN General Assembly resolution A/RES/72/279 on 'Repositioning of the United Nations development system in the context of the quadrennial comprehensive policy review of operational activities for development of the United Nations system' and encourages the Agency to identify and inform Member States of its possible impacts on the TC programme in any area, including resource mobilization, while noting the relationship between the Agency and the UN system and the nature, character and specificity of the TC programme; and

7. Requests the Secretariat to strengthen, as appropriate, its public communication, in all official languages of the Agency, on the impact of the TC activities, with a view to showcasing the contribution of atomic energy, including to sustainable development, and to reaching out to new partners, and to regularly provide information to Member States in this regard;

6. Implementation and reporting

1. Requests the Director General to report to the Board of Governors periodically and to the General Conference at its sixty-sixth (2022) regular session on the implementation of all the content of this resolution, highlighting significant accomplishments of the prior year and indicating goals and priorities for the year to come under an agenda item entitled "Strengthening of the Agency's technical cooperation activities.

65th General Conference of IAEA Resolution, Strengthening the Effectiveness and Improving the Efficiency of Agency Safeguards

GC(65)/RES/12

September 2021

The General Conference,

[Eds…]

1. Calls on all Member States to give their full and continuing support to the Agency in order to ensure that the Agency is able to meet its safeguards responsibilities;

2. Stresses the need for effective safeguards in order to prevent the use of nuclear material for prohibited purposes in contravention of safeguards agreements, and underlines the vital importance of effective and efficient safeguards for facilitating cooperation in the field of peaceful uses of nuclear energy;

3. Emphasizes the obligation of States to cooperate with the Agency in order to facilitate the implementation of safeguards agreements;

4. Stresses the importance of States complying fully with their safeguards obligations;

5. Recognizes the importance of the Agency continuing to implement safeguards in accordance with the rights and obligations under the respective safeguards agreements between States and the Agency;

6. Regrets that not all State parties to the NPT obligated to do so have concluded comprehensive safeguards agreements with the Agency;

7. Bearing in mind the importance of achieving the universal application of Agency safeguards, urges all States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible;

8. Calls on the Agency to continue to exercise fully its authority in accordance with the Statute in the implementation of safeguards agreements, drawing independent objective conclusions using only impartial and technically based evaluation methods and rigorously reviewed and validated information, including other information to be assessed for accuracy, credibility and safeguards relevance, as described in GOV/2014/41;

9. Underscores the importance of resolving all cases of non-compliance with safeguards obligations in full conformity with the Statute and States' legal obligations, and calls on all States to extend their cooperation in this regard;

10. Calls on all States with unmodified SQPs to either rescind or amend their respective SQPs as soon as their legal and constitutional requirements allow, and requests the Secretariat to continue to assist States with SQPs, through available resources, in the establishment and maintenance of their State Systems of Accounting for and Control of Nuclear Material (SSACs);

11. Welcomes the fact that, as of [24] September 2021, [69] States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors;

12. Welcomes the fact that, as of [24] September 2021, [152] States and other parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for [138] of those States and other parties;

13. Bearing in mind that it is the sovereign decision of any State to conclude an additional protocol, but once in force, the additional protocol is a legal obligation, encourages all States which have not yet done so to conclude and to bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force in conformity with their national legislation;

14. Notes that, for States with both a comprehensive safeguards agreement, and an additional protocol in force or being otherwise applied, Agency safeguards can provide increased assurances regarding both the non-diversion of nuclear material placed under safeguards and the absence of undeclared nuclear material and activities for a State as a whole;

15. Notes that, in the case of a State with a comprehensive safeguards agreement supplemented by an additional protocol in force, these measures represent the enhanced verification standard for that State;

16. Recommends that the Agency further facilitate and assist concerned Member States, at their request, in the conclusion and entry into force of comprehensive safeguards agreements, additional protocols and modified SQPs;

17. Notes the commendable efforts of some Member States and the Agency Secretariat in implementing elements of the plan of action outlined in resolution GC(44)/RES/19 and the Agency's updated plan of action (September 2021), and encourages them to continue these efforts, as appropriate and subject to the availability of resources, and review the progress in this regard, and recommends that the other Member States consider implementing elements of that plan of action, as appropriate, with the aim of facilitating the entry into force of comprehensive safeguards agreements and additional protocols, and the amendment of operative SQPs;

18. Reaffirms that the Director General use the Model Additional Protocol as the standard for additional protocols which are to be concluded by States and other parties to comprehensive safeguards agreements with the Agency and which should contain all of the measures in the Model Additional Protocol;

19. Invites the nuclear-weapon States to keep the scope of their additional protocols under review;

20. Notes that the Agency must remain ready to assist, in accordance with its Statute, with verification tasks under nuclear disarmament or arms control agreements that it may be requested to carry out by the States parties to such agreements;

21. Notes that for 2020 the Secretariat has been able to draw the broader safeguards conclusion that all nuclear material remains in peaceful activities and there is no diversion of declared nuclear material from peaceful nuclear activities and no indication of undeclared nuclear material and activities for 72 States that have

both a comprehensive safeguards agreement and additional protocol in force;

22. Encourages the Agency to continue the implementation of integrated safeguards for those States where both a comprehensive safeguards agreement and additional protocol are in force and the Secretariat has drawn the broader conclusion that all nuclear material remains in peaceful activities;

23. Welcomes the clarifications and additional information provided by the Director General in the Supplementary Document to the Report on The Conceptualization and Development of Safeguards Implementation at the State Level (GOV/2014/41, and its Corrigenda), taken note of by the Board of Governors in September 2014, following the intensive consultation process undertaken over the preceding year;

24. Welcomes the important assurances contained in GOV/2014/41 and its Corrigenda, and in the statements by the Director General and the Secretariat as noted by the Board of Governors in its September 2014 session, including inter alia:

–The State-level concept (SLC) does not, and will not, entail the introduction of any additional rights or obligations on the part of either States or the Agency, nor does it involve any modification in the interpretation of existing rights and obligations;

– The SLC is applicable to all States, but strictly within the scope of each individual State's safeguards agreement(s);

– The SLC is not a substitute for the Additional Protocol and is not designed as a means for the Agency to obtain from a State without an Additional Protocol the information and access provided for in the Additional Protocol;

– The development and implementation of State-level approaches requires close consultation with the State and/or regional authority, particularly in the implementation of in-field safeguards measures;

– Safeguards-relevant information is only used for the purpose of safeguards implementation pursuant to the safeguards agreement in force with a particular State — and not beyond it;

25. Notes the Secretariat's intention to continue to concentrate its verification effort on the sensitive stages of the nuclear fuel cycle;

26. Notes that the development and implementation of State-level approaches requires close consultation and coordination with the State and/or regional authority, and agreement by the State concerned on practical arrangements for effective implementation of all safeguards measures identified for use in the field if not already in place;

27. Notes that, on the basis of GOV/2014/41 and its Corrigenda, the Secretariat will continue to keep the Board of Governors informed of progress made in the development and implementation of safeguards in the context of the SLC and requests the Director General to report to the Board on progress made in the development and implementation of safeguards in the context of the SLC, including in the annual Safeguards Implementation Report;

28. Welcomes the Secretariat's ongoing open dialogue with States on safeguards matters and its intention to maintain the enhanced dialogue and to issue periodic update reports, as further experience is gained;

29. Notes the statement of the Director General that the focus of the Agency for the immediate future would be on updating existing State-level approaches for States under integrated safeguards and that State-level approaches will be progressively developed and implemented for other States,

30. Notes the Director General's report to the Board of Governors in September 2018 on the experience gained and lessons learned in the implementation of State-level safeguards approaches for States under integrated safeguards and requests the Director General, taking into account questions and issues raised by some Member States, to keep the Board of Governors fully informed through additional timely reports for discussion by Member States as the Secretariat gains further experience with the implementation of State-level safeguards approaches particularly in States with integrated safeguards and also notes that further progressive development and implementation of State-level safeguards approaches for other States would require close coordination and consultation, and should be done without prejudice to bilateral safeguards agreements between States and the Agency, as well as other safeguards agreements with the Agency;

31. Encourages the Secretariat to continue to implement State-level approaches, making every effort to ensure optimal efficiency in the economical use of its resources without compromising effectiveness and with a view to optimizing safeguards implementation for States concerned;

32. Encourages the Agency to enhance its technical capabilities and keep abreast of scientific and technological innovations that hold promising potential for safeguards purposes, and to continue building effective partnerships with Member States in this regard;

33. Welcomes efforts to strengthen safeguards, and in this context takes note of the Secretariat's activities in verifying and analysing information provided by Member States on nuclear supply and procurement in accordance with the Statute and relevant State safeguards agreements, taking into account the need for efficiency, and invites all States to cooperate with the Agency in this regard;

34. Welcomes continued cooperation between the Secretariat and State and Regional Systems of Accounting for and Control of Nuclear Material (SSAC and RSAC), and encourages them to increase their cooperation, taking into account their respective responsibilities and competencies;

35. Encourages States to maintain and, as appropriate, to continue to strengthen their SSAC or RSAC, recognizing the important role SSACs and RSACs play in safeguards implementation;

36. Encourages States concerned to promote early consultations with the Agency at the appropriate stage on safeguards-relevant aspects for new nuclear facilities in order to facilitate future safeguards implementation;

37. Encourages States to support the Agency's efforts to strengthen the Safeguards Analytical Laboratories and the Network of Analytical Laboratories, especially in developing countries;

38. Welcomes the steps taken by the Director General to protect classified safeguards information as described in document GC(65)/16, and urges the Director General to exercise the highest vigilance in ensuring the proper protection of classified safeguards information, and requests the Director General to continue to review and update the established procedure for the stringent protection of classified safeguards information within the Secretariat and report periodically to the Board about the implementation of the regime for the protection of classified safeguards information;

39. Requests the Director General and the Secretariat to continue to provide objective, technically and factually based reports to the Board of Governors and the General Conference on the implementation of safeguards, with appropriate reference to relevant provisions of safeguards agreements;

40. Requests that any new or expanded actions in this resolution be subject to the availability of resources, without detriment to the Agency's other statutory activities; and

41. Requests the Director General to report on the implementation of this resolution to the General Conference at its sixty-sixth (2022) regular session.

65th General Conference of IAEA Resolution, Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea

GC(65)/RES/13

September 2021

The General Conference,

[Eds…]

1. Condemns again in the strongest terms the six nuclear tests conducted by the DPRK in violation and flagrant disregard of the relevant United Nations Security Council resolutions;

2. Calls upon the DPRK to refrain from conducting any further nuclear tests, pursuant to the relevant United Nations Security Council resolutions;

3. Strongly deplores all the DPRK's ongoing nuclear activities, as outlined in the Director General's report, and urges the DPRK to halt all such activities and any efforts to readjust or expand its nuclear facilities aimed at the production of fissile material, including enrichment and reprocessing activities;

4. Deplores the DPRK's actions to cease all cooperation with the Agency, strongly endorses actions taken by the Board of Governors, and commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK;

5. Reiterates the importance of maintaining peace and stability on the Korean Peninsula and in north- east Asia at large, and to this end, stresses the importance of creating favourable conditions for a diplomatic and peaceful solution in support of the denuclearization of the Korean Peninsula;

6. Reaffirms the importance of the Six-Party Talks, the agreements reached, and the full implementation of the 19 September 2005 Joint Statement of the Six-Party Talks aimed at achieving substantive progress towards verifiable denuclearization of the Korean Peninsula;

7. Supports diplomatic engagement between the United States and the DPRK, and between the Republic of Korea and the DPRK, and urges the participants to implement fully previous commitments, including commitments by the DPRK to work toward complete denuclearization of the Korean Peninsula as expressed in the 12 June 2018 Joint Statement between the US and the DPRK, the 27 April 2018 Panmunjeom Declaration and the 19 September 2018 Pyongyang Joint Declaration between the Republic of Korea and the DPRK;

8. Strongly urges the DPRK to fully comply with all its obligations under United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017), 2397 (2017), and other relevant resolutions, and to take concrete steps towards abandoning all its nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, and immediately cease all related activities;

9. Stresses the importance of all Member States implementing their obligations pursuant to relevant United Nations Security Council resolutions fully, comprehensively, and immediately, including, inter alia, the United Nations Security Council's affirmation that it will keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, expresses its determination to take further significant measures in the event of a further DPRK nuclear test or launch;

10. Reaffirms that the DPRK cannot have the status of a nuclear-weapon State in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), as stated in United Nations Security Council resolutions 1718 (2006) and 1874 (2009), and in the Final Document of the 2010 Review Conference of the Parties to the NPT;

11. Calls upon the DPRK to come into full compliance with the NPT and to cooperate promptly with the Agency in the full and effective implementation of Agency comprehensive safeguards, including all necessary safeguards activities provided for in the safeguards agreement, which the Agency has not been able to conduct since 1994, and to resolve any outstanding issues that may have arisen due to the long absence of Agency safeguards and the lack of Agency access since April 2009;

12. Strongly supports the Secretariat's continued enhanced readiness to play its essential role, within the framework of a political solution to be reached by the countries concerned, and subject to a corresponding mandate by the Board of Governors, in verifying the DPRK's nuclear programme, and encourages the Director General to continue to provide the Board with relevant information about these new arrangements;

13. Supports and encourages the international community's peaceful and diplomatic efforts and initiatives in all available and appropriate forums including confidence building measures to reduce tensions, and achieve lasting peace and prosperity on the Korean Peninsula;

14. Requests the Secretariat continue to make this resolution available to all interested parties; and

15. Decides to remain seized of the matter and to include the item "Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea" in the agenda for its sixty-sixth (2022) regular session.

65th General Conference of IAEA Resolution, Application of IAEA safeguards in the Middle East

GC(65)/RES/14

September 2021

See Chapter D

O – Safeguards Agreements with the International Atomic Energy Agency

The Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968)

[Reproduced from IAEA Information Circular 66/Rev.2, (INFCIRC/66/Rev.2), 16 September 1968]

I. GENERAL CONSIDERATIONS

A. The purpose of this document

1. Pursuant to Article II of the Statute the Agency has the task of seeking 'to accelerate and enlarge the contribution of atomic energy and peace, health and prosperity throughout the world'. Inasmuch as the technology of nuclear energy for peaceful purposes is closely coupled with that for the production of materials for nuclear weapons, the same Article of the Statute provides that the Agency 'shall ensure so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose'.

2. The principal purpose of the present document is to establish a system of controls to enable the Agency to comply with this statutory obligation with respect to the activities of Member States in the field of the peaceful uses of nuclear energy, as provided in the Statute. The authority to establish such a system is provided by Article III.A.5 of the Statute, which authorizes the Agency to 'establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose'. This Article further authorizes the Agency to 'apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy'. Article XII.A sets forth the rights and responsibilities that the Agency is to have, to the extent relevant, with respect to any project or arrangement which it is to safeguard.

3. The principles set forth in this document and the procedures for which it provides are established for the information of Member States, to enable them to determine in advance the circumstances and manner in which the Agency would administer safeguards, and for the guidance of the organs of the Agency itself, to enable the Board and the Director General to determine readily what provisions should be included in agreements relating to safeguards and how to interpret such provisions.

4. Provisions of this document that are relevant to a particular project, arrangement or activity in the field of nuclear energy will only become legally binding upon the entry into force of a *safeguards agreement* and to the extent that they are incorporated therein. Such incorporation may be made by reference.

5. Appropriate provisions of this document may also be incorporated in bilateral or multilateral arrangements between Member States, including all those that provide for the transfer to the Agency of responsibility for administering safeguards. The Agency will not assume such responsibility unless the principles of the safeguards and the procedures to be used are essentially consistent with those set forth in this document.

6. Agreements incorporating provisions from the earlier version of the Agency's safeguards system will continue to be administered in accordance with such provisions, unless all States parties thereto request the Agency to substitute the provisions of the present document.

7. Provisions relating to types of *principal nuclear facilities,* other than *reactors,* which may produce, process or use safeguarded *nuclear material* will be developed as necessary.

8. The principles and procedures set forth in this document shall be subject to periodic review in the light of the further experience gained by the Agency as well as of technological developments.

B. General principles of the Agency's safeguards The Agency's obligations

9. Bearing in mind Article II of the Statute, the Agency shall implement safeguards in a manner designed to avoid hampering a State's economic or technological development.

10. The safeguards procedures set forth in this document shall be implemented in a manner designed to be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

11. In no case shall the Agency request a State to stop the construction or operation of any *principal nuclear facility* to which the Agency's safeguards procedures extend, except by explicit decision of the Board.

12. The State or States concerned and the Director General shall hold consultations regarding the application of the provisions of the present document.

13. In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency.

14. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards, except that:

(a) Specific information relating to such implementation in a State may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its safeguards responsibilities;

(b) Summarized lists of items being safeguarded by the Agency may be published upon decision of the Board; and

(c) Additional information may be published upon decision of the Board and if all States directly concerned agree.

Principles of implementation

15. The Agency shall implement safeguards in a State if:

(a) The Agency has concluded with the State a *project agreement* under which materials, services, equipment, facilities or information are supplied, and such agreement provides for the application of safeguards; or

(b) The State is a party to a bilateral or multilateral arrangement under which materials, services, equipment, facilities or information are supplied or otherwise transferred, and:

(i) All the parties to the arrangement have requested the Agency to administer safeguards; and

(ii) The Agency has concluded the necessary *safeguards agreement* with the State; or

(c) The Agency has been requested by the State to safeguard certain nuclear activities under the latter's jurisdiction, and the Agency has concluded the necessary *safeguards agreement* with the State.

16. In the light of Article XI I.A.5 of the Statute, it is desirable that *safeguards agreements* should provide for the continuation of safeguards, subject to the provisions of this document, with respect to produced special fissionable material and to any materials substituted therefor.

17. The principal factors to be considered by the Board in determining the relevance of particular provisions of this document to various types of materials and facilities shall be the form, scope and amount of the assistance supplied, the character of each individual project and the degree to which such assistance could further any military purpose. The related *safeguards agreement* shall take account of all pertinent circumstances at the time of its conclusion.

18. In the event of any non-compliance by a State with a *safeguards agreement,* the Agency may take the measures set forth in Articles XI I.A.7 and XI I.C of the Statute.

II. CIRCUMSTANCES REQUIRING SAFEGUARDS

A. Nuclear materials subject to safeguards

19. Except as provided in paragraphs 21-28, *nuclear material* shall be subject to the Agency's safeguards if it is being or has been:

(a) Supplied under a *project agreement;* or

(b) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or

(c) *Unilateraly submitted* to safeguards under a *safeguards*

agreement; or
(d) Produced, processed or used in a *principal nuclear facility* which has been:
(i) Supplied wholly or substantially under a *project agreement;* or
(ii) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or
(iii) *Unilateraly submitted* to safeguards under a *safeguards agreement;* or
(e) Produced in or by the use of safeguarded *nuclear material;* or
(f) Substituted, pursuant to paragraph 26(d), for safeguarded *nuclear material.*

20. A *principal nuclear facility* shall be considered as substantially supplied under a *project agreement* if the Board has so determined.

B. Exemption from Safeguards

General Exemptions

21. *Nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request so exempted in that State may not at any time exceed:
(a) 1 kilogram in total of special fissionable material, which may consist of one or more of the following:
(i) Plutonium;
(ii) Uranium with an *enrichment* of 0.2 (20%) above, taken account of by multiplying its weight by its *enrichment.*
(iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its *enrichment.*
(b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
(c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and
(d) 20 metric tons of thorium.

Exemptions related to reactors

22. Produced or used *nuclear material* that would otherwise be subject to safeguards pursuant to paragraph 19(d) or (e) shall be exempted from safeguards if:
(a) It is plutonium produced in the fuel of a *reactor* whose rate of production does not exceed 100 grams of plutonium per year; or
(b) It is produced in a *reactor* determined by the Agency to have a maximum calculated power for continuous operation of less than 3 thermal megawatts, or is used in such a *reactor* and would not be subject to safeguards except for such use, provided that the total power of the *reactors* with respect to which these exemptions apply in any State may not exceed 6 thermal megawatts.

23. Produced special fissionable material that would otherwise be subject to safeguards pursuant only to paragraph 19(e) shall in part be exempted from safeguards if it is produced in a *reactor* in which the ratio of fissionable isotopes within safeguarded *nuclear material* to all fissionable isotopes is less than 0.3 (calculated each time any change is made in the loading of the *reactor* and assumed to be maintained until the next such change). Such fraction of the produced material as corresponds to the calculated ratio shall be subject to safeguards.

C. Suspension of safeguards

24. Safeguards with respect to *nuclear material* may be suspended while the material is transferred, under an arrangement or agreement approved by the Agency, for the purpose of processing, reprocessing, testing, research or development within the State concerned or to any other member State or to an international organization, provided that the quantities of *nuclear material* with respect to which safeguards are thus suspended in a State may not at any time exceed:
(a) 1 *effective kilogram* of special fissionable material:
(b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
(c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and
(d) 20 metric tons of thorium.

25. Safeguards with respect to *nuclear material* in irradiated fuel which is transferred for the purpose of reprocessing may also be suspended if the State or States concerned have, with the agreement of the Agency, placed under safeguards substitute *nuclear material* in accordance with paragraph 26(d) for the period of suspension. In addition, safeguards with respect to plutonium contained in irradiated fuel which is transferred for the purpose of reprocessing may be suspended for a period not to exceed six months if the State or States concerned have, with the agreement of the Agency, placed under safeguards a quantity of uranium whose *enrichment* in the isotope uranium-235 is not less than 0.9 (90%) and the uranium-235 content of which is equal weight to such plutonium. Upon expiration of the said six months or the completion of reprocessing, whichever is earlier, safeguards shall, with the agreement of the Agency, be applied to such plutonium and shall cease to apply to the uranium substituted therefor.

D. Termination of Safeguards

26. *Nuclear material* shall no longer be subject to safeguards after:
(a) It has been returned to the State that originally supplied it (whether directly or through the Agency), if it was subject to safeguards only by reason of such supply and if:
(i) It was not *improved* while under safeguards; or
(ii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or
(b) The Agency has determined that:
(i) It was subject to safeguards only by reason of its use in a *principal nuclear facility* specified in paragraph 19(d);
(ii) It has been removed from such facility; and
(iii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or
(c) The Agency has determined that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable; or
(d) The State or States concerned have, with the agreement of the Agency, placed under safeguards, as a substitute, such amount of the same element, not otherwise subject to safeguards, as the Agency has determined contains fissionable isotopes:
(i) Whose weight (with due allowance for processing losses) is equal to or greater than the weight of the fissionable isotopes of the material with respect to which safeguards are to terminate; and
(ii) Whose ratio by weight to the total substituted element is similar to or greater than the ratio by weight of the fissionable isotopes of the material with respect to which safeguards are to terminate to the total weight of such material; provided that the Agency may agree to the substitution of plutonium for uranium-235 contained in uranium whose *enrichment* is not greater than 0.05 (5%); or
(e) It has been transferred out of the State under paragraph 28(d), provided that such material shall again be subject to safeguards if it is returned to the State in which the Agency had safeguarded it; or
(f) The conditions specified in the *safeguards agreement* pursuant to which it was subject to Agency safeguards, no longer apply, by expiration of the agreement or otherwise.

27. If a State wishes to use safeguarded source material for non-nuclear purposes, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such material may be terminated.

E. Transfer of safeguarded nuclear material out of the State

28. No safeguarded *nuclear material* shall be transferred outside the jurisdiction of the State in which it is being safeguarded until the Agency has satisfied itself that one or more of the following conditions apply:
(a) The material is being returned, under the conditions specified in paragraph 26(a), to the State that originally supplied it; or
(b) The material is being transferred subject to the provisions of paragraph 24 or 24; or
(c) Arrangements have been made by the Agency to safeguard the material in accordance with this document in the State to which it is being transferred; or
(d) The material was not subject to safeguards pursuant to a *project agreement* and will be subject, in the State to which it is being transferred, to safeguards other than those of the Agency but generally consistent with such safeguards and accepted by the Agency.

III. SAFEGUARDS PROCEDURES

A. General procedures

Introduction

29. The safeguards procedures, set forth below shall be followed, as far as relevant with respect to safeguarded *nuclear materials,* whether they are being produced, processed or used in any *principal nuclear facility* or are outside any such facility. These procedures also extend to facilities containing or to contain such materials, including *principal nuclear facilities* to which the criteria in paragraph 19(d) apply.

Design review

30. The Agency shall review the design of *principal nuclear facilities,* for the sole purpose of satisfying itself that a facility will permit the effective application of safeguards.

31. The design review of a *principal nuclear facility* shall take place at as early a stage as possible. In particular, such review shall be carried out in the case of:

(a) An Agency project, before the project is approved;

(b) A bilateral or multilateral arrangement under which the responsibility for administering safeguards is to be transferred to the Agency, or an activity *unilateraly submitted* by a State, before the Agency assumes safeguards responsibilities with respect to the facility;

(c) A transfer of safeguarded *nuclear material* to a *principal nuclear facility* whose design has not previously been reviewed, before such transfer takes place; and

(d) A significant modification of a *principal nuclear facility* whose design has previously been reviewed, before such modification is undertaken.

32. To enable the Agency to perform the required design review, the State shall submit to it relevant design information sufficient for the purpose, including information on such basic characteristics of the *principal nuclear facility* as may bear on the Agency's safeguards procedures. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibility under this section. It shall complete the review promptly after the submission of this information by the State and shall notify the latter of its conclusions without delay.

Records

33. The State shall arrange for the keeping of records with respect to *principal nuclear facilities* and also with respect to all safeguarded *nuclear material* outside such facilities. For this purpose the State and the Agency shall agree on a system of records with respect to each facility and also with respect to such material, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the records need to be kept.

34. If the records are not kept in one of the working languages of the Board, the State shall make arrangements to facilitate their examination by inspectors.

35. The records shall consist, as appropriate, of:

(a) Accounting records of all safeguarded *nuclear material;* and

(b) Operating records for *principal nuclear facilities.*

36. All records shall be retained for at least two years.

Reports

General Requirements

37. The State shall submit to the Agency reports with respect to the production, processing and use of safeguarded *nuclear material* in or outside *principal nuclear facilities.* For this purpose the State and the Agency shall agree on a system of reports with respect to each facility and also with respect to safeguarded *nuclear material* outside such facilities, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the reports need to be submitted. The reports need include only such information as is relevant for the purpose of safeguards.

38. Unless otherwise provided in the applicable *safeguards agreement,* reports shall be submitted in one of the working languages of the Board.

Routine reports

39. Routine reports shall be based on the records compiled in accordance with paragraphs 33-36 and shall consist, as appropriate, of:

(a) Accounting reports showing the receipt, transfer out, inventory and use of all safeguarded *nuclear material.* The inventory shall indicate the nuclear and chemical composition and physical form of all material and its location on the date of the report; and

(b) Operating reports showing the use that has been made of each *principal nuclear facility* since the last report and, as far as possible, the programme of future work in the period until the next routine report is expected to reach the Agency.

40. The first routine report shall be submitted as soon as:

(a) There is any safeguarded *nuclear material* to be accounted for; or

(b) The *principal nuclear facility* to which it relates is in a condition to operate.

Progress in construction

41. The Agency may, if so provided in a *safeguards agreement,* request information as to when particular stages in the construction of a *principal nuclear facility* have been or are to be reached.

Special reports

42. The State shall report to the Agency without delay:

(a) If any unusual incident occurs involving actual or potential loss or destruction of, or damage to, any safeguarded *nuclear material* or *principal nuclear facility;* or

(b) If there is good reason to believe that safeguarded *nuclear material* is lost or unaccounted for in quantities that exceed the normal operating and handling losses that have been accepted by the Agency as characteristic of the facility.

43. The State shall report to the Agency, as soon as possible, and in any case within two weeks, any transfer not requiring advance notification that will result in a significant change (to be defined by the Agency in agreement with the State) in the quantity of safeguarded *nuclear material* in a facility, or in a complex of facilities considered as a unit for this purpose by agreement with the Agency. Such report shall indicate the amount and nature of the material and its intended use.

Amplification of reports

44. At the Agency's request, the State shall submit amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

Inspections

General procedures

45. The Agency may inspect safeguarded *nuclear materials* and *principal nuclear facilities.*

46. The purpose of safeguards inspections shall be to verify compliance with *safeguards agreements* and to assist States in complying with such agreements and in resolving any questions arising out of the implementation of safeguards.

47. The number, duration and intensity of inspections actually carried out shall be kept to the minimum consistent with the effective implementation of safeguards, and if the Agency considers that the authorized inspections are not all required, fewer shall be carried out.

48. Inspectors shall neither operate any facility themselves nor direct the staff of a facility to carry out any particular operation.

Routine inspections

49. Routine inspections may include, as appropriate:

(a) Audit of records and reports;

(b) Verification of the amount of safeguarded *nuclear material* by physical inspection, measurement and sampling;

(c) Examination of *principal nuclear facilities,* including a check of their measuring instruments and operating characteristics; and

(d) Check of the operations carried out at *principal nuclear facilities* and at *research and development facilities* containing safeguarded *nuclear material.*

50. Whenever the Agency has the right of access to a *principal nuclear facility* at all times, it may perform inspections of which notice as required by paragraph 4 of the *Inspectors Document* need not be given, in so far as this is necessary for the effective application of safeguards. The actual procedures to implement these provisions shall be agreed upon between the parties concerned in the *safeguards agreement.*

Initial inspections

51. To verify that the construction of a *principal nuclear facility* is in accordance with the design reviewed by the Agency, an initial inspection or inspections of the facility may be carried out, if so provided in a *safeguards agreement:*
(a) As soon as possible after the facility has come under Agency safeguards, in the case of a facility already in operation; or
(b) Before the facility starts to operate, in other cases.

52. The measuring instruments and operating characteristics of the facility shall be reviewed to the extent necessary for the purpose of implementing safeguards. Instruments that will be used to obtain data on the *nuclear materials* in the facility may be tested to determine their satisfactory functioning. Such testing may include the observation by inspectors of commissioning or routine tests by the staff of the facility, but shall not hamper or delay the construction, commissioning or normal operation of the facility.

Special inspections

53. The Agency may carry out special inspections if:
(a) The study of a report indicates that such inspection is desirable; or
(b) Any unforeseen circumstance requires immediate action. The Board shall subsequently be informed of the reasons for and the results of each such inspection.

54. The Agency may also carry out special inspections of substantial amounts of safeguarded *nuclear material* that are to be transferred outside the jurisdiction of the State in which it is being safeguarded, for which purpose the State shall give the Agency sufficient advance notice of any such proposed transfer.

B. Special procedures for reactors Reports

55. The frequency of submission of routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections. However, at least two such reports shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Inspections

56. One of the initial inspections of a *reactor* shall if possible be made just before the reactor first reaches criticality.

57. The maximum frequency of routine inspections of a *reactor* and of the safeguarded *nuclear material* in it shall be determined from the following table:

Whichever is the largest of: (a)Facility inventory (including loading); (b)Annual *throughput;* (c)Maximum potential annual production of special fissionable material *(Effective kilograms of nuclear material)*	Maximum number of routine inspections annually
Up to 1	0
More than 1 and up to 5	1
More than 5 and up to 10	2
More than 10 and up to 15	3
More than 15 and up to 20	4
More than 20 and up to 25	5
More than 25 and up to 30	6
More than 30 and up to 35	7
More than 35 and up to 40	8
More than 40 and up to 45	9
More than 45 and up to 50	10
More than 50 and up to 55	11
More than 55 and up to 60	12
More than 60	Right of access at all times

58. The actual frequency of inspection of a *reactor* shall take account of:
(a) Whether the State possesses irradiated-fuel reprocessing facilities;
(b) The nature of the *reactor;* and
(c) The nature and amount of the *nuclear material* produced or used in the *reactor.*

C. Special procedures relating to safeguarded nuclear material outside principal nuclear facilities Nuclear material in research and development facilities

Routine reports

59. Only accounting reports need be submitted in respect of *nuclear material* in *research and development facilities.* The frequency of submission of such routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

60. The maximum frequency of routine inspections of safeguarded *nuclear material* in a *research and development facility* shall be that specified in the table in paragraph 57 for the total amount of material in the facility.

Source materials in sealed storage

61. The following simplified procedures for safeguarding stockpiled source material shall be applied if a State undertakes to store such material in a sealed storage facility and not to remove it therefrom without previously informing the Agency.

Design of storage facilities

62. The State shall submit to the Agency information on the design of each sealed storage facility and agree with the Agency on the method and procedure for sealing it.

Routine reports

63. Two routine accounting reports in respect of source material in sealed storage shall be submitted each year.

Routine inspections

64. The Agency may perform one routine inspection of each sealed storage facility annually.

Removal of material

65. The State may remove safeguarded source material from a sealed storage facility after informing the Agency of the amount, type and intended use of the material to be removed, and providing sufficient other data in time to enable the Agency to continue safeguarding the material after it has been removed.

Nuclear material in other locations

66. Except to the extent that safeguarded *nuclear material* outside of *principal nuclear facilities* is covered by any of the provisions set forth in paragraphs 59-65, the following procedures shall be applied with respect to such material (for example, source material stored elsewhere than in a sealed storage facility, or special fissionable material used in a sealed neutron source in the field).

Routine reports

67. Routine accounting reports in respect of all safeguarded *nuclear material* in this category shall be submitted periodically. The frequency of submission of such reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

68. The maximum frequency of routine inspections of safeguarded *nuclear material* in this category shall be one inspection annually if the total amount of such material does not exceed five *effective kilograms,* and shall be determined from the table in paragraph 57 if the amount is greater.

IV. DEFINITIONS

69. 'Agency' means the International Atomic Energy Agency.

70. 'Board' means the Board of Governors of the Agency.

71. 'Director General' means the Director General of the Agency.

72. 'Effective kilograms' means:
(a) In the case of plutonium, its weight in kilograms;

(b) In the case of uranium with an *enrichment* of 0.01 (1 %) and above, its weight in kilograms multiplied by the square of its *enrichment;*
(c) In the case of uranium with an *enrichment* below 0.01 (1 %) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
(d) In the case of depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and in the case of thorium, its weight in kilograms multiplied by 0.00005.

73. 'Enrichment' means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

74. 'Improved' means, with respect to *nuclear material,* that either:
(a) The concentration of fissionable isotopes in it has been increased; or
(b) The amount of chemically separable fissionable isotopes in it has been increased; or
(c) Its chemical or physical form has been changed so as to facilitate further use or processing.

75. 'Inspector' means an Agency official designated in accordance with the *Inspectors Document.*

76. 'Inspectors Document' means the Annex to the Agency's document GC(V)/INF/39.

77. 'Nuclear material' means any source or special fissionable material as defined in Article XX of the Statute.

78. 'Principal nuclear facility' means a *reactor,* a plant for processing *nuclear material* irradiated in a *reactor,* a plant for separating the isotopes of a *nuclear material,* a plant for processing or fabricating *nuclear material* (excepting a mine or ore-processing plant) or a facility or plant of such other type as may be designated by the Board from time to time, including associated storage facilities.

79. 'Project agreement' means a *safeguards agreement* relating to an Agency project and containing provisions as foreseen in Article XI.F4(b) of the Statute.

80. 'Reactor' means any device in which a controlled, self-sustaining fission chain-reaction can be maintained.

81. 'Research and development facility' means a facility, other than a *principal nuclear facility,* used for research or development in the field of nuclear energy.

82. 'Safeguards agreement' means an agreement between the Agency and one or more Member States which contains an undertaking by one or more of those States not to use certain items in such a way as to further any military purpose and which gives the Agency the right to observe compliance with such undertaking. Such an agreement may concern:
(a) An Agency project;
(b) A bilateral or multilateral arrangement in the field of nuclear energy under which the Agency may be asked to administer safeguards; or
(c) Any of a State's nuclear activities *unilateraly submitted* to Agency safeguards.

83. 'Statute' means the Statute of the Agency.

84. 'Throughput' means the rate at which *nuclear material* is introduced into a facility operating at full capacity.

85. 'Unilaterally submitted' means submitted by a State to Agency safeguards, pursuant to a *safeguards agreement.*

ANNEX I. PROVISIONS FOR REPROCESSING PLANTS

Introduction

1. The Agency's Safeguards System (1965) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to the safeguarding of *reprocessing plants.* However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two year's experience of their application has been gained.

Special procedures

Reports

2. The frequency of submission of routine reports shall be once each calendar month.

Inspections

3. A *reprocessing plant* having an annual *throughput* not exceeding 5 *effective kilograms* of *nuclear material,* and the safeguarded *nuclear material* in it, may be routinely inspected twice a year. A *reprocessing plant* having an annual *throughput* exceeding 5 *effective kilograms* of *nuclear material,* and the safeguarded *nuclear material* in it, may be inspected at all times. The arrangements for inspections set forth in paragraph 50 shall apply to all inspections to be made under this paragraph.

4. When a *reprocessing plant* is under Agency safeguards only because it contains safeguarded *nuclear material,* the inspection frequency shall be based on the rate of delivery of safeguarded *nuclear material.*

5. The State and the Agency shall co-operate in making all the necessary arrangements to facilitate the taking, shipping or analysis of samples, due account being taken of the limitations imposed by the characteristics of a plant already in operation when placed under Agency safeguards.

Mixtures of safeguarded and un-safeguarded nuclear material

6. By agreement between the State and the Agency, the following special arrangements may be made in the case of a *reprocessing plant* to which the criteria in paragraph 19(d) do not apply, and in which safeguarded and unsafeguarded *nuclear materials* are present:
(a) Subject to the provisions of sub-paragraph (b) below, the Agency shall restrict its safeguards procedures to the area in which irradiated fuel is stored, until such time as all or any part of such fuel is transferred out of the storage area into other parts of the plant. Safeguards procedures shall cease to apply to the storage area or plant when either contains no safeguarded *nuclear material;* and
(b) Where possible, safeguarded *nuclear material* shall be measured and sampled separately from unsafeguarded material, and at as early a stage as possible. Where separate measurement, sampling or processing are not possible, the whole of the material being processed in that *campaign* shall be subject to the safeguards procedures set out in this Annex. At the conclusion of the processing the *nuclear material* that is thereafter to be safeguarded shall be selected by agreement between the State and the Agency from the whole output of the plant resulting from that *campaign,* due account being taken of any processing losses accepted by the Agency.

Definitions

7. 'Reprocessing plant' means a facility to separate irradiated *nuclear materials* and fission products, and includes the facility's head-end treatment section and its associated storage and analytical sections.

8. 'Campaign' means the period during which the chemical processing equipment in a *reprocessing plant* is operated between two successive wash-outs of the *nuclear material* present in the equipment.

ANNEX II. PROVISIONS FOR SAFEGUARDED NUCLEAR MATERIAL IN CONVERSION PLANTS AND FABRICATION PLANTS

Introduction

1. The Agency's Safeguards System (1965, as Provisionally Extended in 1966) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to safeguarded *nuclear material* in *conversion plants* and *fabrication plants.* However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two years' experience of their application has been gained.

Special procedures

Reports

2. The frequency of submission of routine reports shall be once each calendar month.

Inspections

3. A *conversion plant* or *fabrication plant* to which the criteria in paragraph 19(d) apply and the *nuclear material* in it, may be inspected at all times if the plant inventory at any time, or the annual input, of *nuclear material* exceeds five *effective kilograms.*

Where neither the inventory at any time, nor the annual input, exceeds five *effective kilograms* of *nuclear material,* the routine inspections shall not exceed two in a year. The arrangements for inspection set forth in paragraph 50 shall apply to all inspections to be made under this paragraph.

4. When a *conversion plant* or *fabrication plant* to which the criteria in paragraph 19(d) do not apply contains safeguarded *nuclear material* the frequency of routine inspections shall be based on the inventory at any time and the annual input of safeguarded *nuclear material.* Where the inventory at any time, or the annual input, of safeguarded *nuclear material* exceeds five *effective kilograms* the plant may be inspected at all times. Where neither the inventory at any time, nor the annual input, exceeds five *effective kilograms* of safeguarded *nuclear material* the routine inspections shall not exceed two a year. The arrangements for inspection set forth in paragraph 50 shall apply to all inspections to be made under this paragraph 2.

5. The intensity of inspection of safeguarded *nuclear material* at various steps in a *conversion plant* or *fabrication plant* shall take account of the nature, isotopic composition and amount of safeguarded *nuclear material* in the plant. Safeguards shall be applied in accordance with the general principles set forth in paragraphs 9-14. Emphasis shall be placed on inspection to control uranium of high enrichments and plutonium.

6. Where a plant may handle safeguarded and unsafeguarded *nuclear material,* the State shall notify the Agency in advance of the programme for handling safeguarded batches to enable the Agency to make inspections during these periods, due account being also taken of the arrangements under paragraph 10 below.

7. The State and the Agency shall co-operate in making all the necessary arrangements to facilitate the preparation of inventories of safeguarded *nuclear material* and the taking, shipping and/or analysis of samples, due account being taken of the limitations imposed by the characteristics of a plant already in operation when placed under Agency safeguards.

Residue, scrap and waste

8. The State shall ensure that safeguarded *nuclear material* contained in residues, scrap or waste created during conversion or fabrication is recovered, as far as is practicable, in its facilities and within a reasonable period of time. If such recovery is not considered practicable by the State, the State and the Agency shall co-operate in making arrangements to account for and dispose of the material.

Safeguarded and unsafeguarded nuclear material

9. By agreement between the State and the Agency, the following special arrangements may be made in the case of a conversion plant or a fabrication plant to which the criteria in paragraph 19(d) do not apply, and in which safeguarded and unsafeguarded nuclear material are both present:

(a) Subject to the provisions of sub-paragraph (b) below, the Agency shall restrict its safeguards procedures to the area in which safeguarded *nuclear material* is stored, until such time as all or any part of such *nuclear material* is transferred out of the storage area into other parts of the plant. Safeguards procedures shall cease to be applied to the storage area or plant when it contains no safeguarded *nuclear material;* and

(b) Where possible, safeguarded *nuclear material* shall be measured and sampled separately from unsafeguarded *nuclear material,* and at as early a stage as possible. Where separate measurement sampling or processing is not possible, any *nuclear material* containing safeguarded *nuclear material* shall be subject to the safeguards procedures set out in this Annex. At the conclusion of processing, the *nuclear material* that is thereafter to be safeguarded shall be selected, in accordance with paragraph 11 below when applicable, by agreement between the State and the Agency, due account being taken of any processing losses accepted by the Agency.

Blending of nuclear material

10. When safeguarded *nuclear material* is to be blended with either safeguarded or unsafeguarded *nuclear material,* the State shall notify the Agency sufficiently in advance of the programme of blending to enable the Agency to exercise its right to obtain evidence, through inspection of the blending operation or otherwise, that the blending is performed according to the programme.

11. When safeguarded and unsafeguarded *nuclear material* are blended, if the ratio of fissionable isotopes in the safeguarded component going into the blend to all the fissionable isotopes in the blend is 0.3 or greater, and if the concentration of fissionable isotopes in the unsafeguarded *nuclear material* is increased by such blending, then the whole blend shall remain subject to safeguards. In other cases the following procedures shall apply:

(a) Plutonium/plutonium blending. The quantity of the blend that shall continue to be safeguarded shall be such that its weight, when multiplied by the square of the weight fraction of contained fissionable isotopes, is not less than the weight of originally safeguarded plutonium multiplied by the square of the weight fraction of fissionable isotopes therein, provided however that:

(i) In cases where the weight of the whole blend, when multiplied by the square of the weight fraction of contained fissionable isotopes, is less than the weight of originally safeguarded plutonium multiplied by the square of the weight fraction of fissionable isotopes therein, the whole of the blend shall be safeguarded; and

(ii) The number of fissionable atoms in the portion of the blend that shall continue to be under safeguards shall in no case be less than the number of fissionable atoms in the originally safeguarded plutonium;

(b) Uranium/uranium blending. The quantity of the blend that shall continue to be safeguarded shall be such that the number of *effective kilograms* is not less than the number of *effective kilograms* in the originally safeguarded uranium, provided however that:

(i) In cases where the number of *effective kilograms* in the whole blend is less than in the safeguarded uranium, the whole of the blend shall be safeguarded; and

(ii) The number of fissionable atoms in the portion of the blend that shall continue to be under safeguards shall in no case be less than the number of fissionable atoms in the originally safeguarded uranium;

(c) Uranium/plutonium blending. The whole of the resultant blend shall be safeguarded until the uranium and the plutonium constituents are separated. After separation of the uranium and plutonium, safeguards shall apply to the originally safeguarded component; and

(d) Due account shall be taken of any processing losses agreed upon between the State and the Agency.

Definitions

12. 'Conversion plant' means a facility (excepting a mine or ore-processing) plant to *improve* unirradiated *nuclear material,* or irradiated *nuclear material* that has been separated from fission products, by changing its chemical or physical form so as to facilitate further use or processing. The term *conversion plant* includes the facility's storage and analytical sections. The term does not include a plant intended for separating the isotopes of a *nuclear material.*

13. 'Fabrication plant' means a plant to manufacture fuel elements or other components containing *nuclear material* and includes the plant's storage and analytical sections.

[*Editorial note*: Footnotes not included. They may be viewed at http://www.iaea.org/Publications/Documents/Infcircs/Others/inf66r2.shtml]

The Structure and Content of Agreements between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

[Reproduced from IAEA Information Circular 153 (Corrected) (INFCIRC/153), dated June 1972]

PART I

Basic Undertaking

1. The Agreement should contain, in accordance with Article I II.1 of the Treaty on the Non-Proliferation of Nuclear Weapons, an undertaking by the State to accept safeguards, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere, for the

exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

Application of Safeguards

2. The Agreement should provide for the Agency's right and obligation to ensure that safeguards will be applied, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territory of the State, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

Co-operation Between the Agency and the State

3. The Agreement should provide that the Agency and the State shall co-operate to facilitate the implementation of the safeguards provided for therein.

Implementation of Safeguards

4. The Agreement should provide that safeguards shall be implemented in a manner designed:
(a) To avoid hampering the economic and technological development of the State or international co-operation in the field of peaceful nuclear activities, including international exchange of *nuclear material;*
(b) To avoid undue interference in the State's peaceful nuclear activities, and in particular in the operation of *facilities;* and
(c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

5. The Agreement should provide that the Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of the Agreement, except that specific information relating to such implementation in the State may be given to the Board of Governors and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing the Agreement. Summarized information on *nuclear material* being safeguarded by the Agency under the Agreement may be published upon decision of the Board if the states directly concerned agree.

6. The Agreement should provide that in implementing safeguards pursuant thereto the Agency shall take full account of technological developments in the field of safeguards, and shall make every effort to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of *nuclear material* subject to safeguards under the Agreement by use of instruments and other techniques at certain *strategic points* to the extent that present or future technology permits. In order to ensure optimum cost-effectiveness, use should be made, for example, of such means as:
(a) Containment as a means of defining *material balance points* for accounting purposes;
(b) Statistical techniques and random sampling in evaluating the flow of *nuclear material;* and
(c) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of *nuclear material* from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other *nuclear material* on condition that this does not hamper the Agency in applying safeguards under the Agreement.

National System of Accounting for and Control of Nuclear Material

7. The Agreement should provide that the State shall establish and maintain a system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement, and that such safeguards shall be applied in such a manner as to enable the Agency to verify, in ascertaining that there has been no diversion of *nuclear material* from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of the State's system. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency in accordance with the procedures specified in Part II below. The Agency, in its verification, shall take due account of the technical effectiveness of the State's system.

Provision of Information to the Agency

8. The Agreement should provide that to ensure the effective implementation of safeguards thereunder the Agency shall be provided, in accordance with the provisions set out in Part II below, with information concerning *nuclear material* subject to safeguards under the Agreement and the features of *facilities* relevant to safeguarding such material. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under the Agreement. Information pertaining to *facilities* shall be the minimum necessary for safeguarding *nuclear material* subject to safeguards under the Agreement. In examining design information, the Agency shall, at the request of the State, be prepared to examine on premises of the State design information which the State regards as being of particular sensitivity. Such information would not have to be physically transmitted to the Agency provided that it remained available for ready further examination by the Agency on premises of the State.

Agency Inspectors

9. The Agreement should provide that the State shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under the Agreement. The Agency shall secure the consent of the State to the designation of Agency inspectors to that State. If the State, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to the State an alternative designation or designations. The repeated refusal of a State to accept the designation of Agency inspectors which would impede the inspections conducted under the Agreement would be considered by the Board upon referral by the Director General with a view to appropriate action. The visits and activities of Agency Inspectors shall be so arranged as to reduce to a minimum the possible inconvenience and disturbance to the State and to the peaceful nuclear activities inspected, as well as to ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

Privileges and Immunities

10. The Agreement should specify the privileges and immunities which shall be granted to the Agency and its staff in respect of their functions under the Agreement. In the case of a State party to the Agreement on the Privileges and Immunities of the Agency, the provisions thereof, as in force for such State, shall apply. In the case of other States, the privileges and immunities granted should be such as to ensure that:
(a) The Agency and its staff will be in a position to discharge their functions under the Agreement effectively; and
(b) No such State will be placed thereby in a more favourable position than States party to the Agreement on the Privileges and Immunities of the Agency.

Termination of Safeguards

Consumption or dilution of nuclear material

11. The Agreement should provide that safeguards shall terminate on *nuclear material* subject to safeguards thereunder upon determination by the Agency that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable.

Transfer of nuclear material out of the State

12. The Agreement should provide, with respect to *nuclear material* subject to safeguards thereunder, for notification of transfers of such material out of the State, in accordance with the provisions set out in paragraphs 92-94 below. The Agency shall terminate safeguards under the Agreement on *nuclear material* when the recipient State has assumed responsibility therefore, as provided for in paragraph 91. The Agency shall maintain records indicating each transfer and, where applicable, the re-application of safeguards to the transferred *nuclear material.*

Provisions relating to nuclear material to be used in non-nuclear activities

13. The Agreement should provide that if the State wishes to use *nuclear material* subject to safeguards thereunder in non-

nuclear activities, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such *nuclear material* may be terminated.

Non-application of Safeguards to Nuclear Material to be Used in Non-peaceful Activities

14. The Agreement should provide that if the State intends to exercise its discretion to use *nuclear material* which is required to be safeguarded thereunder in a nuclear activity which does not require the application of safeguards under the Agreement, the following procedures will apply:

(a) The State shall inform the Agency of the activity, making it clear:

(i) That the use of the *nuclear material* is a non-prescribed military activity will not be in conflict with an undertaking the State may have given and in respect of which Agency safeguards apply, that the *nuclear material* will be used only in a peaceful nuclear activity; and

(ii) That during the period of non-application of safeguards the *nuclear material* will not be used for the production of nuclear weapons or other nuclear explosive devices;

(b) The Agency and the State shall make an arrangement so that, only while the *nuclear material* is in such an activity, the safeguards provided for in the Agreement will not be applied. The arrangement shall identify, to the extent possible, the period or circumstances during which safeguards will not be applied. In any event, the safeguards provided for in the Agreement shall again apply as soon as the *nuclear material* is reintroduced into a peaceful nuclear activity. The Agency shall be kept informed of the total quantity and composition of such unsafeguarded *nuclear material* in the State and of any exports of such material; and

(c) Each arrangement shall be made in agreement with the Agency. The Agency's agreement shall be given as promptly as possible; it shall only relate to the temporary and procedural provisions, reporting arrangements, etc., but shall not involve any approval or classified knowledge of the military activity or relate to the use of the *nuclear material* therein.

Finance

15. The Agreement should contain one of the following sets of provisions:

(a) An agreement with a Member of the Agency should provide that each party thereto shall bear the expenses it incurs in implementing its responsibilities thereunder. However, if the State or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case the Agency shall bear the cost of any additional measuring or sampling which inspectors may request; or

(b) An agreement with a party not a Member of the Agency should in application of the provisions of Article XIV.C of the Statute, provide that the party shall reimburse fully to the Agency the safeguards expenses the Agency incurs thereunder. However, if the party or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so.

Third Party Liability for Nuclear Damage

16. The Agreement should provide that the State shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security, which may be available under its laws or regulations shall apply to the Agency and its officials for the purpose of the implementation of the Agreement, in the same way as that protection applies to nationals of the State.

International Responsibility

17. The Agreement should provide that any claim by one party thereto against the other in respect of any damage, other than damage arising out of a nuclear incident, resulting from the implementation of safeguards under the Agreement, shall be settled in accordance with international law.

Measures in Relation to Verification of Non-diversion

18. The Agreement should provide that if the Board, upon report of the Director General decides that an action by the State is essential and urgent in order to ensure verification that *nuclear material* subject to safeguards under the Agreement is not diverted to nuclear weapons or other nuclear explosive devices the Board shall be able to call upon the State to take the required action without delay, irrespective of whether procedures for the settlement of a dispute have been invoked.

19. The Agreement should provide that if the Board upon examination of relevant information reported to it by the Director General finds that the Agency is not able to verify that there has been no diversion of *nuclear material* required to be safeguarded under the Agreement to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in paragraph C of Article XI I of the Statute and may also take, where applicable, the other measures provided for in that paragraph. In taking such action the Board shall take account of the degree of assurance provided by the safeguards measures that have been applied and shall afford the State every reasonable opportunity to furnish the Board with any necessary reassurance.

Interpretation and Application of the Agreement and Settlement of Disputes

20. The Agreement should provide that the parties thereto shall, at the request of either, consult about any question arising out of the interpretation or application thereof.

21. The Agreement should provide that the State shall have the right to request that any question arising out of the interpretation or application thereof be considered by the Board; and that the State shall be invited by the Board to participate in the discussion of any such question by the Board.

22. The Agreement should provide that any dispute arising out of the interpretation or application thereof except a dispute with regard to a finding by the Board under paragraph 19 above or an action taken by the Board pursuant to such a finding which is not settled by negotiation or another procedure agreed to by the parties should, on the request of either party, be submitted to an arbitral tribunal composed as follows: each party would designate one arbitrator, and the two arbitrators so designated would elect a third, who would be the Chairman. If, within 30 days of the request for arbitration, either party has not designated an arbitrator, either party to the dispute may request the president of the International Court of Justice to appoint an arbitrator. The same procedure would apply if, within 30 days of the designation or appointment of the second arbitrator, the third arbitrator had not been elected. A majority of the members of the arbitral tribunal would constitute a quorum, and all decisions would require the concurrence of two arbitrators. The arbitral procedure would be fixed by the tribunal. The decisions of the tribunal would be binding on both parties.

Final Clauses

Amendment of the Agreement

23. The Agreement should provide that the parties thereto shall, at the request of either of them, consult each other on amendment of the Agreement. All amendments shall require the agreement of both parties. It might additionally be provided, if convenient to the State, that the agreement of the parties on amendments to Part I I of the Agreement could be achieved by recourse to a simplified procedure. The Director General shall promptly inform all Member States of any amendment to the Agreement.

Suspension of application of Agency safeguards under other agreements

24. Where applicable and where the State desires such a provision to appear, the Agreement should provide that the application of Agency safeguards in the State under other safeguards agreements with the Agency shall be suspended while the Agreement is in force. If the State has received assistance from the Agency for a project, the State's undertaking in the Project Agreement not to use items subject thereto in such a way as to further any military purpose shall continue to apply.

Entry into force and duration

25. The Agreement should provide that it shall enter into force on the date on which the Agency receives from the State written notification that the statutory and constitutional requirements for entry into force have been met. The Director General shall promptly inform all Member States of the entry into force.

26. The Agreement should provide for it to remain in force as long as the State is party to the Treaty on the Non-Proliferation of

Nuclear Weapons.

PART II

Introduction

27. The Agreement should provide that the purpose of Part II thereof is to specify the procedures to be applied for the implementation of the safeguards provisions of Part I.

Objective of Safeguards

28. The Agreement should provide that the objective of safeguards is the timely detection of diversion of significant quantities of *nuclear material* from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.

29. To this end the Agreement should provide for the use of material accountancy as a safeguards measure of fundamental importance, with containment and surveillance as important complementary measures.

30. The Agreement should provide that the technical conclusion of the Agency's verification activities shall be a statement, in respect of each *material balance area,* of the amount of *material unaccounted for* over a specific period, giving the limits of accuracy of the amounts stated.

National System of Accounting for and Control of Nuclear Material

31. The Agreement should provide that pursuant to paragraph 7 above the Agency, in carrying out its verification activities, shall make full use of the State's system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement, and shall avoid unnecessary duplication of the State's accounting and control activities.

32. The Agreement should provide that the State's system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement shall be based on a structure of material balance areas, and shall make provision as appropriate and specified in the Subsidiary Arrangements for the establishment of such measures as:

(a) A measurement system for the determination of the quantities of *nuclear material* received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;

(b) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;

(c) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;

(d) Procedures for taking a *physical inventory;*

(e) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;

(f) A system of records and reports showing, for each *material balance area,* the inventory of *nuclear material* and the changes in that inventory including receipts into and transfers out of the *material balance area;*

(g) Provisions to ensure that the accounting procedures and arrangements are being operated correctly; and

(h) Procedures for the submission of reports to the Agency in accordance with paragraphs 59–69 below.

Starting Point of Safeguards

33. The Agreement should provide that safeguards shall not apply thereunder to material in mining or ore processing activities.

34. The Agreement should provide that:

(a) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in sub-paragraph (c) below is directly or indirectly exported to a non-nuclear-weapon State, the State shall inform the Agency of its quantity, composition and destination, unless the material is exported for specifically non-nuclear purposes;

(b) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in sub-paragraph (c) below is imported, the State shall inform the Agency of its quantity and composition, unless the material is imported for specifically non-nuclear purposes; and

(c) When any *nuclear material* of a composition and purity suitable for fuel fabrication or for being isotopically enriched leaves the plant or the process stage in which it has been produced, or when such *nuclear materials,* or any other *nuclear material* produced at a later stage in the nuclear fuel cycle, is imported into the State, the *nuclear material* shall become subject to the other safeguards procedures specified in the Agreement.

Termination of Safeguards

35. The Agreement should provide that safeguards shall terminate on *nuclear material* subject to safeguards thereunder under the conditions set forth in paragraph 11 above. Where the conditions of that paragraph are not met, but the State considers that the recovery of safeguarded *nuclear material* from residues is not for the time being practicable or desirable, the Agency and the State shall consult on the appropriate safeguards measures to be applied. It should further be provided that safeguards shall terminate on *nuclear material* subject to safeguards under the Agreement under the conditions set forth in paragraph 13 above, provided that the State and the Agency agree that such *nuclear material* is practicably irrecoverable.

Exemptions from Safeguards

36. The Agreement should provide that the Agency shall, at the request of the State, exempt *nuclear material* from safeguards, as follows:

(a) Special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;

(b) *Nuclear material,* when it is used in non-nuclear activities in accordance with paragraph 13 above, if such *nuclear material* is recoverable; and

(c) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

37. The Agreement should provide that *nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request of the State, provided that *nuclear material* so exempted in the State may not at any time exceed:

(a) One kilogram in total of special fissionable material, which may consist of one or more of the following:

(i) Plutonium;

(ii) Uranium with an *enrichment* of 0.2 (20%) and above, taken account of by multiplying its weight by its *enrichment;* and

(iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight five times the square of its *enrichment;*

(b) Ten metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);

(c) Twenty metric tons of depleted uranium with a *enrichment* of 0.005 (0.5%) or below; and

(d) Twenty metric tons of thorium;

or such greater amounts as may be specified by the Board of Governors for uniform application.

38. The Agreement should provide that if exempted *nuclear material* is to be processed or stored together with safeguarded *nuclear material,* provision should be made for the re-application of safeguards thereto.

Subsidiary Arrangements

39. The Agreement should provide that the Agency and the State shall make Subsidiary Arrangements which shall specify in detail, to the extent necessary to permit the Agency to fulfil its responsibilities under the Agreement in an effective and efficient manner, how the procedures laid down in the Agreement are to be applied. Provision should be made for the possibility of an extension or change of the Subsidiary Arrangements by agreement between the Agency and the State without amendment of the Agreement.

40. It should be provided that the Subsidiary Arrangements shall enter into force at the same time as, or as soon as possible after, the entry into force of the Agreement. The State and the Agency shall make ever effort to achieve their entry into force within 90 days of the entry into force of the Agreement, a later date being acceptable only with the agreement of both parties. The State shall provide the Agency promptly with the information required for completing the Subsidiary Arrangements. The Agreement should also provide that, upon its entry into force, the Agency shall be entitled to apply the procedures laid down therein in respect of the *nuclear material* listed in the inventory provided for in paragraph 41 below.

Inventory

41. The Agreement should provide that, on the basis of the initial report referred to in paragraph 62 below, the Agency shall establish a unified inventory of all *nuclear material* in the State subject to safeguards under the Agreement, irrespective of its origin, and maintain this inventory on the basis of subsequent reports and of the results of its verification activities. Copies of the inventory shall be made available to the State at agreed intervals.

Design Information

General

42. Pursuant to paragraph 8 above, the Agreement should stipulate that design information in respect of existing *facilities* shall be provided to the Agency during the discussion of the Subsidiary Arrangements, and that the time limits for the provision of such information in respect of new *facilities* shall be specified in the Subsidiary Arrangements. It should further be stipulated that such information shall be provided as early as possible before *nuclear material* is introduced into a new *facility.*

43. The Agreement should specify that the design information in respect of each *facility* to be made available to the Agency shall include, when applicable:

(a) Identification of the *facility,* stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;

(b) A description of the general arrangement of the *facility* with reference, to the extent feasible, to the form, location and flow of *nuclear material* and to the general layout of important items of equipment which use, produce or process *nuclear material;*

(c) A description of features of the *facility* relating to material accountancy, containment and surveillance; and

(d) A description of the existing and proposed procedures at the *facility* for *nuclear material* accountancy and control, with special reference to *material balance areas* established by the operator, measurements of flow and procedures for *physical inventory* taking.

44. The Agreement should further provide that other information relevant to the application of safeguards shall be made available to the Agency in respect of each *facility,* in particular on organizational responsibility for material accountancy and control. It should also be provided that the State shall make available to the Agency supplementary information on the health and safety procedures which the Agency shall observe and with which the inspectors shall comply at the *facility.*

45. The Agreement should stipulate that design information in respect of a modification relevant for safeguards purposes shall be provided for examination sufficiently in advance for the safeguards procedures to be adjusted when necessary.

Purposes of examination of design information

46. The Agreement should provide that the design information made available to the Agency shall be used for the following purposes:

(a) To identify the features of *facility* and *nuclear material* relevant to the application of safeguards to *nuclear material* in sufficient detail to facilitate verification;

(b) To determine *material balance points* to be used for Agency accounting purposes and to select those *strategic points* which are *key measurement points* and which will be used to determine the *nuclear material* flows and inventories; in determining such *material balance points* the Agency shall, inter alia, use the following criteria:

(i) The size of the *material balance area* should be related to the accuracy with which the material balance can be established;

(ii) In determining the *material balance area* advantage should be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby simplify the application of safeguards and concentrate measurement efforts at *key measurement points;*

(iii) A number of *material balance points* in use at a *facility* or at distinct sites may be combined in one *material balance area* to be used for Agency accounting purposes when the Agency determines that this is consistent with its verification requirements; and

(iv) If the State so requests, a special *material balance area* around a process step involving commercially sensitive information may be established;

(c) To establish the nominal timing and procedures for taking of *physical inventory* for Agency accounting purposes;

(d) To establish the records and reports requirements and records evaluation procedures;

(e) To establish requirements and procedures for verification of the quantity and location of *nuclear material;* and

(f) To select appropriate combinations of containment and surveillance methods and techniques and the *strategic points* at which they are to be applied.

It should further be provided that the results of the examination of the design information shall be included in the Subsidiary Arrangements.

Re-examination of design information

47. The Agreement should provide that design information shall be re-examined in the light of changes in operating conditions, of developments in safeguards technology or of experience in the application of verification procedures, with a view to modifying the action the Agency has taken pursuant to paragraph 46 above.

Verification of design information

48. The Agreement should provide that the Agency, in co-operation with the State, may send inspectors to *facilities* to verify the design information provided to the Agency pursuant to paragraphs 42-45 above for the purposes stated in paragraph 46.

Information in Respect of Nuclear Material Outside Facilities

49. The Agreement should provide that the following information concerning *nuclear material* customarily used outside *facilities* shall be provided as applicable to the Agency:

(a) A general description of the use of the *nuclear material,* its geographic location, and the user's name and address for routine business purposes; and

(b) A general description of the existing and proposed procedures for *nuclear material* accountancy and control, including organizations responsibility for material accountancy and control.

The Agreement should further provide that the Agency shall be informed on a timely basis of any change in the information provided to it under this paragraph.

50. The Agreement should provide that the information made available to the Agency in respect of *nuclear material* customarily used outside *facilities* may be used, to the extent relevant, for the purposes set out in sub-paragraphs 46(b)–(f) above.

Records System

General

51. The Agreement should provide that in establishing a national system of accounting for and control of *nuclear material* as referred to in paragraph 7 above, the State shall arrange that records are kept in respect of each *material balance area.* Provision should also be made that the Subsidiary Arrangements shall describe the records to be kept in respect of each *material balance area.*

52. The Agreement should provide that the State shall make arrangements to facilitate the examination of records by inspectors, particularly if the records are not kept in English, French, Russian or Spanish.

53. The Agreement should provide that the records shall be retained for at least five years.

54. The Agreement should provide that the records shall consist, as appropriate, of:

(a) Accounting records of all *nuclear material* subject to safeguards under the Agreement; and

(b) Operating records for *facilities* containing such *nuclear material.*

55. The Agreement should provide that the system of measurements on which the records used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

Accounting records

56. The Agreement should provide that the accounting records shall set forth the following in respect of each *material balance area:*

(a) All *inventory changes,* so as to permit a determination of the *book inventory* at any time;

(b) All measurement results that are used for determination of the *physical inventory;* and

(c) All *adjustments* and *corrections* that have been made in respect of *inventory changes, book inventories* and *physical inventories.*

57. The Agreement should provide that for all *inventory changes* and *physical inventories* the records shall show, in respect of each *batch* of *nuclear material:* material identification, *batch data* and *source data.* Provision should further be included that records shall account for uranium, thorium and plutonium separately in each *batch* of *nuclear material.* Furthermore, the date of the *inventory change* and, when appropriate, the originating *material balance area* and the receiving *material balance area* or the recipient, shall be indicated for each *inventory change.*

Operating records

58. The Agreement should provide that the operating records shall set forth as appropriate in respect of each *material balance area:*
(a) Those operating data which are used to establish changes in the quantities and composition of *nuclear material;*
(b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
(c) A description of the sequence of the actions taken in preparing for, and in taking, a *physical inventory* in order to ensure that it is correct and complete; and
(d) A description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

Reports System

General

59. The Agreement should specify that the State shall provide the Agency with reports as detailed in paragraphs 60-69 below in respect of *nuclear material* subject to safeguards thereunder.

60. The Agreement should provide that reports shall be made in English, French, Russian or Spanish, except as otherwise specified in the Subsidiary Arrangements.

61. The Agreement should provide that reports shall be based on the records kept in accordance with paragraphs 51-58 above and shall consist, as appropriate, of accounting reports and special reports.

Accounting reports

62. The Agreement should stipulate that the Agency shall be provided with an initial report on all *nuclear material* which is to be subject to safeguards thereunder. It should also be provided that the initial report shall be dispatched by the State to the Agency within 30 days of the last day of the calendar month in which the Agreement enters into force, and shall reflect the situation as of the last day of that month.

63. The Agreement should stipulate that for each *material balance area* the State shall provide the Agency with the following accounting reports:
(a) *Inventory change* reports showing changes in the inventory of *nuclear material.* The reports shall be dispatched as soon as possible and in any event within 30 days after the end of the month in which the *inventory changes* occurred or were established; and
(b) Material balance reports showing the material balance based on a *physical inventory* of *nuclear material* actually present in the *material balance area.* The report shall be dispatched as soon as possible and in any event within 30 days after the *physical inventory* has been taken. The reports shall be based on data available as of the date of reporting and may be corrected at a later date as required.

64. The Agreement should provide that *inventory change* reports shall specify identification and *batch data* for each *batch* of *nuclear material,* the date of the *inventory change* and, as appropriate, the originating *material balance area* and the receiving *material balance area* or the recipient. These reports shall be accompanied by concise notes:
(a) Explaining the *inventory changes,* on the basis of the operating data contained in the operating records provided for under sub-paragraph 58(a) above; and
(b) Describing, as specified in the Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a *physical inventory.*

65. The Agreement should provide that the State shall report each *inventory change, adjustment* and *correction* either periodically in a consolidated list or individually. The *inventory changes* shall be reported in terms of *batches;* small amounts, such as analytical samples, as specified in the Subsidiary Arrangements, may be combined and reported as one *inventory change.*

66. The Agreement should stipulate that the Agency shall provide the State with semi-annual statements of *book inventory* of *nuclear material* subject to safeguards, for each *material balance area,* as based on the *inventory change* reports for the period covered by each such statement.

67. The Agreement should specify that the material balance reports shall include the following entries, unless otherwise agreed by the Agency and the State:
(a) Beginning *physical inventory*;
(b) *Inventory changes* (first increases, then decreases);
(c) Ending *book inventory;*
(d) *Shipper/receiver differences;*
(e) Adjusted ending *book inventory;*
(f) Ending *physical inventory;* and
(g) *Material accounted for.*
A statement of the *physical inventory,* listing all *batches* separately and specifying material identification and *batch data* for each *batch,* shall be attached to each material balance report.

Special reports

68. The Agreement should provide that the State shall make special reports without delay:
(a) If any unusual incident or circumstances lead the State to believe that there is or may have been loss of *nuclear material* that exceeds the limits to be specified for this purpose in the Subsidiary Arrangements; or
(b) If the containment has unexpectedly changed from that specified in the Subsidiary Arrangements to the extent that unauthorized removal of *nuclear material* has become possible.

Amplification and clarification of reports

69. The Agreement should provide that at the Agency's request the State shall supply amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

Inspections

General

70. The Agreement should stipulate that the Agency shall have the right to make inspections as provided for in paragraphs 71–82 below.

Purposes of inspections

71. The Agreement should provide that the Agency may make ad hoc inspections in order to:
(a) Verify the information contained in the initial report on the *nuclear material* subject to safeguards under the Agreement;
(b) Identify and verify changes in the situation which have occurred since the date of the initial report; and
(c) Identify, and if possible verify the quantity and composition of, *nuclear material* in accordance with paragraphs 93 and 96 below, before its transfer out of or upon its transfer into the State.

72. The Agreement should provide that the Agency may make routine inspections in order to:
(a) Verify that reports are consistent with records;
(b) Verify the location, identity, quantity and composition of all *nuclear material* subject to safeguards under the Agreement; and
(c) Verify information on the possible causes of *material unaccounted for, shipper/receiver differences* and uncertainties in the *book inventory.*

73. The Agreement should provide that the Agency may make special inspections subject to the procedures laid down in paragraph 77 below:
(a) In order to verify the information contained in special reports; or
(b) If the Agency considers that information made available by the State, including explanations from the State and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under the Agreement. An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in paragraphs 78-82 below, or involves access to information or locations in addition to the access specified in paragraph 76 for ad hoc and routine inspections, or both.

Scope of inspections

74. The Agreement should provide that for the purposes stated in paragraphs 71-73 above the Agency may:
(a) Examine the records kept pursuant to paragraphs 51-58;
(b) Make independent measurements of all *nuclear material* subject to safeguards under the Agreement;
(c) Verify the functioning and calibration of instruments and other measuring and control equipment;
(d) Apply and make use of surveillance and containment measures; and
(e) Use other objective methods which have been demonstrated to be technically feasible.

75. It should further be provided that within the scope of paragraph 74 above the Agency shall be enabled:
(a) To observe that samples at *key measurement points* for material balance accounting are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;
(b) To observe that the measurements of *nuclear material* at *key measurement points* for material balance accounting are representative, and to observe the calibration of the instruments and equipment involved;
(c) To make arrangements with the State that, if necessary:
(i) Additional measurements are made and additional samples taken for the Agency's use;
(ii) The Agency's standard analytical samples are analysed;
(iii) Appropriate absolute standards are used in calibrating instruments and other equipment; and
(d) To arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the Subsidiary Arrangements, to arrange to install such equipment;
(e) To apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
(f) To make arrangements with the State for the shipping of samples taken for the Agency's use.

Access for inspections

76. The Agreement should provide that:
(a) For the purposes specified in sub-paragraphs 71(a) and (b) above and until such time as the *strategic points* have been specified in the Subsidiary Arrangements, the Agency's inspectors shall have access to any location where the initial report or any inspections carried out in connection with it indicate that *nuclear material* is present;
(b) For the purposes specified in sub-paragraph 71(c) above the inspectors shall have access to any location of which the Agency has been notified in accordance with sub-paragraphs 92(c) or 95(c) below;
(c) For the purposes specified in paragraph 72 above the Agency's inspectors shall have access only to the *strategic points* specified in the Subsidiary Arrangements and to the records maintained pursuant to paragraphs 51-58; and
(d) In the event of the State concluding that any unusual circumstances require extended limitations on access by the Agency, the State and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations.
The Director General shall report each such arrangement to the Board.

77. The Agreement should provide that in circumstances which may lead to special inspections for the purposes specified in paragraph 73 above the State and the Agency shall consult forthwith. As a result of such consultations the Agency may make inspections in addition to the routine inspection effort provided for in paragraphs 78-82 below, and may obtain access in agreement with the State to information or locations in addition to the access specified in paragraph 76 above for ad hoc and routine inspections. Any disagreement concerning the need for additional access shall be resolved in accordance with paragraphs 21 and 22; in case action by the State is essential and urgent, paragraph 18 above shall apply.

Frequency and intensity of routine inspections

78. The Agreement should provide that the number, intensity, duration and timing of routine inspections shall be kept to the minimum consistent with the effective implementation of the safeguards procedures set forth therein, and that the Agency shall make the optimum and most economical use of available inspection resources.

79. The Agreement should provide that in the case of *facilities* and *material balance area* outside *facilities* with a content or *annual throughput,* whichever is greater, of *nuclear material* not exceeding five *effective kilograms,* routine inspections shall not exceed one per year. For other *facilities* the number, intensity, duration, timing and mode of inspections shall be determined on the basis that in the maximum or limiting case the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of *nuclear material.*

80. The Agreement should provide that the maximum routine inspection effort in respect of *facilities* with a content or *annual throughput* of *nuclear material* exceeding five *effective kilograms* shall be determined as follows:
(a) For reactors and sealed stores, the maximum total of routine inspection per year shall be determined by allowing one sixth of a *man-year of inspection* for each such *facility* in the State;
(b) For other *facilities* involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such *facility* 30 x $\sqrt{E}$ man-days of inspection per year, where E is the inventory or *annual throughput* of *nuclear material,* whichever is greater, expressed in *effective kilograms.* The maximum established for any such *facility* shall not, however, be less than 1.5 *man-years of inspection;* and
(c) For all other *facilities,* the maximum total of routine inspection per year shall be determined by allowing for each such *facility* one third of a *man-year of inspection* plus 0.4 x E man-days of inspection per year, where E is the inventory or *annual throughput* of *nuclear material,* whichever is greater, expressed in *effective kilograms.*
The Agreement should further provide that the Agency and the State may agree to amend the maximum figures specified in this paragraph upon determination by the Board that such amendment is reasonable.

81. Subject to paragraphs 78-80 above the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections of any *facility* shall include:
(a) The form of *nuclear material,* in particular, whether the material is in bulk form or contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high *enrichment;* and its accessibility;
(b) The effectiveness of the State's accounting and control system, including the extent to which the operators of *facilities* are functionally independent of the State's accounting and control system; the extent to which the measures specified in paragraph 32 above have been implemented by the State; the promptness of reports submitted to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the *material unaccounted for,* as verified by the Agency,
(c) Characteristics of the State's nuclear fuel cycle, in particular, the number and types of *facilities* containing *nuclear material* subject to safeguards, the characteristics of such *facilities* relevant to safeguards, notably the degree of containment; the extent to which the design of such *facilities* facilitates verification of the flow and inventory of *nuclear material;* and the extent to which information from different *material balance points* can be correlated;
(d) International interdependence, in particular, the extent to which *nuclear material* is received from or sent to other States for use or processing; any verification activity by the Agency in connection therewith; and the extent to which the State's nuclear activities are interrelated with those of other States; and
(e) Technical developments in the field of safeguards, including the use of statistical techniques and random sampling in evaluating the flow of *nuclear material.*

82. The Agreement should provide for consultation between the Agency and the State if the latter considers that the inspection effort is being deployed with undue concentration on particular *facilities.*

Notice of inspections

83. The Agreement should provide that the Agency shall give advance notice to the State before arrival of inspectors at *facilities* or *material balance points* outside *facilities,* as follows:
(a) For ad hoc inspections pursuant to sub-paragraph 71(c) above, at least 24 hours, for those pursuant to sub-paragraphs 71(a) and (b), as well as the activities provided for in paragraph 48,

at least one week;
(b) For special inspections pursuant to paragraph 73 above, as promptly as possible after the Agency and the State have consulted as provided for in paragraph 77, it being understood that notification of arrival normally will constitute part of the consultations; and
(c) For routine inspections pursuant to paragraph 72 above, at least 24 hours in respect of the *facilities* referred to in sub-paragraph 80(b) and sealed stores containing plutonium or uranium enriched to more than 5%, and one week in all other cases. Such notice of inspections shall include the names of the inspectors and shall indicate the *facilities* and the *material balance area* outside *facilities* to be visited and the periods during which they will be visited. If the inspectors are to arrive from outside the State the Agency shall also give advance notice of the place and time of their arrival in the State.

84. However, the Agreement should also provide that, as a supplementary measure, the Agency may carry out without advance notification a portion of the routine inspections pursuant to paragraph 80 above in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided by the State pursuant to paragraph 64(b). Moreover, whenever practicable, and on the basis of the operational programme, it shall advise the State periodically of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections, the Agency shall make every effort to minimize any practical difficulties for *facility* operators and the State, bearing in mind the relevant provisions of paragraphs 44 above and 89 below. Similarly the State shall make every effort to facilitate the task of the inspectors.

Designation of inspectors

85. The Agreement should provide that:
(a) The Director General shall inform the State in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as a inspector for the State;
(b) The State shall inform the Director General within 30 days of the receipt of such a proposal whether it accepts the proposal;
(c) The Director General may designate each official who has been accepted by the State as one of the inspectors for the State, and shall inform the State of such designations; and
(d) The Director General, acting in response to a request by the State or on his own initiative, shall immediately inform the State of the withdrawal of the designation of any official as an inspector for the State.
The Agreement should also provide, however, that in respect of inspectors needed for the purposes stated in paragraph 48 above and to carry out ad hoc inspections pursuant to sub-paragraphs 71(a) and (b) the designation procedures shall be completed if possible within 30 days after the entry into force of the Agreement. If such designation appears impossible within this time limit, inspectors for such purposes shall be designated on a temporary basis.

86. The Agreement should provide that the State shall grant or renew as quickly as possible appropriate visas, where required, for each inspector designated for the State.

Conduct and visits of inspectors

87. The Agreement should provide that inspectors, in exercising their functions under paragraphs 48 and 71–75 above, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of *facilities* or affecting their safety. In particular inspectors shall not operate any *facility* themselves or direct the staff of a *facility* to carry out any operation. If inspectors consider that in pursuance of paragraphs 74 and 75, particular operations in a facility should be carried out by the operator, they shall make a request therefor.

88. When inspectors require services available in the State, including the use of equipment, in connection with the performance of inspections, the State shall facilitate the procurement of such services and the use of such equipment by inspectors.

89. The Agreement should provide that the State shall have the right to have inspectors accompanied during their inspections by representatives of the State, provided that inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

Statements on the Agency's Verification Activities

90. The Agreement should provide that the Agency shall inform the State of:
(a) The results of inspections, at intervals to be specified in the Subsidiary Arrangements; and
(b) The conclusions it has drawn from its verification activities in the State, in particular by means of statements in respect of each *material balance area,* which shall be made as soon as possible after a *physical inventory* has been taken and verified by the Agency and a material balance has been struck.

International Transfers

General

91. The Agreement should provide that *nuclear material* subject or required to be subject to safeguards thereunder which is transferred internationally shall, for purposes of the Agreement, be regarded as being the responsibility of the State:
(a) In the case of import, from the time that such responsibility ceases to lie with the exporting State, and no later than the time at which the *nuclear material* reaches its destination; and
(b) In the case of export, up to the time at which the recipient State assumes such responsibility, and no later than the time at which the *nuclear material* reaches its destination.
The Agreement should provide that the States concerned shall make suitable arrangements to determine the point at which the transfer of responsibility will take place. No State shall be deemed to have such responsibility for *nuclear material* merely by reason of the fact that the *nuclear material* is in transit on or over its territory or territorial waters, or that it is being transported under its flag or in its aircraft.

Transfers out of the State

92. The Agreement should provide that any intended transfer out of the State of safeguarded *nuclear material* in a amount exceeding one *effective kilogram* or by successive shipments to the same State within a period of three months each of less than one *effective kilogram* but exceeding in total one *effective kilogram,* shall be notified to the Agency after the conclusion of the contractual arrangements leading to the transfer and normally at least two weeks before the *nuclear material* is to be prepared for shipping. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:
(a) The identification and, if possible, the expected quantity and composition of the *nuclear material* to be transferred, and the *material balance area* from which it will come;
(b) The State for which the *nuclear material* is destined;
(c) The dates on and locations at which the *nuclear material* is to be prepared for shipping;
(d) The approximate dates of dispatch and arrival of the *nuclear material;* and
(e) At what point of the transfer the recipient State will assume responsibility for the *nuclear material,* and the probable date on which this point will be reached.

93. The Agreement should further provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, *nuclear material* subject to safeguards under the Agreement before it is transferred out of the State and, if the Agency so wishes or the State so requests, to affix seals to the *nuclear material* when it has been prepared for shipping. However, the transfer of the *nuclear material* shall not be delayed in any way by any action taken or contemplated by the Agency pursuant to this notification.

94. The Agreement should provide that, if the *nuclear material* will not be subject to Agency safeguards in the recipient State, the exporting State shall make arrangements for the Agency to receive, within three months of the time when the recipient State accepts responsibility for the *nuclear material* from the exporting State, confirmation by the recipient State of the transfer.

Transfers into the State

95. The Agreement should provide that the expected transfer into the State of *nuclear material* required to be subject to safeguards in an amount greater than one *effective kilogram,* or by successive shipments from the same State within a period of three months each of less than one *effective kilogram* but exceeding in

total one *effective kilogram,* shall be notified to the Agency as much in advance as possible of the expected arrival of the *nuclear material,* and in any case not later than the date on which the recipient State assumes responsibility therefor. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:
(a) The identification and, if possible, the expected quantity and composition of the *nuclear material;*
(b) At what point of the transfer responsibility for the *nuclear material* will be assumed by the State for the purposes of the Agreement, and the probable date on which this point will be reached; and
(c) The expected date of arrival, the location to which the *nuclear material* is to be delivered and the date on which it is intended that the *nuclear material* should be unpacked.

96. The Agreement should provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, *nuclear material* subject to safeguards which has been transferred into the State, by means of inspection of the consignment at the time it is unpacked. However, unpacking shall not be delayed by any action taken or contemplated by the Agency pursuant to this notification.

Special reports

97. The Agreement should provide that in the case of international transfers a special report as envisaged in paragraph 68 above shall be made if any unusual incident or circumstances lead the State to believe that there is or may have been loss of *nuclear material,* including the occurrence of significant delay during the transfer.

Definitions

98. 'Adjustment' means an entry into an accounting record or a report showing a *shipper/receiver difference* or *material unaccounted for.*

99. 'Annual throughput' means, for the purposes of paragraphs 79 and 80 above, the amount of *nuclear material* transferred annually out of a *facility* working at nominal capacity.

100. 'Batch' means a portion of *nuclear material* handled as a unit for accounting purposes at a *key measurement point* and for which the composition and quantity are defined by a single set of specifications or measurements. The *nuclear material* may be in bulk form or contained in a number of separate items.

101. 'Batch data' means the total weight of each element of *nuclear material* and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:
(a) Grams of contained plutonium;
(b) Grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
(c) Kilograms of contained thorium, natural uranium or depleted uranium.
For reporting purposes the weights of individual items in the *batch* shall be added together before rounding to the nearest unit.

102. 'Book inventory' of a *material balance area* means the algebraic sum of the most recent *physical inventory* of that *material balance area* and of all *inventory changes* that have occurred since that *physical inventory* was taken.

103. 'Correction' means an entry into an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.

104. 'Effective kilogram' means a special unit used in safeguarding *nuclear material.* The quantity in 'effective kilograms' is obtained by taking:
(a) For plutonium, its weight in kilograms;
(b) For uranium with an *enrichment* of 0.01 (1 %) and above, its weight in kilograms multiplied by the square of its *enrichment;*
(c) For uranium with an *enrichment* below 0.01 (1 %) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
(d) For depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and for thorium, its weight in kilograms multiplied by 0.00005.

105. 'Enrichment' means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

106. 'Facility' means:
(a) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
(b) Any location where *nuclear material* in amounts greater than one *effective kilogram* is customarily used.

107. 'Inventory change' means an increase or decrease, in terms of *batches of nuclear material* in a *material balance area* such a change shall involve one of the following:
(a) Increases:
(i) Import;
(ii) Domestic receipt: receipts from other *material balance points,* receipts from a non-safeguarded (non-peaceful) activity or receipts at the starting point of safeguards;
(iii) Nuclear production: production of special fissionable material in a reactor; and
(iv) De-exemption: reapplication of safeguards on *nuclear material* previously exempted therefrom on account of its use or quantity.
(b) Decreases:
(i) Export;
(ii) Domestic shipment: shipments to other *material balance points* or shipments for a non-safeguarded (non-peaceful) activity;
(iii) Nuclear loss: loss of *nuclear material* due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;
(iv) Measured discard: *nuclear material* which has been measured, or estimated on the basis of measurements, and disposed of in such a way that it is not suitable for further nuclear use;
(v) Retained waste: *nuclear material* generated from processing or from an operational accident, which is deemed to be unrecoverable for the time being but which is stored;
(vi) Exemption: exemption of *nuclear material* from safeguards on account of its use or quantity; and
(vii) Other loss: for example, accidental loss (that is, irretrievable and inadvertent loss of *nuclear material* as the result of an operational accident) or theft.

108. 'Key measurement point' means a location where *nuclear material* appears in such a form that it may be measured to determine material flow or inventory. 'Key measurement points' thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in *material balance points.*

109. 'Man-year of inspection' means, for the purposes of paragraph 80 above, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a *facility* at any time for a total of not more than eight hours.

110. 'Material balance area' means an area in or outside of a *facility* such that:
(a) The quantity of *nuclear material* in each transfer into or out of each 'material balance area' can be determined; and
(b) The *physical inventory* of *nuclear material* in each 'material balance area' can be determined when necessary, in accordance with specified procedures, in order that the material balance for Agency safeguards purposes can be established.

111. 'Material unaccounted for' means the difference between *book inventory* and *physical inventory.*

112. 'Nuclear material' means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by the State.

113. 'Physical inventory' means the sum of all the measured or derived estimates of *batch* quantities of *nuclear material* on hand at a given time within a *material balance area,* obtained in accordance with specified procedures.

114. 'Shipper/receiver difference' means the difference between the quantity of *nuclear material* in a *batch* as stated by the shipping *material balance area* and as measured at the receiving *material balance area.*

115. 'Source data' means those data, recorded during measurement or calibration or used to derive empirical relationships, which identify *nuclear material* and provide *batch data.* 'Source data' may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.

116. 'Strategic point' means a location selected during examination of design information where, under normal conditions and when combined with the information from all 'strategic points' taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a 'strategic point' may include any location where key measurements related to material balance accountancy are made and where containment and surveillance measures are executed.

[*Editorial note*: Footnotes not included. They may be viewed at http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc153.pdf]

Protocol Additional to the Agreement(s) Between ……. and the International Atomic Energy Agency for the Application of Safeguards

[IAEA Information Circular 540, (INFCIRC/540), September 1997, as corrected by INFCIRC/540/Corr.1, 12 October 1998]

Foreword to the model Protocol

This document is a model Additional Protocol designed for States having a Safeguards Agreement with the Agency, in order to strengthen the effectiveness and improve the efficiency of the safeguards system as a contribution to global nuclear non-proliferation objectives.

The Board of Governors has requested the Director General to use this Model Protocol as the standard for additional protocols that are to be concluded by States and other parties to comprehensive safeguards agreements with the Agency. Such protocols shall contain all of the measures in this Model Protocol.

The Board of Governors has also requested the Director General to negotiate additional protocols or other legally binding agreements with nuclear-weapon States incorporating those measures provided for in the Model Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with that State's obligations under Article I of the NPT.

The Board of Governors has further requested the Director General to negotiate additional protocols with other States that are prepared to accept measures provided for in the model Protocol in pursuance of safeguards effectiveness and efficiency objectives.

In conformity with the requirements of the Statute, each individual Protocol or other legally binding agreement will require the approval of the Board and its authorization to the Director General to conclude and subsequently implement the Protocol so approved.

Preamble

WHEREAS …… (hereinafter referred to as ' ……. ') is a party to (an) Agreement(s) between …….. and the International Atomic Energy Agency (hereinafter referred to as the 'Agency') for the application of safeguards [full title of the Agreement(s) to be inserted] (hereinafter referred to as the 'Safeguards Agreement(s)'), which entered into force on …….. ;

AWARE OF the desire of the international community to further enhance nuclear non-proliferation by strengthening the effectiveness and improving the efficiency of the Agency's safeguards system;

RECALLING that the Agency must take into account in the implementation of safeguards the need to: avoid hampering the economic and technological development of …….. or international co-operation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge;

WHEREAS the frequency and intensity of activities described in this Protocol shall be kept to the minimum consistent with the objective of strengthening the effectiveness and improving the efficiency of Agency safeguards;

NOW THEREFORE …….. and the Agency have agreed as follows:

RELATIONSHIP BETWEEN THE PROTOCOL AND THE SAFEGUARDS AGREEMENT

Article 1

The provisions of the Safeguards Agreement shall apply to this Protocol to the extent that they are relevant to and compatible with the provisions of this Protocol. In case of conflict between the provisions of the Safeguards Agreement and those of this Protocol, the provisions of this Protocol shall apply.

PROVISION OF INFORMATION

Article 2

a …….. shall provide the Agency with a declaration containing:

(i) A general description of and information specifying the location of *nuclear fuel cycle-related research and development activities*[1] not involving *nuclear material* carried out anywhere that are funded, specifically authorized or controlled by, or carried out on behalf of, ……..

(ii) Information identified by the Agency on the basis of expected gains ineffectiveness or efficiency, and agreed to by …….. on operational activities of safeguards relevance at *facilities* and at *locations outside facilities* where nuclear material is customarily used.

(iii) A general description of each building on each *site,* including its use and, if not apparent from that description, its contents. The description shall include a map of the *site.*

(iv) A description of the scale of operations for each location engaged in the activities specified in Annex I to this Protocol.

(v) Information specifying the location, operational status and the estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants, and the current annual production of such mines and concentration plants for …….. as a whole …….. shall provide, upon request by the Agency, the current annual production of an individual mine or concentration plant. The provision of this information does not require detailed *nuclear material* accountancy.

(vi) Information regarding source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:

(a) the quantities, the chemical composition, the use or intended use of such material, whether in nuclear or non-nuclear use, for each location in …….. at which the material is present in quantities exceeding ten metric tons of uranium and/or twenty metric tons of thorium, and for other locations with quantities of more than one metric ton, the aggregate for …….. as a whole if the aggregate exceeds ten metric tons of uranium or twenty metric tons of thorium. The provision of this information does not require detailed *nuclear material* accountancy;

(b) the quantities, the chemical composition and the destination of each export out of …….. of such material for specifically non-nuclear purposes in quantities exceeding:

(1) ten metric tons of uranium, or for successive exports of uranium from …….. to the same State, each of less than ten metric tons, but exceeding a total of ten metric tons for the year;

(2) twenty metric tons of thorium, or for successive exports of thorium from …….. to the same State, each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;

(c) the quantities, chemical composition, current location and use or intended use of each import into …….. such material for specifically non-nuclear purposes in quantities exceeding:

(1) ten metric tons of uranium, or for successive imports of uranium in to …….. each of less than ten metric tons, but exceeding a total of ten metric tons for the year;

(2) twenty metric tons of thorium, or for successive imports of thorium into …….. each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;

it being understood that there is no requirement to provide information on such material intended for a non-nuclear use once it is in its non-nuclear end-use form.

(vii) (a) information regarding the quantities, uses and locations of *nuclear material* exempted from safeguards pursuant to

[1] Terms in italics have specialized meanings, which are defined in Article 18 below.

[paragraph 37 of INFCIRC/153][2];

(b) information regarding the quantities (which may be in the form of estimates) and uses at each location, of *nuclear material* exempted from safeguards pursuant to [paragraph 36(b) of INFCIRC/153] [2] but not yet in a non-nuclear end-use form, in quantities exceeding those set out in[paragraph 37 of INFCIRC/153] [2]. The provision of this information does not require detailed *nuclear material* accountancy.

(viii) Information regarding the location or further processing of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233 on which safeguards have been terminated pursuant to [paragraph 11 of INFCIRC/153] [2]. For the purpose of this paragraph, 'further processing' does not include repackaging of the waste or its further conditioning not involving the separation of elements, for storage or disposal.

(ix) The following information regarding *specified equipment and non-nuclear material* as follows:

(a) for each export out of …….. of such equipment and material: the identity, quantity, location of intended use in the receiving State and date or, as appropriate, expected date, of export;

(b) upon specific request by the Agency, confirmation by …….. as importing State, of information provided to the Agency by another State concerning the export of such equipment and material to ……..

(x) General plans for the succeeding ten-year period relevant to the development of the nuclear fuel cycle (including planned *nuclear fuel cycle-related research and development activities)* when approved by the appropriate authorities in ……

b. …….. shall make every reasonable effort to provide the Agency with the following information:

(i) a general description of and information specifying the location of *nuclear fuel cycle-related research and development activities* not involving *nuclear material* which are specifically related to enrichment, reprocessing of nuclear fuel or the processing of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233 that are carried out anywhere in …….. but which are not funded, specifically authorized or controlled by, or carried out on behalf of, …… . For the purpose of this paragraph, 'processing' of intermediate or high-level waste does not include repackaging of the waste or its conditioning not involving the separation of elements, for storage or disposal.

(ii) A general description of activities and the identity of the person or entity carrying out such activities, at locations identified by the Agency outside a *site* which the Agency considers might be functionally related to the activities of that *site.* The provision of this information is subject to a specific request by the Agency. It shall be provided in consultation with the Agency and in a timely fashion.

c. Upon request by the Agency, …….. shall provide amplifications or clarifications of any information it has provided under this Article, in so far as relevant for the purpose of safeguards.

Article 3

a. …….. shall provide to the Agency the information identified in Article 2.a.(i), (iii), (iv), (v), (vi)(a), (vii) and (x) and Article 2.b.(i) within 180 days of the entry into force of this Protocol.

b. …….. shall provide to the Agency, by 15 May of each year, updates of the information referred to in paragraph a. above for the period covering the previous calendar year. If there has been no change to the information previously provided, …….. shall so indicate.

c. …….. shall provide to the Agency, by 15 May of each year, the information identified in Article 2.a.(vi)(b) and (c) for the period covering the previous calendar year.

d. …….. shall provide to the Agency on a quarterly basis the information identified in Article 2.a.(ix)(a). This information shall be provided within sixty days of the end of each quarter.

e. …….. shall provide to the Agency the information identified in Article 2.a.(viii) 180 days before further processing is carried out and, by 15 May of each year, information on changes in location for the period covering the previous calendar year.

f. …….. and the Agency shall agree on the timing and frequency of the provision of the information identified in Article 2.a.(ii).

g. ……..shall provide to the Agency the information in Article 2.a.(ix)(b) within sixty days of the Agency's request.

COMPLEMENTARY ACCESS

General

Article 4

The following shall apply in connection with the implementation of complementary access under Article 5 of this Protocol:

a. The Agency shall not mechanistically or systematically seek to verify the information referred to in Article 2; however, the Agency shall have access to:

(i) Any location referred to in Article 5.a.(i) or (ii) on a selective basis in order to assure the absence of undeclared *nuclear material* and activities;

(ii) Any location referred to in Article 5.b. or c. to resolve a question relating to the correctness and completeness of the information provided pursuant to Article 2 or to resolve an inconsistency relating to that information;

(iii) Any location referred to in Article 5.a.(iii) to the extent necessary for the Agency to confirm, for safeguards purposes, ……..'s declaration of the decommissioned status of a *facility* or of a *location outside facilities* where *nuclear material* was customarily used.

b. (i) Except as provided in paragraph (ii) below, the Agency shall give …….. advance notice of access of at least 24 hours;

(ii) For access to any place on a *site* that is sought in conjunction with design information verification visits or ad hoc or routine inspections on that *site,* the period of advance notice shall, if the Agency so requests, be at least two hours but, in exceptional circumstances, it may be less than two hours.

c. Advance notice shall be in writing and shall specify the reasons for access and the activities to be carried out during such access.

d. In the case of a question or inconsistency, the Agency shall provide …….. with an opportunity to clarify and facilitate the resolution of the question or inconsistency. Such an opportunity will be provided before a request for access, unless the Agency considers that delay in access would prejudice the purpose for which the access is sought. In any event, the Agency shall not draw any conclusions about the question or inconsistency until …….. has been provided with such an opportunity.

e. Unless otherwise agreed to by …….. access shall only take place during regular working hours.

f. …….. shall have the right to have Agency inspectors accompanied during their access by representatives of …….. provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

Provision of access

Article 5

……..shall provide the Agency with access to:

a. (i) Any place on a *site;*

(ii) Any location identified by …….. under Article 2.a.(v)–(viii);

(iii) Any *decommissioned facility* or *decommissioned location outside facilities* where *nuclear material* was customarily used.

b. Any location identified by …….. under Article 2.a.(i), Article 2.a.(iv), Article 2.a.(ix)(b) or Article 2.b, other than those referred to in paragraph a.(i) above, provided that if …….. is unable to provide such access, …….. shall make every reasonable effort to satisfy Agency requirements, without delay, through other means.

c. Any location specified by the Agency, other than locations referred to in paragraphs a. and b. above, to carry out *location-specific environmental sampling,* provided that if …….. is unable to provide such access, …….. shall make every reasonable effort to satisfy Agency requirements, without delay, at adjacent locations or through other means.

Scope of Activities

Article 6

When implementing Article 5, the Agency may carry out the following activities:

a. For access in accordance with Article 5.a.(i) or (iii): visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; application of seals and other identifying and tamper indicating devices specified in

[2] The reference to the corresponding provision of the relevant Safeguards Agreement should be inserted where bracketed references to INFCIRC/153 are made.

Subsidiary Arrangements; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board of Governors (hereinafter referred to as the 'Board') and following consultations between the Agency and

b. For access in accordance with Article 5.a.(ii): visual observation; item counting of nuclear material; non-destructive measurements and sampling; utilization of radiation detection and measurement devices; examination of records relevant to the quantities, origin and disposition of the material; collection of environmental samples; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and

c. For access in accordance with Article 5.b.: visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; examination of safeguards relevant production and shipping records; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and ……..

d. For access in accordance with Article 5.c., collection of environmental samples and, in the event the results do not resolve the question or inconsistency at the location specified by the Agency pursuant to Article 5.c., utilization at that location of visual observation, radiation detection and measurement devices, and, as agreed by and the Agency, other objective measures.

Managed access

Article 7

a. Upon request by …….. the Agency and …….. shall make arrangements for managed access under this Protocol in order to prevent the dissemination of proliferation sensitive information, to meet safety or physical protection requirements, or to protect proprietary or commercially sensitive information. Such arrangements shall not preclude the Agency from conducting activities necessary to provide credible assurance of the absence of undeclared *nuclear materials* and activities at the location in question, including the resolution of a question relating to the correctness and completeness of the information referred to in Article 2 or of an inconsistency relating to that information.

b …….. may, when providing the information referred to in Article 2, inform the Agency of the places at a *site* or location at which managed access may be applicable.

c. Pending the entry into force of any necessary Subsidiary Arrangements, …….. may have recourse to managed access consistent with the provisions of paragraph a. above.

Article 8

Nothing in this Protocol shall preclude ……..from offering the Agency access to locations in addition to those referred to in Articles 5 and 9 or from requesting the Agency to conduct verification activities at a particular location. The Agency shall, without delay, make every reasonable effort to act upon such a request.

Article 9

……..shall provide the Agency with access to locations specified by the Agency to carry out *wide-area environmental sampling,* provided that if …….. is unable to provide such access it shall make every reasonable effort to satisfy Agency requirements at alternative locations. The Agency shall not seek such access until the use of *wide-area environmental sampling* and the procedural arrangements therefor have been approved by the Board and following consultations between the Agency and ……..

Statements on the Agency's access activities

Article 10

The Agency shall inform ……..of:

a. The activities carried out under this Protocol, including those in respect of any questions or inconsistencies the Agency had brought to the attention of …….. within sixty days of the activities being carried out by the Agency.

b. The results of activities in respect of any questions or inconsistencies the Agency had brought to the attention of …….. as soon as possible but in any case within thirty days of the results being established by the Agency.

c. The conclusions it has drawn from its activities under this Protocol. The conclusions shall be provided annually.

DESIGNATION OF AGENCY INSPECTORS

Article 11

a. (i) The Director General shall notify .....of the Board's approval of any Agency official as a safeguards inspector. Unless …… advises the Director General of its rejection of such an official as an inspector for …….. within three months of receipt of notification of the Board's approval, the inspector so notified to …….. shall be considered designated to ……..;

(ii) The Director General, acting in response to a request by …….. or on his own initiative, shall immediately inform …….. of the withdrawal of the designation of any official as an inspector for …….. .

b. A notification referred to in paragraph a. above shall be deemed to be received by …….. seven days after the date of the transmission by registered mail of the notification by the Agency to ……. .

Visas

Article 12

…….. shall, within one month of the receipt of a request therefor, provide the designated inspector specified in the request with appropriate multiple entry/exit and/or transit visas, where required, to enable the inspector to enter and remain on the territory of ……..for the purpose of carrying out his/her functions. Any visas required shall be valid for at least one year and shall be renewed, as required, to cover the duration of the inspector's designation to ……..

SUBSIDIARY ARRANGEMENTS

Article 13

a. Where …….. or the Agency indicates that it is necessary to specify in Subsidiary Arrangements how measures laid down in this Protocol are to be applied, and the Agency shall agree on such Subsidiary Arrangements within ninety days of the entry into force of this Protocol or, where the indication of the need for such Subsidiary Arrangements is made after the entry into force of this Protocol, within ninety days of the date of such indication.

b. Pending the entry into force of any necessary Subsidiary Arrangements, the Agency shall be entitled to apply the measures laid down in this Protocol.

COMMUNICATIONS SYSTEMS

Article 14

a. …….. shall permit and protect free communications by the Agency for official purposes between Agency inspectors in …….. and Agency Headquarters and/or Regional Offices, including attended and unattended transmission of information generated by Agency containment and/or surveillance or measurement devices. The Agency shall have, in consultation with …….. the right to make use of internationally established systems of direct communications, including satellite systems and other forms of telecommunication, not in use in …….. At the request of …….. or the Agency, details of the implementation of this paragraph with respect to the attended or unattended transmission of information generated by Agency containment and/or surveillance or measurement devices shall be specified in the Subsidiary Arrangements.

b. Communication and transmission of information as provided for in paragraph a. above shall take due account of the need to protect proprietary or commercially sensitive information or design information which …….. regards as being of particular sensitivity.

PROTECTION OF CONFIDENTIAL INFORMATION

Article 15

a. The Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge, including such information coming to the Agency's knowledge in the implementation of this Protocol.

b. The regime referred to in paragraph a. above shall include, among others, provisions relating to:

(i) General principles and associated measures for the handling of confidential information;
(ii) Conditions of staff employment relating to the protection of confidential information;
(iii) Procedures in cases of breaches or alleged breaches of confidentiality.

c. The regime referred to in paragraph a. above shall be approved and periodically reviewed by the Board.

ANNEXES

Article 16

a. The Annexes to this Protocol shall be an integral part thereof. Except for the purposes of amendment of the Annexes, the term 'Protocol' as used in this instrument means the Protocol and the Annexes together.

b. The list of activities specified in Annex I, and the list of equipment and material specified in Annex I I, may be amended by the Board upon the advice of an open-ended working group of experts established by the Board. Any such amendment shall take effect four months after its adoption by the Board.

ENTRY INTO FORCE

Article 17

a. This Protocol shall enter into force on the date on which the Agency receives from …….. written notification that ……..'s statutory and/or constitutional requirements for entry into force have been met.

OR[3]

upon signature by the representatives of …….. and the Agency.

b …….. may, at any date before this Protocol enters into force, declare that it will apply this Protocol provisionally.

c. The Director General shall promptly inform all Member States of the Agency of any declaration of provisional application of, and of the entry into force of, this Protocol.

DEFINITIONS

Article 18

For the purpose of this Protocol:

a. *Nuclear fuel cycle-related research and development activities* means those activities which are specifically related to any process or system development aspect of any of the following:

- conversion of *nuclear material,*
- enrichment of *nuclear material,*
- nuclear fuel fabrication,
- reactors,
- critical facilities,
- reprocessing of nuclear fuel,
- processing (not including repackaging or conditioning not involving the separation of elements, for storage or disposal) of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233, but do not include activities related to theoretical or basic scientific research or to research and development on industrial radioisotope applications, medical, hydrological and agricultural applications, health and environmental effects and improved maintenance.

b. *Site* means that area delimited by …….. in the relevant design information for a *facility,* including a *closed-down facility,* and in the relevant information on a *location outside facilities* where *nuclear material* is customarily used, including a *closed-down location outside facilities* where *nuclear material* was customarily used (this is limited to locations with hot cells or where activities related to conversion, enrichment, fuel fabrication or reprocessing were carried out). It shall also include all installations, co-located with the *facility* or location, for the provision or use of essential services, including: hot cells for processing irradiated materials not containing *nuclear material;* installations for the treatment, storage and disposal of waste; and buildings associated with specified activities

identified by …….. under Article 2.a.(iv) above.

c. *Specific equipment and non-nuclear material* means equipment and non-nuclear material listed in Annex II to this Protocol.

d. *Decommissioned facility* or *decommissioned location outside facilities* means an installation or location at which residual structures and equipment essential for its use have been removed or rendered inoperable so that it is not used to store and can no longer be used to handle, process or utilize nuclear material.

e. *Closed-down facility* or *closed-down location outside facilities* means an installation or location where operations have been stopped and the *nuclear material* removed but which has not been decommissioned.

f. *High enriched uranium* means uranium containing 20 percent or more of the isotope uranium-235.

g. *Location-specific environmental sampling* means the collection of environmental samples(e.g., air, water, vegetation, soil, smears) at, and in the immediate vicinity of, a location specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared *nuclear material* or nuclear activities at the specified location.

h. *Wide-area environmental sampling* means the collection of environmental samples (e.g., air, water, vegetation, soil, smears) at a set of locations specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared *nuclear material* or nuclear activities over a wide area.

i. *Nuclear material* means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute of the Agency after the entry into force of this Protocol which adds to the materials considered to be source material or special fissionable material shall have effect under this Protocol only upon acceptance by ……..

j. *Facility means:*
(i) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
(ii) Any location where *nuclear material* in amounts greater than one effective kilogram is customarily used.

k. *Location outside facilities* means any installation or location, which is not a *facility,* where *nuclear material* is customarily used in amounts of one effective kilogram or less.

Annex I

[Editorial Note: Annex I consists of a list of manufacturing and construction activities that should be reported to the Agency by each state. For example, the manufacture of centrifuge rotor tubes or the construction of hot cells.]

Annex II

[Editorial Note: Annex II consists of specified equipment and non-nuclear material about which import and export data should be provided to the Agency. The list is based upon Annex B of *Guidelines for Nuclear Transfers* (INFCIRC/254). This is reproduced in the 'Export Controls' section of this volume of the *Briefing Book.]*

[3] The choice of alternative depends on the preference of the State concerned according to its internal legal requirements.

Non-nuclear-weapon States which are party to the NPT but have not yet brought into force a safeguards agreement pursuant to Article III of that Treaty

[As at 15 Nov 2021]

State	Small Quantities Protocol[1]
Cape Verde	Amended 27 Mar 06
Equatorial Guinea	Approved 13 June 86
Guinea	Signed 13 Dec 11
Guinea Bissau	Signed: 21 Jun 2013
Micronesia, Fed States	Signed: 1 September 2021
Palestine	Signed: 14 June 2019
Sao Tome & Principe	Approved: 21 Nov. 2019
Somalia	

Timor-Leste	Signed 6 Oct 09

[1] 'Small Quantities Protocol' applies to states with no, or very limited, amounts of nuclear material on their territory.

States with IAEA Additional Protocols

[As at 15 November 2021]

States with Additional Protocol in Force: 137 + Euratom
States that signed the Protocol but has yet to bring it into force: 14

State	Date of Signature of Additional Protocol	Date Additional Protocol in Force
Afghanistan	19-Jul-05	19-Jul-05
Albania	02-Dec-04	03-Nov-10
Algeria	16-Feb-18	
Andorra	09-Jan-01	19-Dec-11
Angola	28-Apr-10	28-Apr-10
Antigua and Barbuda	15-Nov-13	15-Nov-13
Armenia	29-Sep-97	28-Jun-04
Australia	23-Sep-97	12-Dec-97
Austria	22-Sep-98	30-Apr-04
Azerbaijan	05-Jul-00	29-Nov-00
Bahrain	21-Sep-10	20-Jul-11
Bangladesh	30-Mar-01	30-Mar-01
Belarus	15-Nov-05	
Belgium	22-Sep-98	30-Apr-04
Benin	07-Jun-05	17-Sep-2019
Bolivia	18- Sep-2019	
Bosnia and Herzegovina	06-Jun-12	03-Jul-13
Botswana	24-Aug-06	24-Aug-06
Bulgaria		01-May-091
Burkina Faso	17-Apr-03	17-Apr-03
Burundi	27-Sep-07	27-Sep-07
Cambodia	03-Feb-15	24-Apr-15
Cameroon	16-Dec-04	29-Sep-16
Canada	24-Sep-98	08-Sep-00
Cabo Verde	28-Jun-05	
Central African Republic	07-Sep-09	07-Sep-09
Chad	15-Sep-09	13-May-10
Chile	19-Sep-02	03-Nov-03
China	31-Dec-98	28-Mar-02
Colombia	11-May-05	05-Mar-09
Comoros	13-Dec-05	20-Jan-09
Congo, Republic of the	13-Apr-10	28-Oct-11
Costa Rica	12-Dec-01	17-Jun-11
Côte d'Ivoire	22-Oct-08	05-May-16
Croatia		1 Apri -17
Cuba	18-Sep-03	03-Jun-04
Cyprus		01-May-081
Czech Republic		01-Oct-091
D.R. Congo	09-Apr-03	09-Apr-03
Denmark3	22-Sep-98	30-Apr-04
Djibouti	27-May-10	26-May-15
Dominican Republic	20-Sep-07	05-May-10
Ecuador	01-Oct-99	24-Oct-01
El Salvador	05-Sep-03	24-May-04
Eriteria	20-Apr-21	20-Apr-21
Estonia		01-Dec-051
Eswatini	23-Jul-10	08-Sep-10
Ethiopia	18-Sep-19	18-Sep-19
Fiji	14-Jul-06	14-Jul-06
Finland	22-Sep-98	30-Apr-04
France	22-Sep-98	30-Apr-04
Gabon	08-Jun-05	25-Mar-10
Gambia	18-Oct-11	18-Oct-11
Georgia	29-Sep-97	03-Jun-03
Germany	22-Sep-98	30-Apr-04
Ghana	12-Jun-98	11-Jun-04
Greece	22-Sep-98	30-Apr-04
Guatemala	14-Dec-01	28-May-08
Guinea	13-Dec-11	
Guinea-Bissau	21-Jun-13	
Haiti	10-Jul-02	09-Mar-06
Holy See	24-Sep-98	24-Sep-98
Honduras	07-Jul-05	17-Nov-17
Hungary		01-Jul-071
Iceland	12-Sep-03	12-Sep-03
India	15-May-09	25-Jul-14
Indonesia	29-Sep-99	29-Sep-99
Iran, Islamic Rep of	18-Dec-03	
Iraq	09-Oct-08	10-Oct-12
Ireland	22-Sep-98	30-Apr-04
Italy	22-Sep-98	30-Apr-04
Jamaica	19-Mar-03	19-Mar-03
Japan	04-Dec-98	16-Dec-99
Jordan	28-Jul-98	28-Jul-98
Kazakhstan	06-Feb-04	09-May-07
Kenya	18-Sep-09	18-Sep-09
Kiribati	09-Nov-04	
Korea, Republic of	21-Jun-99	19-Feb-04
Kuwait	19-Jun-02	02-Jun-03
Kyrgyzstan	29-Jan-07	10-Nov-11
Lao P.D.R.	05-Nov-14	
Latvia		01-Oct-081
Lesotho	26-Apr-10	26-Apr-10
Liberia	25-Sep-17	10-Dec-18
Libya	10-Mar-04	11-Aug-06
Liechtenstein	14-Jul-06	25-Nov-15
Lithuania		01-Jan-081
Luxembourg	22-Sep-98	30-Apr-04
Madagascar	18-Sep-03	18-Sep-03
Malawi	26-Jul-07	26-Jul-07
Malaysia	22-Nov-05	
Mali	12-Sep-02	12-Sep-02
Malta		01-Jul-071
Marshall Islands	03-May-05	03-May-05
Mauritania	02-Jun-03	10-Dec-09
Mauritius	09-Dec-04	17-Dec-07
Mexico	29-Mar-04	04-Mar-11
Monaco	30-Sep-99	30-Sep-99
Mongolia	05-Dec-01	12-May-03
Montenegro	26-May-08	04-Mar-11
Morocco	22-Sep-04	21-Apr-11
Mozambique	08-Jul-10	01-Mar-11
Myanmar	17-Sep-13	
Namibia	22-Mar-00	20-Feb-12
Netherlands	22-Sep-98	30-Apr-04
New Zealand	24-Sep-98	24-Sep-98
Nicaragua	18-Jul-02	18-Feb-05
Niger	11-Jun-04	02-May-07
Nigeria	20-Sep-01	04-Apr-07
Norway	29-Sep-99	16-May-00
Palau	13-May-05	13-May-05
Panama	11-Dec-01	11-Dec-01
Paraguay	24-Mar-03	15-Sep-04
Peru	22-Mar-00	23-Jul-01
Philippines	30-Sep-97	26-Feb-10

Poland		01-Mar-071
Portugal	22-Sep-98	30-Apr-04
Republic of Moldova	14-Dec-11	01-Jun-12
Romania		01-May-101
Russian Federation	22-Mar-00	16-Oct-07
Rwanda	18-Nov-09	17-May-10
Senegal	15-Dec-06	24-Jul-17
Serbia	03-Jul-09	17-Dec-18
Seychelles	07-Apr-04	13-Oct-04
Singapore	22-Sep-05	31-Mar-08
Slovakia		01-Dec-051
Slovenia		01-Sep-061
South Africa	13-Sep-02	13-Sep-02
Spain	22-Sep-98	30-Apr-04
St. Kitts and Nevis	19-May-14	19-May-14
Swaziland	23-Jul-10	08-Sep-10
Sweden	22-Sep-98	30-Apr-04
Switzerland	16-Jun-00	01-Feb-05
Tajikistan	07-Jul-03	14-Dec-04
Thailand	22-Sep-05	17-Nov-2017
Timor-Leste	06-Oct-09	
The FYROM	12-Jul-05	11-May-07
Togo	26-Sep-03	18-Jul-12
Tunisia	24-May-05	
Turkey	06-Jul-00	17-Jul-01
Turkmenistan	17-May-05	03-Jan-06
Uganda	14-Jun-05	14-Feb-06
Ukraine	15-Aug-00	24-Jan-06
United Arab Emirates	08-Apr-09	20-Dec-10
United Kingdom	22-Sep-98	30-Apr-04
United Republic of Tanzania	23-Sep-04	07-Feb-05
United States of America	12-Jun-98	06-Jan-09
Uruguay	29-Sep-97	30-Apr-04
Uzbekistan	22-Sep-98	21-Dec-98
Vanuatu	21-May-13	21-May-13
Viet Nam	10-Aug-07	17-Sep-12
Zambia	13-May-09	
Total	**146**	**129**

Strengthened Safeguards System: Other Parties with Additional Protocols

Other Parties[2]	**Board Approval**	**Date signed**	**In Force**
Euratom	11 June '98	22 Sept '98	30 April '04
Totals	**1**	**1**	**1**

[1] Accession to the additional protocol with EU NNWS reproduced in INFCIRC/193/Add.8

[2] The Agency also applies safeguards, including the measures foreseen in the Model Additional Protocol, in Taiwan, China. Pursuant to a decision by the Board, the relations between the Agency and the authorities in Taiwan, China are non-governmental.

P – Documents of the Conference on Disarmament

Report of the Conference on Disarmament to the General Assembly of the United Nations

CD/2179
[13 September 2019]

[Eds . . .]

II. **Organisation of the work of the Conference**

[Eds . . .]

1. **D. Agenda and programme of work for the 2019 session**

14. At its 1475th plenary meeting on 21 January 2019, a draft agenda was presented by the President of the Conference, Mr. Yurii Klymenko, Ambassador of Ukraine and reviewed in accordance with rule 29 of the rules of procedure. The Conference on Disarmament adopted the following agenda (CD/2153) for the 2019 session (CD/PV.1475): "Taking into account, inter alia, the relevant provisions of the Final Document of the First Special Session of the General Assembly devoted to disarmament, and deciding to resume its consultations on the review of its agenda, and without prejudice to their outcome, the Conference adopts the following agenda for its 2019 session:

1. Cessation of the nuclear arms race and nuclear disarmament.

2. Prevention of nuclear war, including all related matters.

3. Prevention of an arms race in outer space.

4. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

5. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.

6. Comprehensive programme of disarmament.

7. Transparency in armaments.

8. Consideration and adoption of the annual report and any other report, as appropriate, to the General Assembly of the United Nations."

15. Subsequently, the President made the following statement: "In connection with the adoption of the agenda, I, as President of the Conference, should like to state that it is my understanding that if there is a consensus in the Conference to deal with any issues, they could be dealt with within this agenda. The Conference will also take into consideration rules 27 and 30 of the rules of procedure of the Conference."

16. Throughout the 2019 session, successive Presidents of the Conference conducted intensive consultations with a view to reaching consensus on a programme of work on the basis of the relevant proposals. Delegations expressed their views on the issue of a programme of work, taking account of relevant proposals and suggestions, which are duly reflected in the plenary records. However, despite these efforts, the Conference did not succeed in reaching consensus on a programme of work in 2019.

17. The following documents were submitted to the Conference on the discussion on the programme of work:

(a) CD/2162

(b) CD/2163;

(c) CD/2166;

(d) CD/2172;

(e) CD/2173;

(f) CD/2174;

(g) CD/2175.

[Eds . . .]

G. Improved and effective functioning of the Conference

21. The improved and effective functioning of the Conference was addressed by delegations in plenary meetings. Their views on the issue are duly reflected in the plenary records.

22. The following documents were submitted to the Conference on the improved and effective functioning of the Conference:

(a) CD/2165;

(b) CD/2167.

[Eds . . .]

Revised draft decision submitted by the UK to the CD [not adopted]

CD/2166
[9 August 2019]

The Conference on Disarmament,

Recognising that 2019 marks the fortieth anniversary of its creation, as the single multilateral disarmament negotiating forum, by the First Special Session of the General Assembly devoted to Disarmament (SSOD-I);

Having in mind the achievements of one hundred years of disarmament diplomacy in Geneva;

In pursuance of its agenda contained in CD/2153;

In accordance with the rules of procedure of the Conference on Disarmament and without prejudice to the responsibilities entrusted to the President under the rules of procedure, in particular rule 29 for drawing up the programme of work of the Conference;

Recalling paragraph 28 of its rules of procedure, which calls on the Conference to establish its programme of work on the basis of its agenda;

Taking into account the several proposals tabled for the programme of work of the Conference, and the interest in seeing the Conference return to substantive work;

Recognising that there is no consensus for launching negotiations on any issue at this time;

Conscious of the need to conduct its work in a balanced and comprehensive manner, and recalling that all agenda items of the Conference carry equal weight;

Aiming at promoting multilateralism and enhancing the inclusiveness, effectiveness and authority of the Conference as the single multilateral disarmament negotiating forum;

Decides:

Subsidiary Bodies

1. To establish, in accordance with Paragraph 23 of its rules of procedure, four Subsidiary Bodies, and appoint Coordinators on the basis of equitable geographical representation, as follows:

(a) Subsidiary Body 1: Cessation of the nuclear arms race and nuclear disarmament, and prevention of nuclear war, and all related matters (agenda items 1 and 2), building on the possible ways forward identified in document CD/2138, with a particular focus on elements of legally binding instruments and additional measures, and options for negotiations.

Coordinator: H.E. Ambassador Aliyar Lebbe Abdul Azeez of Sri Lanka

(b) Subsidiary Body 2: Fissile material for nuclear weapons and other explosive devices (agenda items 1 and 2), building on the possible ways forward identified in document CD/2139, with a particular focus on elements of a ban of the production of such material, and options for negotiations.

Coordinator: H.E. Ambassador Robbert Gabriëlse of The Netherlands

(c) Subsidiary Body 3: Prevention of an arms race in outer space (agenda item 3), building on the possible ways forward identified in document CD/2140, with a particular focus on elements of legally binding instruments and additional measures on PAROS, and options for negotiations.

Coordinator: H.E. Ambassador Guilherme de Aguiar Patriota of Brazil

(d) Subsidiary Body 4: Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (agenda item 4), building on the discussions in Subsidiary Body 4 in 2018, with a particular focus on elements of legally binding instruments and additional measures on such arrangements, and options for negotiations.

Coordinator: H.E. Ambassador Carlos Foradori of Argentina

2. The aim of the Subsidiary Bodies established under this Decision will be to identify and consider legally binding instruments for negotiations and effective measures, and their scope. To this end, the Subsidiary Bodies may deepen technical discussions and broaden areas of agreement, including through the participation, in accordance with the rules of procedure, of relevant experts; and reach understandings on areas of commonalities on the issues set out in paragraph 1, taking into consideration all relevant views and proposals past, present and future.

3. The Subsidiary Bodies shall conduct their work and adopt their reports in accordance with paragraph 18 of the rules of procedure, with even allocation of time. Each Subsidiary Body shall hold up to eight meetings, in accordance with the timetable annexed to this Decision. In accordance with paragraph 24 of the rules of procedure, the meetings of the Subsidiary Bodies shall be informal, except for those indicated in the timetable annexed to this Decision, which shall be formal.

4. In accordance with rule 35 of the rules of procedure, the Subsidiary Bodies shall be open to all Member States of the Conference and to those non-Member States that the Conference has invited to participate in its work during the 2019 session.

5. At its final formal meeting, each Subsidiary Body, by consensus, shall adopt a report on its work and any commonalities and recommendations which may have been reached. At that meeting, the Coordinator may also make a statement in his or her personal capacity on the work of the Subsidiary Body, with a particular focus on the aims set out in paragraph 2 of this Decision, without prejudice to the national positions of member States. The reports of the Subsidiary Bodies shall be presented to the Conference through the President and duly reflected in the annual report of the Conference to the General Assembly of the United Nations.

Special Coordinators

6. To appoint Special Coordinators, as follows:

(a) H.E. Ambassador Yury Ambrazevich of Belarus as Special Coordinator on Emerging Issues and New Technologies. The Special Coordinator shall examine the impact of emerging issues and new technologies on the agenda items of the Conference, building on the possible ways forward identified in document CD/2141, in consultation with the members of the Conference, including through the participation, in accordance with the rules of procedure, of relevant experts. The Special Coordinator and the Coordinators of the four Subsidiary Bodies shall coordinate in considering the impact of emerging issues and new technologies on the subject matter of the Subsidiary Bodies.

(b) H.E. Ambassador Sabrina Dallafior of Switzerland as Special Coordinator on the improved and effective functioning of the Conference and the expansion of its membership. The Special Coordinator shall examine ways to improve the functioning of the Conference and consult Member States and participating non-Member States on the question of its membership.

7. In discharging their duties and functions, the Special Coordinators shall hold consultations with delegations including in formal and informal meetings open to all Member States of the Conference and to those non-Member States that the Conference has invited to participate in its work during the 2019 session in accordance with rule 35 of the rules of procedure, taking into consideration all relevant views and proposals past, present and future.

8. The Special Coordinators shall make their reports in their personal capacities in a statement at a formal meeting of the Conference no later than the final week of the second part of the 2019 session. Any action pursuant to any proposals or recommendations that may be presented by the Special Coordinators shall be decided by consensus.

9. This decision applies for the 2019 session, without prejudice to any subsequent decision at the beginning of future annual sessions of the Conference on Disarmament.

Working Paper submitted by the Netherlands to the CD. Back to basics – the Programme of Work.

CD/2165
[8 August 2019]

1. This working paper argues that the Conference on Disarmament should return to its origins and return to working on the basis of the programme of work as intended in the Rules of Procedure and used in the first one and a half decades from 1979 onwards. During this period, the programme of work merely served as a planning tool in which the allocation of time for each agenda item was set for the session ahead. The decisions on the establishment of subsidiary bodies (including the *ad hoc* committees that negotiated the Chemical Weapons Convention and Comprehensive Nuclear-Test-Ban Treaty) were taken separately from the programme of work.

2. This is in stark contrast to the last two decades, where efforts focussed on combining within the programme of work the prescribed schedule of activities with the establishment of subsidiary bodies. This linkage between the programme of work and the establishment of subsidiary bodies — including their respective mandates — is a key problem. Instead of a planning tool, the programme of work has become a procedural hurdle that has prevented the Conference from working on the substance of its agenda. This has led to a two-decade stalemate that has eroded the stature and standing of the Conference.

I. Rules of procedure

3. The programme of work is governed by Rule 28 of the rules of procedure [Rule 28: “On the basis of its agenda, the Conference, at the beginning of its annual session, shall establish its programme of work, which will include a schedule of its activities for that session, taking also into account the recommendations, proposals and decisions referred to in rule 27.”], which only set out two substantial requirements for the programme of work: 1) it must be based on the Agenda of the Conference on Disarmament and 2) include a schedule of activities. In this context, it is also relevant to point out Rule 20 of the rules of procedure, [Rule 20: The Conference shall convene in plenary meetings in accordance with a schedule to be agreed upon. These meetings shall be held in public unless the Conference decides otherwise. In the event that it is decided to hold a private meeting, the Conference shall also decide whether to issue a communiqué of the meeting. The communiqué shall adequately reflect the substance of the proceedings and decisions taken by the Conference.”] which notes

that the Conference shall convene in plenary meetings in accordance with a schedule to be agreed upon. It seems clear that the schedule of activities contained in the programme of work is meant by this. The programme of work is thus intended as a planning tool to organize the work of the Conference and hence to allow delegations sufficient time to prepare. This is the purpose of a programme of work in most — if not all — multilateral disarmament fora.

4. While Rule 28 has been amended twice since 1979, these amendments have not changed the purpose of the programme of work, which is to serve as a planning tool for the Conference. The first amendment in decision CD/421 was made to reflect the name change from Conference of the Committee on Disarmament to Conference on Disarmament, which came into effect in 1984. The second amendment reflects decision CD/1036 from 1990, in which it was decided that the programme of work from 1991 onwards should be established for the whole session, instead of for each of the separate parts of the annual session, which was the practice from 1978 until 1990.

5. The link made in contemporary proposals on the programme of work between the establishment of subsidiary bodies and the programme of work is not reflected in the rules of procedure. Neither Rule 28 (on the programme of work), nor Rule 23 and 24 (on the establishment of subsidiary bodies) refer to each other. Moreover, the wording used in the different rules is clearly distinct, with Rule 28 using the wording: "shall establish", which indicates that the programme of work is a requirement. In contrast to the wording of rule 23: "Whenever the Conference deems it advisable for the effective performance of its functions … may establish subsidiary bodies", which indicates that the establishment of subsidiary bodies is optional. [Rule 23: "Whenever the Conference deems it advisable for the effective performance of its functions, including when it appears that there is a basis to negotiate a draft treaty or other draft texts, the Conference may establish subsidiary bodies, such as ad hoc sub committees, working groups, technical groups or groups of governmental experts, open to all member States of the Conference unless the Conference decides otherwise. The Conference shall define the mandate for each of such subsidiary bodies and provide appropriate support for their work." Rule 24: "The Conference shall decide if its own rules of procedure may be adapted to the specific requirements of its subsidiary bodies. The meetings of the subsidiary bodies shall be informal unless the Conference decides otherwise. The Secretariat shall provide assistance to the subsidiary bodies, as requested, including the preparation of unofficial summaries of the subsidiary bodies' proceedings in the working languages of the Conference."]

6. The table in annex I of this paper provides an overview of the programmes of work adopted and stand-alone decisions on subsidiary bodies of the Conference. This clearly shows that in the first fifteen years of its existence, decisions on the (re-)establishment of subsidiary bodies and their mandates were taken separately from the decision on the programme of work, fully in line with the rules of procedure.

II. Historic perspectives

7. As shown in the table in annex I, in the period 1978 to 1992, the Conference on Disarmament successfully adopted its programme of work and established one or more subsidiary bodies each year, including with negotiating mandates. During this period, the programme of work only contained a schedule of activities that allocated time for substantive work on the agenda items in the plenary session of the Conference. The subsidiary bodies were only established once consensus emerged on their mandate for each agenda item separately.

8. Following decision CD/1036 in 1990, the Conference used a simplified programme of work in 1991 and 1992, while also continuing negotiating in separately established subsidiary bodies, including on the Chemical Weapons Convention. Decision CD/1036 also recognizes in paragraph 5 the possibility that there is no consensus on the establishment of any subsidiary bodies and establishes a procedure to handle such a situation, by appointing a Special Coordinator to continue consultations on the establishment of subsidiary bodies.

14. 9. In the period 1993 to 1996, the Conference did not adopt a programme of work but organized its work through so-called presidential statements, in which the agenda and different subsidiary bodies were agreed at the same time. Nonetheless, the different subsidiary bodies retained their separately agreed mandates, as can be seen from the table in annex I. The fact that the Conference agreed on this approach further demonstrates that the conduct of negotiations in the Conference is separated from the programme of work. The start of negotiations is thus not dependent on the agreement on a programme of work, as the latter only provided a timetable for the organization of work other than negotiations.

15. 10. Following the conclusion of the Comprehensive Nuclear-Test-Ban Treaty in 1996, the Conference on Disarmament continued to organize its work during the 1997 and 1998 session in this way. The adoption of CD/1547 to negotiate "a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices" during the 1998 session was the last time that the Conference took a stand-alone decision on the establishment of a subsidiary body to conduct negotiations.

III. Changing course

16. 11. From the 1999 session onwards, building on the newly established practice to group different mandates together, numerous proposals for a programme of work have been tabled. All of these seek to establish two or more subsidiary bodies simultaneously, thereby blurring the distinction between the programme of work as the planning tool intended by rule 28, and the stand-alone decisions on subsidiary bodies and their mandates as originally intended by rule 23. None of these proposals — with the notable exception of the adopted but never implemented programme of work contained in CD/1864 during the 2009 session — has garnered consensus.

IV. Key problems to address

17. 12. The expansion of the programme of work from a planning tool, to an all-encompassing decision to both organize the work of the conference and establish subsidiary bodies is problematic and has significantly contributed to the two-decade stalemate of the Conference on Disarmament. The pursuit of a programme of work, that also establishes subsidiary bodies, has created a number of interrelated problems, which can be summarised as follows:

- *First,* linking the organization of work with the establishment of subsidiary bodies and their mandates has created a situation whereby disagreement on the mandate of a single subsidiary body prevents substantive work on all agenda items.

- *Second,* the programme of work has thereby become a goal in itself, rather than the planning tool it is supposed to be.

- *Third,* work on the substance of the Conference on Disarmaments' agenda has been replaced by procedural debates on the organization of work.

18. 13. Addressing the above-mentioned problems can be done by returning to the well-established and functioning practice of using the programme of work as a planning tool for the plenary meetings of the session ahead and by delinking it from the establishment of subsidiary bodies, which should be done through a separate decision. Such a programme of work should follow the letter of the rules of procedure and thus only provide for a schedule of activities for that session based on the agenda agreed. An example of such an approach, based on the programmes of work of the 1990 session (CD/963 & CD/1003) and the current agenda (CD/2153), is contained in annex II.

19. 14. Taking this approach would allow the Conference on Disarmament to focus again on the substance of its agenda during its plenary meetings. During these meetings, the Conference should work on the substance of the agenda item under consideration and with the goal of launching of negotiations. Once sufficient progress is made on an agenda item or a specific topic covered by it, the Conference could subsequently establish a subsidiary body on that topic, while work on the (other) agenda items continues under the programme of work.

15. An additional advantage to such an approach is that it provides all delegations, including the rotating presidency, with a clear plan that allows for sufficient time by all delegations to prepare and to facilitate participation from capital and the submission of working papers and other proposals. As noted in rule 30, organizing the work in this manner, whereby statements in the plenary normally correspond to the topic then under consideration, does not impede the right of any member of the Conference to raise any subject relevant to the work of the Conference.

Revised package circulated on 2 March 2020 on CD work [not adopted]

CD/2187/Add.3
[8 April 2020]

Draft Presidential Statement on the improved and effective functioning of the Conference

The Conference decides to appoint H.E Mr. Felix Baumann, Ambassador of Switzerland, to hold informal open-ended consultations to determine whether there would be a common ground for addressing issues relating to the improved and effective functioning of the Conference consistent with the rules of procedure, particularly, in accordance with rules 3 and 18.

In discharging its duties, the Ambassador shall hold in no more than 2 informal open-ended consultations meetings with the member states during 2020 session of the Conference.

The Ambassador shall report on its work in his personal capacity to the Conference no later than the final week of the second part of the 2020 session. This report should not be agreed and has no status.

II. Revised draft proposal on the work of the Conference on Disarmament for 2020 (CD/WP.626/Rev. 3)

The Conference on Disarmament,

Cognizant of its role as the single multilateral disarmament negotiating forum established by the First Special Session of the General Assembly devoted to Disarmament (SSOD-I),

In order to provide a programme of work for the Conference which does not prejudice any past, present or future position, proposal or priority of any delegation,

In pursuance of its agenda contained in CD/2183,

Seeking to advance the substantive work of the Conference,

Pursuant to paragraph 28 of its Rules of Procedure which calls on the Conference to establish its programme of work on the basis of its agenda,

decides:

20 January 2020 - 27 March 2020

Statements in plenary meetings

Implementation of arrangements for Subsidiary Bodies

The High Level Segment

Other organizational questions

Supervision of work in Subsidiary Bodies

25 May 2020 - 10 July 2020

Statements in plenary meetings

Supervision of work in Subsidiary Bodies

Other organizational questions

Civil society event

03 August 2020 - 18 September 2020

Statements in plenary meetings

Supervision of work in Subsidiary Bodies, consideration and adoption of the reports of the Subsidiary Bodies

Consideration and adoption of the annual report to the General Assembly of the United Nations

1. To establish, in accordance with Paragraph 23 of its rules of procedure, Four Subsidiary Bodies on agenda items 1 (one) to 4 (four), and One on agenda items 5 (five), 6 (six) and 7 (seven), with a particular focus on substantial elements of legally binding instruments and additional measures, and options for negotiations.

2. The aim of the Subsidiary Bodies established under this Decision will be to consider and recommend effective measures, in line with the Final Document of SSOD-I. To this end, the Subsidiary Bodies may deepen technical discussions and broaden areas of agreement, including through the participation, in accordance with the rules of procedure, of relevant experts; and reach understandings on areas of commonalities as set out in paragraph 1, taking into consideration all relevant views and proposals past, present and future.

3. The Subsidiary Bodies will be chaired by Coordinators appointed by the Conference, under the guidance of the President on the basis of equitable regional distribution.

4. The Subsidiary Bodies shall meet in accordance with paragraph 24 of the rules of procedure, and shall conduct their work in accordance with paragraph 18 of the rules of procedure, with even allocation of time.

5. In accordance with rule 35 of the rules of procedure, the Subsidiary Bodies shall remain open to all Member States of the Conference on Disarmament and to those non Member States that the Conference has invited to participate in its work during the 2020 session.

6. The reports on the progress achieved and agreed on by consensus in Subsidiary Bodies would be submitted by Coordinators to the Conference on Disarmament, through the President, for adoption and due reflection in the annual report of the Conference on Disarmament to the General Assembly of the United Nations.

7. A subsequent decision of the Conference will implement this decision, including the timetable and the Coordinators of the Subsidiary Bodies.

8. This decision applies for the 2020 session, without prejudice to any subsequent decision at the beginning of future annual sessions of the Conference on Disarmament.

III. Revised draft decision for the implementation of the work of the Conference on Disarmament for 2020 (CD/WP.627/Rev.2)

The Conference on Disarmament, in accordance with Paragraph 23 of its rules of procedure and in pursuance of its decision CD/WP.626/Rev.3,

Decides:

1. On the basis of equitable geographic distribution, to appoint the following coordinators of the subsidiary bodies:

Subsidiary body 1: Cessation of the arms race and nuclear disarmament H.E. Mr. Emilio Rafael IZQUIERDO MIÑO, Ambassador of Ecuador

Subsidiary body 2: Prevention of nuclear war, including all related matters H.E. Mr. Ignacio SÁNCHEZ DE LERÍN, Ambassador of Spain

Subsidiary body 3: Prevention of an arms race in outer space Ms. Dayani MENDIS, Chargée d'Affaires ad interim of Sri Lanka

Subsidiary body 4: Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons H.E. Mr. Ichiro OGASAWARA, Ambassador of Japan

Subsidiary body 5: New types of weapons of mass destruction and new systems of such weapons; radiological weapons - Comprehensive programme of disarmament - Transparency in armament - Emerging and other issues relevant to the substantive work of the Conference could also be considered, in accordance with CD/ WP.626/Rev.3, H.E. Mr. Yury AMBRAZEVICH, Ambassador of Belarus.

2. That the subsidiary bodies will meet in accordance with the timetable annexed to this decision.

Australian proposal to make the Conference on Disarmament Rules of Procedure gender neutral

CD/2198
[17 September 2020]

1. During the Conference on Disarmament (CD) Plenary meeting on 3 March 2020, Australia, as incoming CD President, advised that we would propose technical changes to the CD's rules of procedure to remove the use of gendered pronouns in the context of the CD President, Secretary-General, and Member State representatives.

2. We offer the following proposal to make the CD rules of procedure gender neutral.

3. Australia proposes a technical update to the Rules of Procedure of the Conference on Disarmament, as contained in CD/8/Rev.9 of 19 December 2003, to make the text in the Rules of Procedure gender neutral.

4. Rule 47 allows the Rules of Procedure to be amended by a decision of the Conference.

5. Rule 18 of the Rules of Procedure states that the Conference shall adopt its decisions by consensus.

Proposed technical update

6. Technical updates to the underlined text of rules 10, 11, 13, 16 and 37 of the Conference's Rules of Procedure are proposed with the bracketed text to replace the underlined text to make the rules gender neutral.

7. Rule 10: "If the head of the delegation which performs the function of President cannot be present, he [the head of the delegation] may be replaced by a member of his [the] delegation. If no member of the delegation holding the chair is able to perform the function of President, the delegation next in order of rotation shall temporarily assume this function.

8. Rule 11: "Apart from exercising the normal functions of a presiding officer and in addition to the powers conferred upon him [the President] elsewhere by these rules, the President shall, in full consultation with the Conference and under its authority, represent it in its relations with States, with the General Assembly and other organs of the United Nations and with other international organizations".

9. Rule 13: "At the request of the Conference the Secretary-General of the United Nations, following consultations with the Conference, will appoint the Secretary-General of the Conference, who shall also act as his personal representative [the personal representative of the Secretary-General of the United Nations], to assist the Conference and its President in organizing the business and timetables of the Conference.".

10. Rule 16: "The Secretary-General shall also perform such other functions as are entrusted to him [the Secretary-General] by these rules or by the Conference".

11. Rule 37: "Simultaneous interpretation, verbatim records of public plenary meetings and documents shall be provided in the languages used within the United Nations system by member States of the Conference participating in its work. Any representative may speak in his [the representative's] own language provided he [the representative] makes available simultaneous interpretation into a working language".

Report of the Conference on Disarmament to the General Assembly of the United Nations

CD/2223
[13 September 2021]

[Eds . . .]

II. Organization of the work of the Conference

A. 2021 session of the Conference

2. The Conference was in session from 18 January to 26 March, 10 May to 25 June and 26 July to 10 September 2021. During this period, the Conference held 50 formal plenary meetings, at which member States as well as non-member States invited to participate in the discussions outlined their views and recommendations on the various issues before the Conference.

3. The Conference also held 13 informal plenary meetings.

4. The Presidency was assumed in accordance with rule 9 of the rules of procedure, as specified in Appendix I to this report. The Conference noted that without creating a precedent for its future sessions, the Presidents of 2021 invited the last President of the 2020 session and the first President of the 2022 session to attend their regular informal meetings, for the sake of the continuity of the Conference's work.

5. The Conference's work in 2021 continued to be impacted by the COVID-19 pandemic. The Conference continued to make use of remote simultaneous interpretation (RSI) platforms in order to convene plenary meetings in hybrid and virtual formats in the six working languages of the Conference, in line with the Conference's rules of procedure. The Conference noted that the use of hybrid and virtual formats did not create a precedent for future Conference meetings, yet it proved to be a tool, which allowed the Conference to continue its work in the pandemic situation.

[Eds . . .]

D. Agenda and programme of work for the 2021 session

14. At its 1548th plenary meeting on 19 January 2021, a draft agenda was presented by the President of the Conference and reviewed in accordance with rule 29 of the rules of procedure. The Conference on Disarmament adopted the following agenda (CD/2209) for the 2021 session (CD/PV.1548):

"Taking into account, inter alia, the relevant provisions of the Final Document of the First Special Session of the General Assembly devoted to disarmament, and deciding to resume its consultations on the review of its agenda, and without prejudice to their outcome, the Conference adopts the following agenda for its 2021 session:

Cessation of the nuclear arms race and nuclear disarmament.

Prevention of nuclear war, including all related matters.

Prevention of an arms race in outer space.

Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.

New types of weapons of mass destruction and new systems of such weapons; radiological weapons.

Comprehensive programme of disarmament.

Transparency in armaments.

Consideration and adoption of the annual report and any other report, as appropriate, to the General Assembly of the United Nations."

15. Subsequently, the President made the following statement: “In connection with the adoption of the agenda, I, as the President of the Conference, should like to state that it is my understanding that if there is a consensus in the Conference to deal with any issues, they could be dealt with within this agenda. The Conference will also take into consideration rules 27 and 30 of the rules of procedure of the Conference.”

16. Pursuant to paragraph 44 of the 2020 report of the Conference (CD/2207), the last President of the 2020 session and the first President of the 2021 session, conducted informal consultations during the intersessional period with a view to commencing early substantive work during the 2021 session of the Conference.

17. Throughout the 2021 session, the first three successive Presidents of the Conference conducted intensive consultations with a view to reaching consensus on a programme of work on the basis of the relevant proposals. Delegations expressed their views on the issue of a programme of work, taking account of relevant proposals and suggestions, which are duly reflected in the plenary records. However, despite these efforts, the Conference did not succeed in reaching consensus on a programme of work in 2021.

18. The following documents were submitted to the Conference:

(a) CD/2212;

(b) CD/2219;

(c) CD/2220.

[Eds . . .]

Q – Security Assurances

Editorial Note: The last four documents of this section focus on documents related to security assurances provided to Former Soviet Republics

United Nations Security Council Resolution 225

[19 June 1968]

The Security Council,

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly or indirectly, not to manufacture or otherwise aquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safe-guard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act or an object of threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

Unilateral Security Assurances by Nuclear-Weapon States

[1978, 1982 and 1995]

China

Given on 7 June 1978 [extract]

For the present, all the nuclear countries, particularly the super-Powers, which possess nuclear weapons in large quantities, should immediately undertake not to resort to the threat or use of nuclear weapons against the non-nuclear countries and nuclear-free zones. China is not only ready to undertake this commitment but wishes to reiterate that at no time and in no circumstances will it be the first to use nuclear weapons. {A/S-10/AC.1/17, annex, para.7.}

Given on 28 April 1982 [extract]

Pending the realization of completed prohibition and thorough destruction of nuclear weapons, all nuclear countries must undertake unconditionally not to use or threaten to use such weapons against non-nuclear countries and nuclear-free zones.

As is known to all, the Chinese Government has long declared on its own initiative and unilaterally that at no time and under no circumstances will China be the first to use nuclear weapons, and that it undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear countries and nuclear-free zones. {A/S-12/11}

Given on 5 April 1995

For the purpose of enhancing international peace, security and stability and facilitating the realization of the goal of complete prohibition and thorough destruction of nuclear weapons, China hereby declares its position on security assurances as follows:

1. China undertakes not to be the first to use nuclear weapons at any time or under any circumstances.

2. China undertakes not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances. This commitment naturally applies to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or non-nuclear-weapon States that have entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices.

3. China has always held that, pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to be the first to use nuclear weapons and not to use or threaten to use such weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances. China strongly calls for the early conclusion of an international convention on no-first-use of nuclear weapons as well as an international legal instrument assuring the non-nuclear-weapon States and nuclear-weapon-free zones against the use or threat of use of nuclear weapons.

4. China, as a permanent member of the Security Council of the United Nations, undertakes to take action within the Council to ensure that the Council takes appropriate measures to provide, in accordance with the Charter of the United Nations, necessary assistance to any non-nuclear-weapon State that comes under attack with nuclear weapons, and imposes strict and effective sanctions on the attacking State. This commitment naturally applies to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons or any non-nuclear weapon State that has entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices, in the event of an aggression with nuclear weapons or the threat of such aggression against such State.

5. The positive security assurance provided by China, as contained in paragraph 4, does not in any way compromise China's position as contained in paragraph 3 and shall not in any way be construed as endorsing the use of nuclear weapons.

France

Given on 30 June 1978 [extract]

Furthermore, as regards paragraph 59 [of the Final Document of the Tenth Special Session] concerning assurances of the non-use of nuclear weapons against non-nuclear States, the delegation of France would recall that France is prepared to give such assurances, in accordance with arrangements to be negotiated, to States which constitute non-nuclear zones. *{Official Records of the General Assembly, Tenth Special Session, Plenary Meetings,* 27th meeting, para. 190}

Given on 11 June 1982 [extract]

For its part, it [France] states that it will not use nuclear arms against a State that does not have them and that has pledged not to seek them, except if an act of aggression is carried out in association or alliance with a nuclear-weapon State against France or against a State with which France has a security commitment. *{Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings,* 9th meeting}

Given on 6 April 1995

The issue of security assurances given by the nuclear Powers to the non-nuclear-weapon States is, for my delegation, an important one:

Firstly, because it corresponds to a real expectation on the part of the non-nuclear-weapon States, particularly those which, have renounced atomic weapons by signing the Treaty on the Non-Proliferation of Nuclear Weapons;

Secondly, because it involves our particular responsibilities as a nuclear Power;

Finally, because it has acquired new meaning since the end of the cold war, with the growing awareness of the threat which the proliferation of nuclear weapons represents for everyone.

It is in order to meet that expectation, to assume its responsibilities and to make its contribution to efforts to combat the proliferation of nuclear weapons that France has decided to take the following steps:

Firstly, it reaffirms, and clarifies, the negative security assurances which it gave in 1982, specifically:

France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on France, its territory, its armed forces or other troops, or against its allies or a State towards which it has a security commitment, carried out or sustained by such a State in alliance or association with a nuclear-weapon State.

It seems to us natural that it is the signatory countries to the Treaty on the Non-Proliferation of Nuclear Weapons — that is to say, the overwhelming majority of countries in the world – who should benefit from these assurances, since they have made a formal non-proliferation commitment. Furthermore, in order to respond to the request of a great many countries, France has sought as much as possible to harmonize the content of its negative assurances with those of the other nuclear Powers. We are pleased that this effort has been successful. The content of the declarations concerning the negative security assurances of France, the United States of America, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland are henceforth practically identical.

Secondly, and for the first time, France has decided to give positive security assurances to all non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Its accession to the Treaty made this decision both possible and desirable. Accordingly:

'France considers that any aggression which is accompanied by the use of nuclear weapons would threaten international peace and security. France recognizes that the non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons are entitled to an assurance that, should they be attacked with nuclear weapons or threatened with such an attack, the international community and, first and foremost, the United Nations Security Council, would react immediately in accordance with obligations set forth in the Charter.

'Having regard to these considerations, France makes the following declaration:

'France, as a Permanent Member of the Security Council, pledges that, in the event of attack with nuclear weapons or the threat of such attack against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, France will immediately inform the Security Council and act within the Council to ensure that the latter takes immediate steps to provide, in accordance with the Charter, necessary assistance to any State which is the victim of such an act or threat of aggression.

'France reaffirms in particular the inherent right, recognized in Article 51 of the Charter, of individual or collective self-defence if an armed attack, including an attack with use of nuclear weapons, occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.'

In this area also, we are pleased that the content of these positive assurances has been the subject of close consultations with the other nuclear Powers.

Thirdly, France, with the four other nuclear Powers, has decided to submit to the United Nations Security Council a draft resolution which constitutes a first in many respects, and which reflects our intention to meet the expectations of the international community globally, collectively and specifically;

Globally: for the first time, a draft resolution deals with both negative and positive assurances;

Collectively: for the first time, a resolution of the Security Council specifies the measures which the Security Council could take in the event of aggression, in the areas of the settlement of disputes, humanitarian assistance and compensation to the victims.

The draft resolution solemnly reaffirms the need for all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fully respect their obligations. That is not a *petitio principii,* but a reminder of a fundamental rule. The draft resolution also emphasizes the desirable nature of universal accession to the Treaty.

The decisions which I have just announced correspond to our intention to consolidate the non-proliferation regime and particularly the Treaty on the Non-Proliferation of Nuclear Weapons, which is the cornerstone of that regime. It is our hope and firm conviction that the initiatives we have just taken will contribute thereto.

Soviet Union/Russia

Given on 26 May 1978 [extract]

From the rostrum of the special session our country declares that the Soviet Union will never use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territories.

We are aware of the responsibility which would thus fall on us as a result of such a commitment. But we are convinced that such a step to meet the wishes of non-nuclear States to have stronger security guarantees is in the interests of peace in the broadest sense of the word. We expect that the goodwill evinced by our country in this manner will lead to more active participation by a large number of States in strengthening the non-proliferation regime. *{Official Records of the General Assembly, Tenth Special Session, Plenary Meetings,* 5th meeting, paras. 84 and 85.}

Given on 12 June 1982 [extract]

[The Soviet Union assumes] an obligation not to be the first to use nuclear weapons. This obligation shall become effective immediately, at the moment it is made public from the rostrum of the United Nations General Assembly. ... [The question of the granting of security guarantees] could be solved by concluding an international convention. The USSR is also prepared to conclude bilateral agreements on guarantees with States which do not possess nuclear weapons and do not have them on their territory. *{Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings,* 12th meeting}

Given on 5 April 1995

Russian Federation will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

United Kingdom

Given on 28 June 1978 [extract]

I accordingly give the following assurance, on behalf of my government, to non-nuclear-weapon States which are parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to other internationally binding commitments not to manufacture or acquire nuclear explosive devices: Britain undertakes not to use nuclear weapons against such States except in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such a State in association or alliance with a nuclear-weapon State. *{Official Records of the General Assembly, Tenth Special Session, Plenary Meetings,* 26th meeting, para. 12}

Given on 6 April 1995

The Government of the United Kingdom believes that universal adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security. We note with appreciation that 175 States have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

We believe that the Treaty on the Non-Proliferation of Nuclear

Weapons is the cornerstone of the international non-proliferation regime which has made an invaluable contribution to international peace and security. We are convinced that the Treaty should be extended indefinitely and without conditions.

We will continue to urge all States that have not done so to become parties to the Treaty.

The Government of the United Kingdom recognises that States which have renounced nuclear weapons are entitled to look for assurances that nuclear weapons will not be used against them. In 1978 we gave such an assurance. Assurances have also been given by the other nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recognising the continued concern of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the assurances given by nuclear-weapon States should be in similar terms, and following consultation with the other nuclear-weapon States, I accordingly give the following undertaking on behalf of my Government:

The United Kingdom will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

In giving this assurance the United Kingdom emphasises the need not only for universal adherence to, but also for compliance with, the Treaty on the Non-Proliferation of Nuclear Weapons. In this context I wish to make clear that Her Majesty's Government does not regard its assurance as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

In 1968 the United Kingdom declared that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are Permanent Members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking 'effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace'. Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

I, therefore, recall and reaffirm the intention of the United Kingdom, as a Permanent Member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State, Party to the Treaty on the Non-Proliferation of Nuclear Weapons, that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

This Security Council assistance could include measures to settle the dispute and restore international peace and security, and appropriate procedures, in response to any request from the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

If a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, the United Kingdom would also be prepared to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance.

The United Kingdom reaffirms in particular the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

United States

Given on 17 November 1978 [extract]

The United States will not use nuclear weapons against any non-nuclear-weapon State Party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack. {A/C.1/33/7, annex}

Given on 5 April 1995

The United States of America believes that universal adherence to and compliance with international conventions and treaties seeking to prevent the proliferation of weapons of mass destruction is a cornerstone of global security. The Treaty on the Non-Proliferation of Nuclear Weapons is a central element of this regime. 5 March 1995 was the twenty-fifth anniversary of its entry into force, an event commemorated by President Clinton in a speech in Washington D.C., on 1 March 1995. A conference to decide on the extension of the Treaty will begin in New York on 17 April 1995. The United States considers the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons without conditions as a matter of the highest national priority and will continue to pursue all appropriate efforts to achieve that outcome.

It is important that all parties to the Treaty on the Non-Proliferation of Nuclear Weapons fulfil their obligations under the Treaty. In that regard, consistent with generally recognised principles of international law, parties to the Treaty on the Non-Proliferation of Nuclear Weapons must be in compliance with these undertakings in order to be eligible for any benefits of adherence to the Treaty.

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would create a qualitatively new situation in which the nuclear-weapon State permanent members of the United Nations Security Council would have to act immediately through the Security Council, in accordance with the Charter of the United Nations, to take the measures necessary to counter such aggression or to remove the threat of aggression. Any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the Charter to suppress the aggression or remove the threat of aggression.

Non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have a legitimate desire for assurances that the United Nations Security Council, and above all its nuclear-weapon-State permanent members, would act immediately in accordance with the Charter, in the event such non-nuclear-weapon States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used.

The United States affirms its intention to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used.

Among the means available to the Security Council for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would be an investigation into the situation and appropriate measures to settle the dispute and to restore international peace and security.

United Nations Member States should take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of aggression with nuclear weapons, and the

Security Council should consider what measures are needed in this regard in the event of such an act of aggression.

The Security Council should recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

The United States reaffirms the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

United Nations Security Council Resolution 984 (1995)

[Adopted by the Security Council on 11 April 1995]

The Security Council,

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons to these efforts,

Recognizing the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive security assurances,

Welcoming the fact that more than 170 States have become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and stressing the desirability of universal adherence to it,

Reaffirming the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to comply fully with all their obligations,

Taking into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, further appropriate measures be undertaken to safeguard their security,

Considering that the present resolution constitutes a step in this direction,

Considering further that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security,

1. *Takes note* with appreciation of the statements made by each of the nuclear-weapon States (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon States that are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Recognizes* the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;

3. *Recognizes further* that, in case of aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression; and *recognizes also* that the nuclear-weapon State permanent members of the Security Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;

4. *Notes* the means available to it for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, including an investigation into the situation and appropriate measures to settle the dispute and restore international peace and security;

5. *Invites* Member States, individually or collectively, if any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance, and affirms its readiness to consider what measures are needed in this regard in the event of such an act of aggression;

6. *Expresses* its intention to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression;

7. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used;

8. *Urges* all States, provided for in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control which remains a universal goal,

9. *Reaffirms* the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security;

10. *Underlines* that the issues raised in this resolution remain of continuing concern to the Council.

Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons

[Budapest, 5 December 1994]

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the Cold War, which have brought about conditions for deep reductions in nuclear forces.

Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the Independence and Sovereignty and the existing borders of Ukraine.

2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations.

3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their

commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature.

Signed in four copies having equal validity in the English, Russian and Ukrainian languages.

Memorandum on Security Assurances in connection with Belarus' accession to the Treaty on the Non-Proliferation of Nuclear Weapons

[5 December 1994]

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the accession of the Republic of Belarus to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of the Republic of Belarus to eliminate all nuclear weapons from its territory within a specified period of time, Noting the changes in the world-wide security situation, including the end of the cold war, which have brought about conditions for deep reductions in nuclear forces. Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to the Republic of Belarus, in accordance with the principles of the CSCE Final Act, to respect the Independence and Sovereignty and the existing borders of the Republic of Belarus.

2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of the Republic of Belarus, and that none of their weapons will ever be used against the Republic of Belarus except in self-defense or otherwise in accordance with the Charter of the United Nations.

3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by the Republic of Belarus of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to the Republic of Belarus, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if the Republic of Belarus should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the Republic of Belarus, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature. Signed in four copies having equal validity in the English, Belarusian, and Russian languages.

Memorandum on Security Assurances in connection with the Republic of Kazakhstan's accession to the Treaty on the Non-Proliferation of Nuclear Weapons

[5 December 1994]

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the Accession of the Republic of Kazakhstan to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of Republic of Kazakhstan to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the cold war, which have brought about conditions for deep reduction in nuclear forces,

Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to the Republic of Kazakhstan, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of the Republic of Kazakhstan.

2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of the Republic of Kazakhstan and that none of their weapons will ever be used against the Republic of Kazakhstan except in self-defence or otherwise in accordance with the Charter of the United Nations.

3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to the Republic of Kazakhstan, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interests the exercise by the Republic of Kazakhstan of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern

Ireland reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to the Republic of Kazakhstan, as a non-nuclear weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if the Republic of Kazakhstan should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the Republic of Kazakhstan, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to

the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature. Signed in four copies in the English, Kazakh, and Russian languages, the English and Russian texts having equal validity. The Kazakh-language text shall be deemed to be of equal validity when its conformity with the English language text is established.

Statement by France on Accession of Ukraine to the NPT

[le 5 décembre 1994]

La France réaffirme, à l'intention de l'Ukraine, en tant qu'Etat partie au TNP comme Etat non nucléaire, la déclaration faite à l'intention des Etats non dotés de l'arme nucléaire et qui se sont engagés à le rester, de ne pas utiliser d'armes nucléaires contre eux, excepté dans le cas d'une agression menée en association ou en alliance avec un Etat ou d'autres Etats dotés d'armes nucléaires contre la France ou contre un Etat envers qui elle a contracté un engagement de sécurité.

La France, en tant que membre permanent du Conseil de Sécurité, affirme son intention d'obtenir que le Conseil prenne des mesures immédiates en vue de fournir, conformément à la Charte, l'assistance néssaire à l'Ukraine en tant qu'Etat non possesseur d'armes nucléaires partie au TNP, au cas où celle-ci serait victime d'un acte d'agression ou ferait l'objet d'une menance d'agression avec employ d'armes nucléaires.

La France réaffirme son engagement de respecter l'indépendance et la souveraineté de l'Ukraine dans ses frontières actuelles, conformément aux principes de l'Acte final d'Helsinki et de la Charte de Paris pour une nouvelle Europe. Elle rappelle son attachment aux principes de la CSCE selon lesquels les frontières ne peuvent être modifiées que par des moyens pacifiques et par voie d'accord, et les Etats participants s'abstiennent de recourir à la menace ou à l'emploi de la force soit contre l'intégrité territoriale ou l'indépendance politique d'un Etat, soit de toute autre maniére incompatible avec les buts des Nations Unies.

La France rappelle également, à l'intention de l'Ukraine, l'importance qu'elle attache au respect, par l'ensemble des pays de la CSCE, de l'obligation de s'abstenir de tout acte de contrainte militaire ou polique, économique ou autre, visant à subordonner à leur propre intérêt l'exercice par un autre Etat particpant des droits inhérents à sa souveraineté et à obtenir ainsi un avantage quelconque.

R – Export Controls

The Zangger Committee

The Zangger Committee: A History 1971-1990

[Reproduced from Annex attached to INFCIRC/209/Rev.1, November 1990]

The Origins.

1. The origins of the Zangger Committee, also known as the Nuclear Exporters' Committee, sprang from Article III.2 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) which entered into force on 5 March 1970. Under the terms of Article III.2: Each State Party to the Treaty undertakes not to provide:

(a) source or special fissionable material, or

(b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

2. Between 1971 and 1974 a group of fifteen states, some already Party, the others prospective Parties to the NPT, held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment their objective was to reach a common understanding on:

- the definition of what constituted 'equipment or material especially designed or prepared for the processing, use or production of special fissionable material';
- the conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of Article I II2 on a basis of fair commercial competition.

3. The group, which came to be known as the 'Zangger Committee', decided that its status was informal, and that its decisions would not be legally binding upon its members.

The Rules of the Game - INFCIRC/209 Series.

4. By 1974 the Committee had arrived at a consensus on the basic 'rules of the game' which were set out in two separate memoranda dated 14 August 1974. The first defined and dealt with exports of *source and special fissionable material* (Article I II2(a) of the NPT). The second defined and dealt with exports of *equipment and non-nuclear material* (Article III2(b) of the NPT). The Committee agreed to exchange information about actual exports, or issue of licenses for exports, to any non-nuclear weapon States not Party to the NPT through a system of Annual Returns which are circulated on a confidential basis amongst the membership each year in April.

5. The consensus, which formed the basis of the Committee's 'Understandings' as they are known, was formally accepted by individual Member States of the Committee by an exchange of Notes amongst themselves. These amounted to unilateral declarations that the Understandings would be given effect through respective domestic export control legislation.

6. More or less in parallel with this procedure each Member State (except three) wrote identical letters to the Director General of the IAEA, enclosing edited versions of the two memoranda, informing him of its decision to act in conformity with the conditions set out in them and asking him to communicate this decision to all Member States of the Agency. The letters and memoranda were accordingly published as IAEA document INFCIRC/209 dated 3 September 1974.

7. [Eds..]

The 'Trigger List'.

8. The memorandum dealing with equipment and non-nuclear material (INFCIRC/209, Memorandum B) became known as the 'Trigger List': the export of items listed on it 'trigger' IAEA safeguards, ie they will be exported only if the source or special fissionable material produced, processed or used in the equipment or material in question is subject to safeguards under an Agreement with the IAEA.

Trigger List 'Clarification'.

9. Attached to the original Trigger List was an Annex 'clarifying' or defining the items described on it in some detail. The passage of time and successive developments in technology have meant that the Committee is constantly engaged in monitoring the need for revision or further 'clarification' of Trigger List items and the original Annex has thus grown considerably.

[Eds...]

Status of the Committee.

10. The Committee's Understandings and the INFCIRC/209 series documents that arise from them have no status in international law but are arrangements unilaterally entered into by Member States. They make an important contribution to the non-proliferation regime, and are continuously adapted in response to evolving circumstances.

[Eds…]

Communications Received from Member States Regarding the Export of Nuclear Material and of Certain Categories of Equipment and Other Material

[Reproduced from INFCIRC/209/Rev.2, 9 March 2000]

1. The Director General of the International Atomic Energy Agency has received letters of 15 November 1999 from the Resident Representatives of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, the Slovak Republic, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States of America, concerning the export of nuclear material and of certain categories of equipment and other material.

2. In light of the wish expressed at the end of each letter, the text of the letter is attached hereto.

[*Editorial note:* China and the Russian Federation subsequently sent similar letters]

Attachment Letter

Sir,

[Eds...]

My Government now thinks it desirable to amend the Trigger List to include a new entry entitled "plants for the conversion of uranium and plutonium and equipment especially designed or prepared therefor". I therefore wish to inform you that a new section 2.7 should be added to Memorandum B and a new section 7 to its Annex, as set out in the attachment to the letter to you from the Secretary of the Committee, dated 5 November 1999. In connection with these changes, section 3 of the Annex should be amended to delete sections 3.5 and 3.6 which have been incorporated into the new section 7.

[Eds...]

My Government considers it opportune for the Agency to re-issue the whole Memoranda A and B, as amended, as INFCIRC/209/Rev. 2 in order to have available a comprehensive document for States Parties to the Nuclear Non-Proliferation Treaty (NPT) at the NPT Review Conference in 2000. I should be grateful if you would circulate the text of this letter and the amended Memoranda A and B referred to above to all Member States for their information.

Consolidated Trigger List
Memorandum A

1 Introduction

The Government has had under consideration procedures in relation to exports of nuclear materials in the light of its commitment not to provide source or special fissionable material to any non-nuclear-weapon State for peaceful purposes unless the source or special fissionable material is subject to safeguards under an agreement with the International Atomic Energy Agency.

2. Definition of Source and Special Fissionable Material

The definition of source and special fissionable material adopted by

the Government shall be that contained in Article XX of the Agency's Statute:

(a) "Source Material"

The term "source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

(b) "Special Fissionable Material"

i) The term "special fissionable material" means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term "special fissionable material" does not include source material.

ii) The term "uranium enriched in the isotopes 235 or 233" means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. The Application of Safeguards

The Government is solely concerned with ensuring, where relevant, the application of safeguards non-nuclear-weapon States not party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)* with a view to preventing diversion of the safeguarded nuclear material from peaceful purposes to nuclear weapons or other nuclear explosive devices. If the Government wishes to supply source or special fissionable material for peaceful purposes to such a State, it will:

(a) Specify to the recipient State, as a condition of supply that the source or special fissionable material or special fissionable material produced in or by the use thereof shall not be diverted to nuclear weapons or other nuclear explosive devices; and

(b) Satisfy itself that safeguards to that end, under an agreement with the Agency and in accordance with its safeguards system, will be applied to the source or special fissionable material in question.

4. Direct Exports

In the case of direct exports of source or special fissionable material to non-nuclear-weapon States not party to the NPT, the Government will satisfy itself, before authorizing the export of the material in question, that such material will be subject to a safeguards agreement with the Agency as soon as the recipient State takes over responsibility for the material, but no later than the time the material reaches its destination.

5 Retransfers

The Government, when exporting source or special fissionable material to a nuclear-weapon State not party to the NPT, will require satisfactory assurances that the material will not be re-exported to a non-nuclear-weapon State not party to the NPT unless arrangements corresponding to those referred to above are made for the acceptance of safeguards by the State receiving such re-export.

6. Miscellaneous

Exports of the items specified in sub-paragraph (i) below, and exports of source or special fissionable to a given country, within a period of 12 months, below the limes specified in sub-paragraph (b) below, shall be disregarded for the purpose of the procedures described above:

(a) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%; Special fissionable material when used in gram quantities or less as a sensing component in instruments; and Source material which the Government is satisfied is to be used only in non-nuclear activities, such as the production alloys or ceramics:

(b) Special fissionable material 50 effective grams; Natural uranium 500 kilograms;
Depleted uranium 1000 kilograms; and
Thorium 1000 kilograms.

Memorandum B

1. Introduction

The Government has had under consideration procedures in relation to exports of certain categories of equipment and material, in the light of its commitment not to provide equipment or material especially designed or prepared for the processing use or production of special fissionable material to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material produced. processed or used in the equipment or material in question is subject to safeguards under an agreement with the International Atomic Energy Agency.

2. The Designation of Equipment or Material Especially Designed or Prepared for the Processing, Use or Production of Special Fissionable Material

The designation of items of equipment or material especially designed or prepared for the processing, use or production of special fissionable material (hereinafter referred to as the "Trigger List) adopted by Government is as follows (quantities below the levels indicated in the Annex being regarded as insignificant for practical purposes):

2.1. Reactors and equipment therefor (see Annex, section 1.);
2.2. Non-nuclear materials for reactors (see Annex, section 2.);
2.3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor (see Annex, section 3.);
2.4. Plants for the fabrication of fuel elements (see Annex, section 4.);
2.5. Plants for the separation of isotopes of uranium and equipment, other than analytical instruments, designed or prepared therefor (See Annex, section 5);
2.6. Plants for the production of heavy water, deuterium and deuterium compounds and equipment designed or prepared therefor (see Annex, section 6.).
2.7. Plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements and the separation of uranium isotopes as defined in Annex sections 4 and 5 respectively, and equipment especially designed or prepared therefor (see Annex, section 7.)

3. The Application Of Safeguards

The Government is solely concerned with ensuring, where relevant. the application of safeguards in non-nuclear-weapon States not party to the Treaty on the Non Proliferation of Nuclear Weapons (NPT) with a view to preventing diversion of the safeguarded nuclear material from peaceful purposes to nuclear weapons or other nuclear explosive devices. If the Government wishes to supply Trigger List items for peaceful purposes such a State, it will:

(a) Specify to the recipient State, as a condition of supply, that the source or special fissionable material produced, processed or used in the facility for which the items is supplied shall not be diverted to weapons or other nuclear explosive devices; and

(b) Satisfy itself that safeguards to that end, under an agreement with the Agency and in accordance its safeguards system, will be applied to the source or special fissionable material in question.

4. Direct Exports

In the case of direct exports to non-nuclear weapon States not party to the NPT, the Government will satisfy itself, before authorizing the export of the equipment or material in question, that such equipment or material will fall under a safeguards agreement with the Agency.

5. Retransfers

The Government, when exporting Trigger List items, will require satisfactory assurances that the items will not be re-exported to a non-nuclear weapon State not party to the NPT unless arrangements corresponding to those referred to above are made for the acceptance of safeguards by the State receiving such re-export.

6. Miscellaneous

The Government reserves to itself discretion as to interpretation and implementation of its commitment to in paragraph 1 above and the right to require, if it wishes, safeguards as above in relation to

items it exports in addition to those items specified in paragraph 2 above.

Annex

Clarification of Items on the Trigger List

(as designated in Section 2 of Memorandum B)

[*Editorial Note:* The items contained in this annex are now identical to those in Sections 1–6 of the NSG Guidelines, published in INFCIRC/254]

Working Paper on Multilateral Nuclear Supply Principles of the Zangger Committee. 2015 Review Conference

[Reproduced from NPT /CONF.2015/WP.20 6 April 2015]

Introduction

1. Previous Review Conferences of the Parties to the Nuclear Non-Proliferation Treaty, when reviewing the implementation of the Treaty in the area of export controls, have repeatedly noted the role of the Zangger Committee. The Committee, also known as the "NPT Exporters Committee", essentially contributes to the interpretation of article III, paragraph 2, of the Treaty and thereby offers guidance to all parties to the Treaty. The Committee and its work were mentioned in Final Documents or in Committee reports of Treaty Review Conferences from 1975, 1985, 1990 and 1995.

2. The purpose of the present paper is to describe the work of the Zangger Committee in order to provide better insight into the Committee's objectives. Furthermore, it is consistent with one of the calls of the 1995 Review and Extension Conference, which in paragraph 17 of its decision entitled "Principles and objectives for nuclear non-proliferation and disarmament" stated that "transparency in nuclear export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty".

3. Attached to the present paper are the statements of previous Treaty Review Conferences referring to the Zangger Committee.

Zangger Committee

Article III, paragraph 2

4. Article III, paragraph 2, of the Treaty performs a vital function in helping to ensure the peaceful use of nuclear material and equipment. Specifically, it states:

Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

5. The main significance of the paragraph is that parties to the Treaty should not export, directly or indirectly, nuclear material and equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States not parties to the Treaty unless the export is subject to International Atomic Energy Agency (IAEA) safeguards as required by article III. This is an important provision because recipient countries not parties to the Treaty may not have accepted any other nuclear non-proliferation obligations. By interpreting and implementing article III, paragraph 2, the Zangger Committee helps to prevent the diversion of exported nuclear material and equipment or material from peaceful purposes to nuclear weapons or other nuclear explosive devices, which furthers the objectives of the Treaty and enhances the security of all States.

6. The Zangger Committee understandings, in line with article III, paragraph 2, also relate to exports to non-nuclear-weapon States parties to the Treaty insofar as the recipient should recognize the items on the trigger list as a basis for its export control decisions in the case of re-exports.

Zangger Committee understandings

7. Between 1971 and 1974 a group of 15 States, some already parties to the Treaty, others prospective parties, held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment, their objective was to reach a common understanding on:

(a) The definition of what constituted "equipment or material especially designed or prepared for the processing, use or production of special fissionable material" (as it was not defined anywhere in the Treaty);

(b) The conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of article III, paragraph 2, on a basis of fair commercial competition.

8. The group, which came to be known as the Zangger Committee, decided that its status was informal and that its decisions would not be legally binding upon its members.

9. In 1972, the Committee reached consensus on "understandings" contained in two separate memorandums. Together, these memorandums form the guidelines of the Zangger Committee today. Each memorandum defines and provides for procedures for the export of materials and equipment described in article III, paragraph 2; the first memorandum concerns source and special fissionable material (article III, paragraph 2 (a)), the second concerns equipment and material especially designed or prepared for the processing, use or production of special fissionable material (article III, paragraph 2 (b)).

10. The consensus which formed the basis of the Committee's understandings was formally accepted by individual States members of the Committee by an exchange of notes among themselves. These amounted to unilateral declarations that the understandings would be given effect through respective national export control legislation. In parallel with this procedure, most member States wrote identical letters to the Director General of IAEA informing him of their decision to act in conformity with the conditions set out in the understandings. These letters also asked the Director General to communicate their decision to all States members of the Agency, which he did in INFCIRC/209, dated 3 September 1974.

11. Memorandum A defines the following categories of nuclear material:

(a) Source material: natural or depleted uranium and thorium;

(b) Special fissionable material: plutonium-239, uranium-233, uranium enriched in the isotopes 235 or 233.

12. Memorandum B, as clarified since 1974 (see below), contains plants, equipment and, as appropriate, material in the following categories: nuclear reactors, non-nuclear materials for reactors, reprocessing, fuel fabrication, uranium enrichment, heavy water production and conversion.

13. To fulfil the requirements of article III, paragraph 2, the Zangger Committee understandings contain three basic conditions of supply for these items:

(a) For exports to a non-nuclear-weapon State not party to the Treaty, source or special fissionable material either directly transferred, or produced, processed or used in the facility for which the transferred item is intended, shall not be diverted to nuclear weapons or other nuclear explosive devices;

(b) For exports to a non-nuclear-weapon State not party to the Treaty, such source or special fissionable material, as well as transferred equipment and non-nuclear material, shall be subject to safeguards under an agreement with IAEA;

(c) Source or special fissionable material and equipment and non-nuclear material shall not be re-exported to a non-nuclear-weapon State not party to the Treaty unless the recipient State accepts safeguards on the re-exported item.

"Trigger list" and its clarification

14. The two memorandums became known as the "trigger list", since the export of listed items "triggers" IAEA safeguards. In other words, as described above, they will be exported only if (a) the transferred equipment or source or special fissionable material, or (b) the material produced, processed or used in the facility for which the item is supplied, is subject to safeguards under an agreement with IAEA based on the IAEA safeguards system for Treaty purposes.

15. Attached to the trigger list is an annex "clarifying", or defining the equipment and material of memorandum B in some detail. The passage of time and successive developments in technology have meant that the Committee is periodically engaged in considering possible revisions to the trigger list, and the original annex has therefore become increasingly detailed. To date, 10 clarification exercises have taken place. Clarifications are conducted on the basis of consensus. In 2007, the Zangger Committee agreed on procedures for streamlining both its internal decision-taking and notification of changes to the Director General of IAEA, and also for facilitating the harmonization of its memorandums A and B with the trigger list of the Nuclear Suppliers Group.

16. A summary of these clarifications reflects both some detail on the contents of the trigger list and an idea of the work of the Zangger Committee. All of the following changes to the list were included in the version of the Zangger Committee understandings published as IAEA document INFCIRC/209/Rev.2.

(a) In December 1978, the annex was updated to add heavy water production plants and equipment and a few specific items of isotope separation equipment for uranium enrichment;

(b) In February 1984, further detail was added to the annex to take into account technological developments during the preceding decade in the area of uranium enrichment by the gas centrifuge process;

(c) In August 1985, a similar clarification was made to the annex section on irradiated fuel reprocessing;

(d) In February 1990, the uranium enrichment section was further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method;

(e) In May 1992, specific items of equipment were added to the section on heavy water production;

(f) In April 1994, the enrichment section of the annex was subject to its most significant expansion to date. Existing portions of the section were updated and detailed lists of equipment were added for the enrichment processes, including aerodynamic, chemical and ion exchange, laser-based plasma and electromagnetic separation. A significant modification was also made to the entry for primary coolant pumps;

(g) In May 1996, the sections on reactors and reactor equipment, on non-nuclear materials, on the fabrication of fuel elements and on heavy water production were reviewed. Parts of these sections were updated and new, detailed equipment was added;

(h) In March 2000, a new section on uranium conversion was added. This section also contains elements transferred from section 3 on reprocessing.

17. In February 2008, INFCIRC/209/Rev.2 was modified to include expanded details on the separation of isotopes of special fissionable material, with the addition of an explanatory note, an introductory note in the annex and a technical amendment already agreed in June 2006. The annex was also amended to include text on valves especially designed or prepared for gas centrifuge enrichment plants.

18. In July 2009, a correction was issued to INFCIRC/209/Rev.2 eliminating several minor errors in both memorandums A and B.

19. In June 2014, an updated list was issued in order to more clearly define the standard of implementation that all States members of the Zangger Committee regard as essential for the fulfilment of the understandings. In addition, amendments previously approved by the Zangger Committee and published as INFCIRC/209/ Rev.2/Mod.1 and INFCIRC/209/Rev.2/Corr.1 were incorporated into the actual text of the trigger list in memorandum B. All of the changes to the list were included in the version of the Zangger Committee understandings published as IAEA document INFCIRC/209/Rev.3.

Membership

20. All Zangger Committee members are parties to the Treaty that are capable of supplying items on the trigger list. Currently there are 39 members (Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, France, Finland, Germany, Greece, Hungary, Ireland, Italy, Japan, Kazakhstan, the Republic of Korea, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America). The Commission of the European Union attends the meetings as a permanent observer. Any party that is an actual or potential nuclear supplier and is prepared to implement the Committee's understandings is eligible for membership. Decisions to invite new members of the Committee are taken by consensus of existing members. In the interests of strengthening the Treaty and the nuclear non-proliferation regime in general, Zangger Committee members have urged parties to the Treaty that are nuclear suppliers to consider seeking membership. States parties to the Treaty interested in doing so should visit the Committee's website (www.zanggercommittee.org) and may contact the secretariat (the Mission of the United Kingdom in Vienna) or any State member of the Committee.

Outreach

21. In 2001, the Zangger Committee decided to launch an outreach programme between the Zangger Committee and third countries. The outreach programme has three objectives:

(a) To build a strong and sustainable relationship between the Zangger Committee and third countries;

(b) To increase the transparency of the activities of the Zangger Committee by explaining its role, purpose and functions, in particular its role as technical interpreter of article III, paragraph 2, of the Treaty;

(c) To provide opportunities for open dialogue on issues of common interest and concern on non-proliferation and nuclear export controls.

22. In conducting this exercise, the Zangger Committee wishes to underline that:

(a) The outreach programme reflects the fact that the Zangger Committee is a technical body with a remit to interpret article III, paragraph 2, of the Treaty and as such outreach will not be a political dialogue;

(b) The programme is restricted to States parties to the Treaty;

(c) The programme is informal.

23. Subjects for discussion include:

(a) The role and purpose of the Zangger Committee;

(b) The trigger list and its clarification;

(c) Conditions of supply;

(d) Membership of the Zangger Committee;

(e) The Zangger Committee and the Treaty Review Conferences.

24. In November 2008, the Zangger Committee agreed to expand its outreach programme and the Chair wrote to a number of States parties to the Treaty, inviting each to participate in an outreach dialogue with the Zangger Committee.

Zangger Committee and Treaty Review Conferences

25. At the first Treaty Review Conference in 1975, a brief paragraph in the Final Document referenced the work of the Zangger Committee without naming it. Paraphrasing, this paragraph stated that, with regard to implementation of article III, paragraph 2, the Conference noted that a number of nuclear suppliers had adopted certain minimum requirements for IAEA safeguards in connection with their nuclear exports to non-Treaty non-nuclear-weapon States. The Review Conference went on to attach particular importance to the fact that those suppliers had established as a supply condition an undertaking of non-diversion to nuclear weapons.

26. In 1980, the Review Conference produced no consensus final document. However, the Final Document of the 1985 Review Conference contained a short reference to the Committee's activities, again without naming it. This time the Conference in effect endorsed the main activity of the Zangger Committee by indicating that further improvement of the trigger list should take into account advances in technology.

27. In 1990, the Zangger Committee was mentioned by name and the Conference provided a brief description of its aims and practices. While the Conference did not adopt a final declaration, Main Committee II agreed on language pertaining to a number of ideas and proposals concerning implementation of the Treaty in the areas of non-proliferation of nuclear weapons and safeguards. Main Committee II observed that Zangger Committee members had met regularly to coordinate the implementation of article III, paragraph 2, and had adopted nuclear supply requirements and a trigger list. It recommended that this list be reviewed periodically to take into account advances in technology and changes in procurement practices, a recommendation that the Zangger Committee has continued to pursue. Main Committee II also urged all States to adopt the Zangger Committee's requirements for any nuclear cooperation with a non-nuclear-weapon State not party to the Treaty.

28. At the 1995 Review and Extension Conference, the work of the Zangger Committee was also referenced in Main Committee II and, more specifically, in the working group established by Main Committee II to consider export control issues. While the Conference did not adopt a final declaration similar to those of previous conferences, consensus text on the Zangger Committee was attained. The unofficial text emerging from this exercise was subsequently published in the IAEA document INFCIRC/482 for information purposes. The working group noted that a number of States parties engaged in the supply of nuclear material and equipment had formed an informal group known as the Zangger Committee and had adopted certain understandings. It invited States to consider applying these understandings and recommended that the list of items and the procedures for implementation be reviewed from time to time. The working group further noted that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. At the same time it called for international consultations among all interested States.

29. The Conference approved, inter alia, decision 2, which contained a set of principles and objectives, and decision 3, which provided the basis for the adopted enhanced review mechanism of the implementation of the Treaty.

30. Decision 2 contains several principles of particular relevance to the work of the Zangger Committee in the fields of safeguards and export controls (see annex II, principles 9 to 13). In addition, principle 17 calls upon all States to promote transparency in nuclear-related export controls through cooperation and dialogue. Members of the Committee have worked to promote transparency through international seminars and other forms of dialogue.

31. At the 2000 Review Conference, export control issues were discussed by an informal, open-ended working group established by Main Committee II. The working group did not reach final agreement on a text mentioning the Zangger Committee. In the end, only two paragraphs of the Final Document referenced indirectly the work of the Zangger Committee without naming it: the Conference recommended that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time, and it requested that any supplier arrangement be transparent.

32. At the 2005 Review Conference, export control issues were discussed in Main Committee II. Main Committee II did not, however, reach consensus on a text. No consensus was reached on a final document.

33. At the 2010 Review Conference, export control issues were discussed in Main Committee II. While the Zangger Committee was not mentioned by name, the Final Document highlighted the importance of effective and transparent export controls and encouraged States parties to make use of multilaterally negotiated and agreed guidelines in developing their own national export controls.

34. In the preparatory cycle for the 2015 Review Conference, the Zangger Committee issued a working paper on procedures in relation to exports of nuclear materials and certain categories of equipment and material in relation to article III, paragraph 2, of the Treaty (NPT/CONF.2015/PC.III/WP.37), and subsequently invited all States parties to the Treaty to become additional co-sponsors of this working paper.

35. The statements of Review Conferences on the Zangger Committee are attached to the present document (see annexes I and II).

Annex I

References to Zangger Committee activities in Treaty Review Conference documents

First Treaty Review Conference (1975)

1. A paragraph in the Final Document referenced the work of the Zangger Committee without naming it:

With regard to the implementation of Article III, 2 of the Treaty, the Conference notes that a number of States suppliers of material or equipment have adopted certain minimum, standard requirements for IAEA safeguards in connexion with their exports of certain such items to non-nuclear-weapon States not Party to the Treaty (IAEA document INFCIRC/209 and addenda). The Conference attaches particular importance to the condition, established by those States, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements. (NPT/CONF/35/I, annex I, page 3)

Third Treaty Review Conference (1985)

2. The 1980 Treaty Review Conference produced no final document, but the 1985 Final Document contained a reference to the Committee without naming it:

> 13. The Conference believes that further improvement of the list of materials and equipment which, in accordance with Article III (2) of the Treaty, calls for the application of IAEA safeguards should take account of advances in technology. (NPT/CONF.III/64/I, annex I)

Fourth Treaty Review Conference (1990)

3. While the Conference did not adopt a final document, Main Committee II did agree on a number of ideas and proposals, including the following language on the Zangger Committee:

> 27. The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal

group which has become known as the Zangger Committee in order to co-ordinate their implementation of Article III.2. To this end these States have adopted certain requirements, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not Party to the Treaty, as set forth in the IAEA document INFCIRC/209 as revised. The Conference urges all States to adopt these requirements in connection with any nuclear co-operation with non-nuclear-weapon States not Party to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices. The Conference recommends the States Parties to consider further ways to improve the measures to prevent diversion of nuclear technology for nuclear weapons, other nuclear explosive purposes or nuclear weapon capabilities. While recognizing the efforts of the Zangger Committee in the non-proliferation regime, the Conference also notes that items included in the "trigger list" are essential in the development of nuclear energy programmes for peaceful uses. In this regard, the Conference requests that the Zangger Committee should continue to take appropriate measures to ensure that the export requirements laid down by it do not hamper the acquisition of such items by States Parties for the development of nuclear energy for peaceful uses. (NPT/CONF.IV/DC/1/Add.3(A))

Treaty Review and Extension Conference (1995)

4. While the Conference did not adopt a final declaration similar to those of previous conferences, Main Committee II and its subsequent working group did agree on a number of ideas and proposals, including the following language on the Zangger Committee, which reached informal consensus in the working group of Main Committee II and was separately published in IAEA document INFCIRC/482:

> 5. The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee. These States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Conference invites all States to consider applying these understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices.
>
> 7. The Conference notes that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. The Conference calls for wider participation in international consultations among all interested States parties concerning the formulation and review of such guidelines, which relate to the implementation of States parties obligations under Article III, paragraph 2. (INFCIRC/482, attachment)

5. The Conference adopted in decision 2 a number of principles and objectives related to safeguards and export controls, which are reproduced in annex II.

Sixth Treaty Review Conference (2000)

6. Main Committee II and its subsequent working group discussed a number of ideas and proposals, including the following language on the Zangger Committee, without reaching final agreement:

> 41. The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee, in order to co-ordinate their implementation of Article III, paragraph 2 of the Treaty. To this end, these States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209 as amended.…
>
> 69. The Conference invites all States to adopt the understandings of the Zangger Committee in connection with any nuclear co-operation with non-nuclear-weapon States not parties to the Treaty. (NPT/CONF.2000/ MC.II/1)

7. In the Final Document, two paragraphs referenced indirectly the work of the Zangger Committee without naming it:

> 52. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III, paragraph 2, be reviewed from time to time to take into account advances in technology, the proliferation sensitivity and changes in procurement practices.
>
> 53. The Conference requests that any supplier arrangement should be transparent and should continue to take appropriate measures to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful uses by States parties, in conformity with articles I, II, III, and IV of the Treaty. (NPT/CONF.2000/28 (Parts I and II))

Seventh Treaty Review Conference (2005)

8. Though the Zangger Committee and export controls were discussed in Main Committee II, no consensus was reached on a text for main Committee II, nor was a final document agreed.

Eighth Treaty Review Conference (2010)

9. In the Final Document, one paragraph referenced indirectly the work of the Zangger Committee without naming it:

> 26. The Conference recognizes that national rules and regulations of States parties are necessary to ensure that the States parties are able to give effect to their commitments with respect to the transfer of nuclear and nuclear-related dual-use items to all States taking into account articles I, II and III of the Treaty, and, for States parties, also fully respecting article IV. The Conference notes that numerous States underline that effective and transparent export controls are important for facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, which, in the view of those States, depends on the existence of a climate of confidence about non-proliferation. (NPT/CONF.2010/50 (Vol. I))

10. Furthermore, three of the recommendations referenced export controls:

Action 35. The Conference 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 and that such exports are in full conformity with the objectives and purposes of the Treaty as stipulated, particularly, in articles I, II and III of the Treaty, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted in 1995 by the Review and Extension Conference.

Action 36. The Conference encourages States parties to

make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls.

Action 37. The Conference encourages States parties to consider whether a recipient State has brought into force IAEA safeguards obligations in making nuclear export decisions. (NPT/CONF.2010/50 (Vol. I))

Annex II

Principles and objectives related to safeguards and export controls, as contained in decision 2 of the 1995 Treaty Review and Extension Conference

1. Decision 2 of the 1995 Treaty Review and Extension Conference contains the following paragraphs regarding safeguards:

9. The International Atomic Energy Agency is the competent authority responsible to verify and assure, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the International Atomic Energy Agency in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. International Atomic Energy Agency safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency's capability to detect undeclared nuclear activities should be increased. Also, States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the Agency.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear- weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

The Nuclear Suppliers Group

The Nuclear Suppliers Group: Its Origins, Role and Activities

[INFCIRC/539/Rev.6: 22 January 2015]

[Eds...]

Overview

1. The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of Guidelines for nuclear exports and nuclear-related exports. NSG Participating Governments (hereinafter referred to as "NSG participants or PGs") are listed in the Annex. NSG participants pursue the aims of the NSG through adherence to the NSG Guidelines, which are adopted by consensus, and through an exchange of information, notably on developments of nuclear proliferation concern.

2. The first set of NSG Guidelines governs the export of items that are especially designed or prepared for nuclear use. These include: (i) nuclear material; (ii) nuclear reactors and equipment therefor; (iii) non-nuclear material for reactors; (iv) plants and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production; and (v) technology (including software) associated with each of the above items.

3. The second set ofNSG Guidelines governs the export of nuclear-related dual-use items and technologies, that is, items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but that have non-nuclear uses as well, for example in industry.

4. The NSG Guidelines are consistent with, and complement, the various international, legally binding instruments in the field of nuclear non-proliferation. These include the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear- Free-Zone Treaty (Treaty of Rarotonga), the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok), and the Central Asian Nuclear-Weapon-Free Zone Treaty (Treaty of Semipalatinsk).

5. The aim of the NSG Guidelines is to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices, and that international trade and cooperation in the nuclear field is not hindered unjustly in the process. The NSG Guidelines facilitate the development of trade in this area by providing the means whereby obligations to facilitate peaceful nuclear cooperation can be implemented in a manner consistent with international nuclear non-proliferation norms. The NSG urges all States to adhere to the Guidelines.

6. The commitment of NSG participants to rigorous conditions of supply, in the context of the further development of the applications of nuclear energy for peaceful purposes, makes the NSG an important element of the international nuclear non-proliferation regime.

Background to Present Paper

7. The purpose of this paper is to contribute to a broader understanding of the NSG and its activities as part of an overall effort to promote dialogue and cooperation between NSG

participants and non-NSG participants. This document provides information on actions taken by NSG participants to give effect to their commitment to improve transparency in nuclear-related export controls and to cooperate more closely with non-NSG participants to achieve this objective. In so doing, it aims to encourage wider adherence to the NSG Guidelines.

8. The paper's purpose is therefore consistent with Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," agreed at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPTREC) where Paragraph 17 of that document states that "transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty." In this connection, NSG participants also take into account Paragraph 16 of that document, which calls for preferential treatment to be accorded to non-nuclear weapon States party to the Treaty in the promotion of peaceful uses of nuclear energy, taking the needs of developing countries particularly into account. This paper is likewise consistent with Paragraph 9 of United Nations Security Council Resolution 1540 on the Non- proliferation of Weapons of Mass Destruction, which "calls upon all States to promote dialogue and cooperation on non-proliferation" so as to address the threats posed by proliferation of nuclear weapons.

Section I traces the origins and development of the NSG.

Section II describes the structure and current activities of the NSG.

Section III describes the developments of the NSG to date.

Section IV reports on action by the NSG to promote openness and transparency.

I. Origins and Development of the NSG Export Controls

9. From the beginning of international cooperation in the peaceful uses of nuclear energy, supplier countries have recognised the responsibility to ensure that such cooperation does not contribute to the proliferation of nuclear weapons. Shortly after entry into force of the NPT in 1970, multilateral consultations on nuclear export controls led to the establishment of two separate mechanisms for dealing with nuclear exports: the Zangger Committee in 1971 and what has become known as the Nuclear Suppliers Group in 1975. Between 1978 and 1991, the NSG was not active, even though its Guidelines were in place.

The Zangger Committee

10. The Zangger Committee had its origins in 1971 when major nuclear suppliers regularly involved in nuclear trade came together to reach common understandings on how to implement Article III.2 of the NPT with a view to facilitating a consistent interpretation of the obligations arising from that Article. In I 974, the Zangger Committee published a "Trigger List," that is, items which would "trigger" a requirement for safeguards and the Zangger Understandings governing the export, direct or indirect, of those items to non-nuclear-weapon States (NNWS) that are not party to the NPT. The Zangger Understandings establish three conditions for the supply: a non-explosive-use assurance, an International Atomic Energy Agency (IAEA) safeguards requirement, and a re-transfer provision that requires the receiving State to apply the same conditions when re-exporting these items. The Zangger Trigger List and the Understandings are published as an IAEA Information Circular document INFCIRC/209, as amended. The Zangger Committee has continued to meet on a regular basis since 1974 to review and amend the list of items on the Trigger List.

The NSG

11. A series of meetings were held in London from 1975 to 1978 by Canada, France, Japan, Soviet Union, United Kingdom, United States and West Germany following the explosion in I 974 of a nuclear device by a non-nuclear-weapon State, an event which demonstrated that nuclear technology transferred for peaceful purposes could be misused. This group was known as the "London Club" and later as the Nuclear Suppliers Group. It was thus felt that conditions of nuclear supply might need to be adapted so as to better ensure that nuclear cooperation could be pursued without contributing to the risk of nuclear proliferation. This event brought together the major suppliers of nuclear material, non-nuclear material for reactors, equipment and technology who were members of the Zangger Committee, as well as States who were not parties to the NPT.

12. The NSG, taking into account the work already done by the Zangger Committee, agreed on a set of guidelines incorporating a Trigger List. The NSG Guidelines were published in I 978 as INFCIRC/254 (subsequently amended), to apply to nuclear transfers for peaceful purposes to help ensure that such transfers would not be diverted to unsafeguarded nuclear fuel cycle or nuclear explosive activities. There is a requirement for formal government assurances from recipients to this effect. The NSG Guidelines also strengthened re-transfer provisions and adopted a requirement for physical protection measures and an agreement to exercise particular caution in the transfer of sensitive facilities, technology and material usable for nuclear weapons or other nuclear explosive devices. In doing so, the NSG Guidelines recognised the fact that there is a class of technologies and materials that are particularly sensitive- namely, enrichment and reprocessing technologies - because they can lead directly to the creation of material usable for nuclear weapons or other nuclear explosive devices. The implementation of effective physical protection measures is also critical. This can help prevent the theft and illicit transfer of nuclear material.

13. At the 1990 NPT Review Conference (NPTRC), a number of recommendations made by the committee reviewing the implementation of Article III had a significant impact on the NSG's activities in the 1990s. These included the following:

- That NPT parties consider further improvements in measures to prevent the diversion of nuclear technology for nuclear weapons;
- That States engage in consultations to ensure appropriate coordination of their controls on the exports of items, such as tritium, not identified in Article Ill.2 but still relevant to nuclear weapons proliferation and therefore to the NPT as a whole;
- That nuclear supplier States require, as a necessary condition for the transfer of relevant nuclear supplies to non-nuclear weapon States, the acceptance of IAEA safeguards on all their current and future nuclear activities (i.e. full-scope safeguards or comprehensive safeguards).

14. Shortly thereafter, it became apparent that export control provisions then in force had not prevented Iraq, a party to the NPT, from pursuing a clandestine nuclear weapons programme, which later prompted United Nations (UN) Security Council action. A large part of Iraq's effort had been to acquire dual-use items not covered by the NSG Guidelines and then to build its own Trigger List items. This gave major impetus to the NSG's development of its Dual-Use Guidelines. In doing so, the NSG demonstrated its commitment to nuclear non-proliferation by ensuring that items like those used by Iraq would from now on be controlled to ensure their non- explosive use. These items would, however, continue to be available for peaceful nuclear activities subject to IAEA safeguards, as well as for other industrial activities where they would not contribute to nuclear proliferation.

15. Following these developments, the NSG decided in 1992:

- To establish guidelines for transfers of nuclear-related dual-use equipment, material and technology (items which have both nuclear and non-nuclear applications) that could make a significant contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity. These Dual-Use Guidelines were published as Part 2 of INFCIRC/254, and the original Guidelines published in 1978 became Part 1 of INFCIRC/254;
- To establish a framework for consultation on the Dual-Use Guidelines, for the exchange of information on their implementation and on procurement activities of potential proliferation concern;
- To establish procedures for exchanging notifications that have been issued as a result of national decisions not to authorise

transfers of dual-use equipment or technology and to ensure that NSG participants do not approve transfers of such items without first consulting with the State that issued the notification;

- To make a full-scope safeguards agreement with the IAEA a condition for the future supply of Trigger List items to any non-nuclear-weapon State. This decision ensured that only NPT parties and other States with full-scope safeguards agreements could benefit from nuclear transfers.

16. The endorsement at the 1995 NPT Review and Extension Conference (NPTREC) of the full-scope safeguards policy already adopted by the NSG in 1992 clearly reflects the conviction of the international community that this nuclear supply policy is a vital element to promote shared nuclear non-proliferation commitments and obligations. Specifically, Paragraph 12 of Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" states that full-scope safeguards and international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices should be a condition for granting licences for Trigger List items under new supply arrangements with non-nuclear-weapon States.

17. The 2000 NPTRC reconfirmed that any transfer of nuclear-related dual-use items should be in full conformity with the NPT, and called upon all States parties to ensure that their exports of nuclear-related dual-use items to States not party to the Treaty do not assist any nuclear weapons programme. The NPTRC in 20 10 (Action 36) encouraged States parties to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls.

The NSG, the Zangger Committee and the NPT

18. The NSG and the Zangger Committee differ slightly in the scope of their Trigger Lists of *especially designed or prepared* (EDP) items and in the export conditions for items on those lists. Concerning the scope of those lists, the Zangger list is restricted to items falling under Article III.2 of the NPT. The NSG Guidelines, in addition to covering equipment and material, also cover the technology (including software) for the development, production and use of the items on the list. On export conditions for the items on the Trigger Lists, the NSG has a formal full-scope safeguards requirement as a condition of supply. The NSG Guidelines apply to transfers for peaceful purposes to any NNWS and, in the case of controls on retransfer, to transfers to any State.

19. The NSG Guidelines also contain the so-called "Non-Proliferation Principle," adopted in 1994, whereby a supplier, notwithstanding other provisions in the NSG Guidelines, authorises a transfer only when satisfied that the transfer would not contribute to the proliferation of nuclear weapons. The Non-Proliferation Principle seeks to cover the rare but important cases where adherence to the NPT or to a Nuclear Weapon Free Zone Treaty may not by itself be a guarantee that a State will consistently share the objectives of the Treaty or that it will remain in compliance with its Treaty obligations.

20. The NSG arrangement covering exports of dual-use items is a major difference between the NSG and the Zangger Committee. As dual-use items cannot be defined as EDP equipment, they fall outside the Zangger Committee's mandate. As noted above, the control of dual-use items has been recognised as making an important contribution to nuclear non-proliferation.

21. Despite these differences between the two regimes, it is important to keep in mind that they serve the same objective and are equally valid instruments of nuclear non-proliferation efforts. There is close cooperation between the NSG and the Zangger Committee on the review and amendment of the Trigger Lists.

II. Structure and Current Activities of the NSG Participation

22. From the initial publication of INFCIRC /254 in 1978 to now, participation has increased steadily. (See full list of NSG participants in the Annex.)

23. Factors taken into account for participation include the following:

- The ability to supply items (including items in transit) covered by the Annexes to Parts I and 2 of the NSG Guidelines;
- Adherence to the Guidelines and action in accordance with them;
- Enforcement of a legally based domestic export control system that gives effect to the commitment to act in accordance with the Guidelines;
- Adherence to one or more treaties, such as the NPT, the Treaties of Tlatelolco, Rarotonga, Pelindaba, Bangkok, Semipalatinsk or an equivalent international nuclear non-proliferation agreement, and full compliance with the obligations of such agreement(s);
- Support of international efforts towards non-proliferation of weapons of mass destruction and of their delivery vehicles.

Organisation of Work

24. The NSG works on the basis of consensus. Overall responsibility for activities lies with the NSG participants who meet once a year in a Plenary meeting.

25. A rotating Chair has overall responsibility for coordination of work and outreach activities. (See full list of NSG Chairs in the Annex). The NSG Troika, composed of the past, current and future NSG Chairs, contributes to outreach activities.

26. The NSG Plenary can decide to set up technical working groups on matters such as the review of the NSG Guidelines, the Annexes, the Procedural Arrangement, information sharing and transparency activities. The NSG Plenary can also mandate the Chair to conduct outreach activities with specific countries. The aim of the outreach activities is to promote adherence to the NSG Guidelines.

27. Typically, the agenda of the Plenary meeting focuses on reports from the standing bodies as well as on reports from the previous NSG Chair on outreach activities, and sharing of information as specified in the 2008 Statement on Civil Nuclear Cooperation with India (INFCIRC/734). Time is also allotted to review items of interest such as trends in nuclear proliferation and developments since the previous Plenary meeting, and to reflect on priorities for the coming year.

28. The NSG has two standing bodies that report to the Plenary. These are the Consultative Group (CO) and the Information Exchange Meeting (IEM) with Chairs that have a one-year renewable term of office. The CO meets at least twice a year and is tasked to hold consultations on issues associated with the Guidelines on nuclear supply and the technical annexes. The IEM precedes the NSG Plenary and provides another opportunity for NSG participants to share information and developments of relevance to the objectives and content of the NSG Guidelines. Under the mandate of information exchange, the Licensing and Enforcement Experts Meeting (LEEM), discusses issues relating to effective licensing and enforcement practices. The LEEM reports the results of its discussions through the IEM Chair at the Plenary meeting.

29. NSG participants review the Guidelines published in INFCIRC /254 from time to time to ensure that they are up to date to meet evolving nuclear proliferation challenges and technology developments. As appropriate, the NSG Chair notifies the IAEA of agreed amendments to Parts I and 2 of the NSG Guidelines and their associated lists and requests that the IAEA publishes revisions to INFCIRC/254 accordingly. Such amendments can be additions, deletions, clarifications or corrections.

30. At the conclusion of a 3-year fundamental review launched at the 20 I 0 Christchurch Plenary meeting, the 2013 Prague Plenary agreed to establish a Technical Experts Group (TEO), which will, at the request of the CG, be tasked with ensuring that the NSG control lists are complete and up-to-date with technical advancements. The TEO will meet to discuss and make recommendations to the CG on all technical questions referred to it by the CG, on an as needed basis by the CG.

31. The Permanent Mission of Japan in Vienna, acting as a Point of Contact, carries out a practical support function. It receives and distributes NSG documents, maintains the official record, notifies meeting schedules and provides logistical and practical assistance to the NSG Plenary, the CG and IEM Chairs and the Chairs of the TEO, LEEM and any working groups that may have been established by the Plenary.

How the Guidelines Work

32. The NSG Guidelines introduce a degree of order and predictability among suppliers and harmonise standards and interpretations of suppliers' undertakings with the aim of ensuring that the normal process of commercial competition does not lead to outcomes that further the proliferation of nuclear weapons. Consultations among NSG participants are also designed to ensure that any possible impediments to international nuclear trade and cooperation are kept to a minimum.

33. The NSG Guidelines are implemented by each NSG participant in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements. This is the prerogative and right of all States for all export decisions in any field of commercial activity and is also in line with the text of Article 111.2 of the NPT, which refers to "each State Party," and thus emphasises the sovereign obligation of any party to the Treaty to exercise proper export controls. NSG participants meet regularly to exchange information on issues of nuclear proliferation concern and how they may impact national export control policy and practice. However, it is important to remember that the NSG does not have a mechanism for limiting supply or the coordination of marketing arrangements and does not take collective decisions on licence applications as a group.

34. The requirement that no transfer of Trigger List items to NNWS takes place unless the recipient State has full-scope safeguards on all its nuclear activities is particularly pertinent because it establishes a uniform standard of supply that is based on the IAEA's international verification system. The strengthening of the IAEA safeguards system from 1997 onwards has improved considerably the Agency's ability to exercise its verification role.

III. Developments of the NSG to Date

35. The NSG Guidelines have significantly strengthened international solidarity in the field of transfers of nuclear material. NSG undertakings reflect the non-proliferation and peaceful nuclear cooperation objectives that NSG participants share with all NPT parties and parties to other international legally binding non-proliferation commitments. Controls on the transfer of listed items and technologies provide essential support for the implementation of these treaties and for the continuation and development of peaceful nuclear cooperation, thus also facilitating the utilisation of nuclear energy in developing countries.

36. Contrary to fears that the NSG Guidelines act as an impediment to the transfer of nuclear materials and equipment, they have in fact facilitated the development of such trade. For some time now, nuclear supply arrangements have incorporated NSG commitments. Such arrangements are designed to expedite transfers and trade. The NSG commitments, when woven into the supply arrangements with a basis in respective national laws, provide governments with legitimate and defensible arguments that such arrangements diminish proliferation risk. In this manner, non-proliferation and trade purposes are mutually reinforcing.

37. The NSG Guidelines are applied both to NSG participants and non-NSG participants. Most NSG participants do not possess a self-sufficient fuel cycle and are major importers of nuclear items. Accordingly, they are required to provide the same assurances for nuclear transfers as non-NSG participants in accordance with the Guidelines.

38. As practised by NSG participants, export controls operate on the basis that cooperation is the principle and restrictions are the exception. Few NPT parties have been refused controlled items: this has occurred when a supplier had good reason to believe that the item in question could contribute to nuclear proliferation. Almost all rejections by NSG participants of applications for export licences have concerned States with unsafeguarded nuclear programmes.

39. There is close interdependence between the controls in Part I of the Guidelines and the effective implementation of comprehensive IAEA safeguards. The NSG supports fully international efforts to strengthen safeguards to detect undeclared activities as well as to monitor declared nuclear activities to ensure that they continue to meet vital nuclear non-proliferation requirements and to provide the assurances needed for the continuation of international nuclear trade.

40. The NSG held an Intersessional Meeting in Vienna in October 1998, following the concern expressed by NSG participants at the nuclear tests conducted by India and Pakistan in May 1998. NSG participants discussed their impact and they reaffirmed their commitment to the NSG Guidelines.

41. At an Extraordinary Plenary Meeting in Vienna in December 2002, the NSG agreed to several comprehensive amendments to strengthen its Guidelines, intended to prevent and counter the threat of diversion of nuclear exports to nuclear terrorism. The Plenary emphasised that effective export controls are an important tool to combat the threat of nuclear terrorism.

42. NSG participants welcome the recognition in United Nations Security Council Resolution (UNSCR) 1540 (2004) of the importance of export controls to non-proliferation efforts, as well as its decision that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear weapons, including establishing end-user controls. NSG PGs also welcome the follow-up resolutions (1673, 18l0, l 977 and 2055) and the continuing work of the UNSCR 1540 Committee.

43. To further strengthen Participating Government's national export controls, the 2004 Goteborg Plenary decided to adopt a "catch-all" mechanism in the NSG Guidelines, to provide a national legal basis to control the export of nuclear related items that are not on the control lists, when such items are or may be intended for use in connection with a nuclear weapons programme.

44. At the 2005 NSG Plenary in Oslo, NSG PGs adopted additional strengthening measures: to establish a procedure towards suspending, through national decisions, nuclear transfers to countries that are non-compliant with their safeguards agreements; that supplier and recipient states should elaborate appropriate measures to invoke fall-back safeguards if the IAEA can no longer undertake its Safeguards mandate in a recipient state, and to introduce the existence of effective export controls in the recipient state as a criteria of supply for nuclear material, equipment and technology and a factor for consideration for dual-use items and technologies.

45. Beginning in 2005, the NSG examined issues raised by the US-India Joint Statement of July 2005, and the possibility of future NSG-India civilian nuclear cooperation. In September 2008, NSG PGs adopted a policy statement on civil nuclear cooperation with the IAEA- safeguarded Indian civil nuclear program in the 2008 Statement on Civil Nuclear Cooperation with India (INFCIRC/734). In so doing, NSG PGs took note of steps India voluntarily undertook to separate its civilian nuclear facilities, the conclusion and approval by the IAEA Board of Governors of a safeguards agreement for India's civilian nuclear facilities and India's commitment to sign and adhere to an Additional Protocol to that agreement, and to support international efforts to limit the spread of enrichment and reprocessing technologies, and India's other steps to strengthen its domestic export control system, adhere to the NSG Guidelines and continue a moratorium on nuclear testing and work toward a Fissile Material Cutoff Treaty (FMCT). Based on these commitments and actions of India, the policy permits transfers of Trigger List and dual-use items and/or related technology to India for peaceful purposes and for use in IAEA safeguarded civil nuclear facilities, provided that the transfer satisfies all other provisions of the NSG guidelines, as revised. The statement notes that NSG PGs will report approved transfers to India of INFCIRC/254 Part I, Annex A and B items, requests the Chair to confer and consult with India and report to the Plenary, and states that PGs will consult regularly on matters connected to

the implementation of all aspects of the policy statement. The statement also includes a provision for PGs to meet, if deemed necessary, in accordance with INFCIRC/254, Part I, Rev. 9, paragraph I6. At each regularly scheduled CG and Plenary meeting since adopting the exception, PGs have fulfilled the regular reporting and consultation requirements of the 2008 policy statement on civil nuclear cooperation with India.

46. Noting the importance of keeping up to date with technological developments, PGs agreed in 2010 at the Christchurch Plenary to undertake a fundamental review of the NSG lists. Technical experts conducted regular interactions under the auspices of the Dedicated Meeting of Technical Experts (DMTE). The fundamental review of the NSG lists was completed at the 2013 Prague Plenary. The IAEA published all 54 agreed amendments in revised IAEA documents INFCIRC/254/Part 1 and INFCIRC/254/Part 2, and the NSG published the changes on its public website.

47. At the 2011 Noordwijk Plenary, PGs concluded a multi-year effort and agreed to strengthen the NSG Guidelines on the transfer of sensitive enrichment and reprocessing technologies. The 20 I 2 Seattle Plenary agreed to include in the Guidelines a reference to support access to nuclear material for peaceful purposes.

48. The 2013 Prague Plenary agreed to amend Paragraph 3.a and Annex C of the Part 1Guidelines to reference recognized IAEA recommendations for physical protection.

49. At each Plenary meeting, NSG PGs take stock of developments in the nuclear field since the last Plenary meeting, exchange information on positive and negative developments in the nuclear non-proliferation regime, and focus on specific regions and countries of concern. The Group has regularly expressed its concerns about the proliferation implications of the nuclear programmes of the Democratic People's Republic of Korea (DPRK) and Iran. At the conclusion of each Plenary meeting the NSG issues a public statement. Statements issued since 1992 as well as other useful information about the work of the NSG may be found at www.nuclearsuppliersgroup.org. Section IV below provides additional information on the website and other transparency measures the NSG has taken.

IV. NSG Action to Promote Openness and Transparency

50. The NSG is aware that non-NSG participants have in the past expressed concern about the lack of transparency in the NSG's proceedings. Non-NSG participants have not been part of the decision-making process in the establishment of the Guidelines. Concerns have therefore been expressed that the NSG has sought to deprive States of the benefits of nuclear technology or impose requirements on non-NSG participants, which have been made without their participation.

51. NSG participants understand the reasons for these concerns but state emphatically that the objectives of the NSG have consistently been to fulfil their obligations as suppliers to support nuclear non-proliferation and, in doing so, to facilitate peaceful nuclear cooperation. The growing and diverse participation of the NSG demonstrates that it is not a closed shop.

52. The NSG welcomed the call in Paragraph 17 of the "Principles and Objectives for Nuclear Non-proliferation and Disarmament" adopted at the 1995 NPTREC for more openness and transparency, and responded substantively to the call at its 1996 Buenos Aires Plenary meeting.

53. The NSG has consistently promoted openness and greater understanding of its aims, as well as adherence to its Guidelines and is prepared to support efforts by States to adhere to and implement the Guidelines. As one of the factors to be considered for participation, a Government must have adhered to the Guidelines for the Export of Nuclear Material, Equipment and Technology, and the Guidelines for Transfers of Nuclear Related Dual-Use Equipment, Materials, Software and Related Technology (respectively comprising IAEA publications INFCIRC /254/Part I as amended and INFCIRC/254/Part 2 as amended, including their Annexes). Such adherence is accomplished by sending an official communication to the Director-General of the IAEA stating that the government will act in accordance with the Guidelines. This communication is to be intended for publication in the INFCIRC series (see the Annex). States may choose unilaterally to adhere to the Guidelines without taking the step of applying to become an NSG Participating Government. In response to the interest shown by individual States and groups of States, a series of contacts have taken place to inform interested States about the NSG's activities and to encourage them to adhere to the Guidelines. Visits, meetings and/or regular briefings are organised with non-NSG participants to this end. These also provide an opportunity for outreach partners to brief the NSG on their own export control systems and seek any advice or assistance from NSG PGs.

54. Recognising the increased need for transparency, openness and dialogue in order to address export control challenges posed by illicit procurement of nuclear and nuclear-related materials and the globalisation of the nuclear industry ,NSG participants agreed at the 2004 Goteborg Plenary to strengthen contacts with non-partners through seminars and other joint activities with States outside ofthe NSG. These seminars and joint activities have provided an opportunity for States, both within and outside the NSG, and non-governmental organizations to pose questions, raise topics and exchange views on nuclear export controls. Below is a comprehensive list of all outreach seminars organized by, or in cooperation with the NSG Chair of the time, as well as a number ofInternational Export Control Seminars attended by the NSG Chair.

The below three seminars were organized by the NSG Chair and a report of each can be found on the NSG website in the Documents Section:

- [Eds…]

The NSG Chair has made presentations on behalf of the NSG at the below listed export control seminars:

- [Eds…]

The NSG Troika, led by the NSG Chair of the time, has organized or co-hosted the below listed outreach seminars:

- [Eds…]

The NSG Chair also conducts regular outreach with the IAEA, and the Chairs of the UNSCR 1540 Committee, Zangger Committee, and has participated in coordination meetings with the Chairs of the Australia Group, Wassenaar Arrangement, Missile Technology Control Regime (MTCR), and the Organization for Security and Co-operation in Europe (OSCE).

55. At the 2001 Aspen Plenary, the NSG agreed upon the creation of a website in order to better inform the public of the role and activities of the NSG. The website, with the following URLs, was opened to the public at the 2002 Prague Plenary; the 2011 Noordwijk and 2012 Seattle Plenaries undertook to refine and restructure the website to keep it up to date. At the 2013 Prague Plenary it was agreed to launch the new, revised NSG website to facilitate information sharing with the public in multiple languages.

http://www.nuclearsuppliersgroup.org [Eds…]

56. In order to give a practical dimension to, and a reliable framework for ongoing transparency efforts, at the 2009 Budapest Plenary, NSG participants adopted best-practice guides to be used internally and for outreach activities to address the challenges posed by intangible transfer of technology (ITT) and end-use control.

57. The 2012 Seattle Plenary approved a guidance document to guide the NSG's outreach activities for use by future NSG Chairs and PGs in considering the annual outreach agenda.

58. At the 2012 Seattle Plenary, NSG participants agreed on the utility of engagement with industry, and agreed to post on the NSG website, as an example of good practices, a paper entitled "Good Practices for Corporate Standards to Support the Efforts of the International Community in the Non-Proliferation of Weapons ofMass Destruction" authored by the United Kingdom with the help and support of a number ofPGs.

59. At the 2014 Buenos Aires Plenary, NSG participants discussed the issues of brokering and transit/transshipment and agreed to publish on the NSG website an example of good practices in this regard, authored by Germany with the help and the support of a number of PGs, and to inform the UN Security Council Resolution 1540 Committee accordingly.

Conclusions

60. In its future activities, the NSG will continue to be guided by the objectives of supporting nuclear non proliferation and facilitating the peaceful applications of nuclear energy.

61. With regard to the future development of the Guidelines, NSG participants will continue to harmonise their national export control policies in a transparent manner. In this way they will continue to contribute to nuclear non proliferation and at the same time support the development of nuclear trade and cooperation and help sustain genuine commercial competition between suppliers.

62. Universal transparency of the NSG Guidelines and the Annexes will continue through their publication as IAEA Information Circulars.

63. The NSG remains open to admitting further supplier countries in order to strengthen international non-proliferation efforts, as already illustrated by its broadening participation in all regions of the world.

64. The NSG is committed to the further promotion of openness and transparency in its practices and policy.

Good Practices for Corporate Standards to Support the Efforts of the International Community in the Non-Proliferation of Weapons of Mass Destruction

(June 2013, reproduced from www.nuclearsuppliersgroup.com)

The following practices are authored by the Government of the United Kingdom of Great Britain and Northern Ireland with the help and support of the Governments of Australia, Canada, Finland, Germany, Japan and the United States of America. These practices recognise that proliferation of Weapons of Mass Destruction has the potential to seriously threaten international peace and security and undermine economic, commercial and social development; and recognise the important role that the diverse commercial sector (exporters, shippers, freight-forwarders, brokers and indeed all those involved in commercial or financial transactions) can play in assisting multilateral efforts in non-proliferation of Weapons of Mass Destruction. These practices are not legally binding - they are intended to provide a platform from which individual companies may adopt internal practices and are not exhaustive. These practices complement existing legal obligations to comply with national law.

PRACTICES

It is suggested that companies should seek to:

1.0 implement internal systems to ensure due-diligence checks are carried out on potential customers and business partners and the goods, software and technology that they wish to acquire, utilising public information such as early warning lists, red- flag checklists and questionnaires provided by the United Nations, States and other parties with an interest in supporting the multilateral non-proliferation effort, and to consult with the relevant government authorities as necessary;

2.0 monitor, collate and vet enquiries within the scope of due diligence, relating to the acquisition of proliferation sensitive goods, software and technology;

3.0 consult government export control authorities before having any dealings with entities identified as being of proliferation concern either from public sources, from corporate monitoring systems or from contact with relevant competent authorities in states themselves;

4.0 implement best efforts to share information about illicit attempts to procure items for Weapons of Mass Destruction programmes with security and other relevant agencies in the State where they are established and with business partners and others in instances where the State judges that broader publicity would be appropriate;

5.0 promote the adoption of due diligence and information sharing within the supply chain and with other business partners within the boundaries of legitimate protection of business and company information;

6.0 incorporate non-proliferation measures and export control compliance into existing Corporate Social responsibility statements;

7.0 encourage relevant industry-wide trade and professional bodies to recognise the importance of supporting and encouraging the non-proliferation effort and the measures set out herein; and

8.0 foster an open and transparent relationship with appropriate government and regulatory authorities.

Adoption and promotion of these practices will enhance active commercial sector support for non-proliferation by reducing the risk of inadvertent supply of items to illicit programmes.

Brokering and Transit/Transshipment in the Context of the NSG

(Adopted at Buenos Aires, 26-27 June 2014)

At the 31st Consultative Group Meeting in June 2013, Participating Governments mandated Germany to draft a document presenting good practices on the implementation of brokering and transit/transshipment controls as they apply to nuclear transfers.

Therefore, the present paper contains the document entitled "Good Practices for the Implementation of Brokering and Transit/Transshipment Controls", which was adopted by the 2014 NSG Plenary.

A. Introduction and background

The following practices are authored by the Government of Germany with the help and support of the Governments of Australia, Austria, Canada, Czech Republic, Denmark, Estonia, France, Hungary, Japan, Republic of Korea, Mexico, Netherlands, Norway, Portugal, Romania, Spain, Sweden, United Kingdom, United States.

The document outlines good national practices to provide an information resource for interested Participating Governments. These practices are not legally binding – they are intended to assist interested Participating Governments in considering introduction or further development of national controls on brokering and transit/transhipment.

A. Introduction and background

The following practices are authored by the Government of Germany with the help and support of the Governments of Australia, Austria, Canada, Czech Republic, Denmark, Estonia, France, Hungary, Japan, Republic of Korea, Mexico, Netherlands, Norway, Portugal, Romania, Spain, Sweden, United Kingdom, United States.

The document outlines good national practices to provide an information resource for interested Participating Governments. These practices are not legally binding – they are intended to assist interested Participating Governments in considering introduction or further development of national controls on brokering and transit/transhipment.

United Nations Security Council Resolution 1540 was adopted in 2004. It decides, among other things, *"that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall: …*

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment … and re-export and controls on providing funds and services related to such export and trans- shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;"

In 2009, the United Nations General Assembly adopted Resolution A/RES/63/67 – tabled by the Republic of Korea and Australia – recognising that brokering activities covered "not only conventional arms but also materials, equipment and technology that could contribute to the proliferation of weapons of mass destruction and their means of delivery" and calling upon Member States to "establish appropriate national laws or measures to prevent and combat illicit brokering activities".

The purpose of the NSG Guidelines is to avert the proliferation of nuclear weapons and to limit the risk of proliferation of such weapons by controlling transfers that could make a contribution to nuclear weapons or other nuclear explosive devices. This includes controlling exports of nuclear as well as nuclear dual-use items. Potential loopholes could be taken advantage of to shift transfer arrangements and routes and thereby circumvent a strong comprehensive export control system as laid down in the NSG Guidelines for all NSG Participating Governments. The end result would be that transfers could take place which are not in line with the purpose of the NSG Guidelines and which the NSG Participating Governments would not have authorised as exports.

During discussions on the topic of brokering and transit/transshipment between the Participating Governments, some Participating Governments considered these activities as relevant in the context of the NSG and important to be monitored.

B. Implementation *[Eds...]*

I. Definitions *[Eds...]*

II. Controls *[Eds...]*

III. What do we gain?

By implementing brokering and transit/transshipment controls, we can close the identified loopholes with new accompanying rules that go beyond the requirements for exports to cover other activities.

Illegal exports remain illegal exports, but controlling brokering and transit/transshipment creates an opportunity to catch additional activities, regardless of whether or not there is an illegal export as such involved.

With both elements – brokering and transit/transshipment controls – we can supplement a reasonable and functioning export control system.

Public Statement Plenary Meeting Of The Nuclear Suppliers Group

(Jūrmala, Latvia, 14–15 June 2018)

The twenty-eighth Plenary Meeting of the Nuclear Suppliers Group (NSG), chaired

by Ambassador Janis Zlamets of Latvia, was held in Jurmala, Latvia, on 14 and 15 June 2018.

The NSG brings together 48 Participating Governments with the European Commission and the Chair of the Zangger Committee participating as permanent observers. The Group aims to prevent the proliferation of nuclear weapons through the implementation on a national basis of export controls for nuclear and nuclear- related material, "dual use" material, equipment, software and technology, without hindering international cooperation on peaceful uses of nuclear energy.

The Minister of Foreign Affairs of the Republic of Latvia, H.E. Mr. Edgars Rinkevics,

welcomed the Participating Governments on behalf of Latvia and noted the importance of a strong rules-based international order in tackling proliferation among other transnational security challenges. The Minister reaffirmed the importance of the NSG for the global nuclear non-proliferation regime.

The NSG took stock of developments since the last meeting in Bern in 2017.

In particular, Participating Governments exchanged information on global proliferation challenges and reiterated their firm support for the full, complete and effective implementation of the Treaty on Non-proliferation of Nuclear Weapons (NPT) as the cornerstone of the international non-proliferation regime.

On the Democratic People's Republic of Korea (DPRK), the Participating Governments noted the developments in the DPRK since the 2017 NSG Plenary in Bern, and reconfirmed their commitment to the United Nations Security Council resolutions 2371(2017), 2375(2017), 2397(2017) and previous relevant UNSC resolutions, which, inter alia, reaffirm that the DPRK shall immediately abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner. Participating Governments noted with encouragement the recent Inter-Korean summits and the DPRK-US summit. Within the framework of the NSG's mandate, the Participating Governments noted that the supply of all controlled items to the DPRK is prohibited according to the above-mentioned resolutions.

On Iran, the Participating Governments took note of the continued implementation by the E3/EU+2 and the Islamic Republic of Iran of the Joint Comprehensive Plan of Action (JCPOA). Participating Governments reconfirmed their commitment to the UNSCR 2231(2015). Since the last Plenary, the NSG continued to receive briefings from the JCPOA Procurement Working Group Coordinator, regarding the work of the

Procurement Channel. Participating Governments expressed interest in receiving further briefings.

The Group noted that discussions were continuing on the requests for participation that had been submitted.

The Group noted that discussions were continuing on the issue of "Technical, Legal and Political Aspects of the Participation of Non-NPT States in the NSG" initiated at the 2016 Seoul Plenary.

At the Plenary meeting, the NSG also:

• maintained its focus on technical issues important to the implementation of the Control Lists by exchanging views and agreeing on a number of proposals to clarify and update the NSG Control Lists;

• discussed and reaffirmed the significance of updating the NSG Guidelines to keep pace with the evolving global security landscape and a fast-paced nuclear and nuclear-related industry;

• strengthened the NSG's policies on transparency and confidentiality;

• discussed and exchanged information and national best practices on licensing

and enforcement as well as national experiences in implementing the NSG Guidelines;

Outreach

• welcomed the number of States that have harmonized their national export control systems with the NSG Guidelines and Control Lists;

• took note of the report on outreach to non-NSG participants and agreed on the value of these outreach activities;

• exchanged views on the national practices of awareness-raising and interaction with industry as well as academic and research institutions, related to NSG controlled items;

• took note of an outreach event with the World Association of Nuclear Operators (WANO) and the World Nuclear Association

(WNA) on 10 April 2018 and welcomed the interest of industry in future outreach;

• decided to revise and update the NSG website, adding new content and sections;

• continued to consider all aspects of the implementation of the 2008 Statement on Civil Nuclear Cooperation with India and discussed the NSG relationship with India.

The NSG Participating Governments invited all nuclear supplier states to express their responsible approach to nuclear exports by adhering to the NSG Guidelines. The Plenary also called on all states to fully implement all UNSCRs relevant to the work and purposes of the NSG, exercise utmost vigilance and to make every effort to ensure that none of their exports of goods and technologies contribute to nuclear weapons programs.

Public Statement Plenary Meeting Of The Nuclear Suppliers Group

(Nur-Sultan, Kazakhstan, 21 June 2019)

The twenty-ninth Plenary Meeting of the Nuclear Suppliers Group (NSG), chaired by Ambassador Kairat Sarybay of Kazakhstan, was held in Nur-Sultan, Kazakhstan, on 20 and 21 June 2019.

The NSG brings together 48 Participating Governments 1 with the European Commission and the Chair of the Zangger Committee participating as permanent observers. The Group aims to prevent the proliferation of nuclear weapons through the implementation, on a national basis, of export controls for nuclear and nuclearrelated dual-use equipment, materials, software, and related technology, without hindering international cooperation on the peaceful uses of nuclear energy.

In his welcoming address to the Plenary the President of the Republic of Kazakhstan H.E. Mr. Kassym-Jomart Tokayev noted Kazakhstan's internationally recognized contribution to nuclear disarmament and non-proliferation that was made by the First President of the Republic of Kazakhstan H.E. Mr. Nursultan Nazarbayev. He referred to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the cornerstone of the global security architecture and acknowledged the significant role of the NSG in maintaining the international non-proliferation regime, while not hindering at the same time the inalienable right of every NPT Member State to use nuclear energy for peaceful purposes. Kazakhstan has a strict and comprehensive national export control system and unilaterally adheres to other international export control regimes such as the Missile Technology Control Regime, the Australia Group and the Wassenaar Arrangement, of which Kazakhstan hopes to become a member at the earliest opportunity. He assured that Kazakhstan, as Chair of the NSG, will be guided by the principles of impartial mediation, "fair brokering" and strict adherence to the key principle of consensus.

The NSG took stock of developments since the last meeting in Jūrmala in 2018.

In particular, Participating Governments exchanged information on global proliferation challenges and reiterated their firm support for the full, complete and effective implementation of the NPT as the cornerstone of the international nonproliferation regime.

The Group affirmed its interest in conducting a common exercise to reach out to interested States Parties on the margins of the 2020 NPT Review Conference to enhance understanding of the NSG and its Guidelines.

Participating Governments supported the ongoing diplomatic processes and efforts to achieve the complete denuclearization of, and lasting peace on, the Korean Peninsula, and reconfirmed their commitment to full and comprehensive implementation of the United Nations Security Council resolutions 2371(2017), 2375(2017), 2397(2017) and previous relevant UNSC resolutions, which, inter alia, reaffirm that the Democratic People's Republic of Korea (DPRK) shall immediately abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner. Within the framework of the NSG's mandate, the Participating Governments noted that the supply of all NSG controlled items to the DPRK is prohibited according to the above-mentioned resolutions.

Participating Governments took note of the international community's continued obligations under UNSC Resolution 2231(2015) and took note of all the concerns expressed by the Participating Governments in relation to its implementation, and urged compliance with UNSCR 2231 (2015). Since the last Plenary, the NSG continued to receive briefings from the JCPOA Procurement Working Group Coordinator, regarding the work of the Procurement Channel. Participating Governments expressed interest in receiving further briefings.

The Group noted that discussions were continuing on the requests for participation that had been submitted.

The Group noted the discussions on the issue of "Technical, Legal and Political Aspects of the Participation of non-NPT States in the NSG".

At the Plenary meeting, the NSG also:

• maintained its focus on technical issues important to the implementation of the control lists by exchanging views and agreeing on a number of proposals to clarify and update the NSG control lists, which will be published on the IAEA website as revised INFCIRC/254 Part 1 and Part 2 (as amended); the changes agreed at the 2018 NSG Plenary in Jūrmala and 2017 NSG Plenary in Bern will also be included in the revised INFCIRCs, in accordance with established NSG practice;

• discussed and reaffirmed the significance of updating the NSG Guidelines to keep pace with the evolving global security landscape and a fast-paced nuclear and nuclear-related industry;

• discussed and exchanged information and national best practices on licensing and enforcement as well as national experiences in implementing the NSG Guidelines;

Outreach

• welcomed that numerous non-NSG participants have harmonized their national export control systems with the NSG Guidelines and control lists;

• noted, with appreciation to China, the launch of the version of the NSG website in simplified Chinese during the 2019 NSG Plenary Week;

• took note of the completion and upload of the multilingual NSG explanatory video "What is the NSG" following the approval of the video text at the 2018 NSG Plenary in Jūrmala;

• took note of the report on outreach to non-NSG participants and agreed on the value of these outreach activities;

• continued to exchange views on the national practices of awareness-raising and interaction with industry as well as academic and research institutions, related to NSG controlled items;

• in line with past practice, and in view of the 2020 NPT Review Conference, agreed to update and improve its communication and information documents for the benefit of those participating in the Conference;

• supported the Chair's plans to conduct an outreach event at the 2020 NPT Review Conference;

• took note of the NSG Chair's outreach event with three organizations representing the global civilian nuclear industry on 3 April 2019, which had addressed specific issues, such as technology and industry developments in the context of NSG Guidelines and control lists; • welcomed the NSG Chair's proposal to conduct an outreach event with industry representatives from the NSG Participating Governments;

• continued to consider all aspects of the implementation of the 2008 Statement on Civil Nuclear Cooperation with India and discussed the NSG relationship with India.

The NSG Participating Governments invited all nuclear supplier states to express their responsible approach to nuclear exports by adhering to the NSG Guidelines. The Plenary also called on all states to fully implement all UNSC resolutions relevant to the work and purposes of the NSG, to exercise utmost vigilance, and to make every effort to ensure that none of their exports of goods and technologies contribute to nuclear weapons programs.

The NSG Plenary thanked Mr. Diego Cándano of Mexico for his valuable service to the Group as Chair of the Consultative Group and appointed Ms. Mirjam Kochendörfer of Germany to serve as the new Chair of the Consultative Group.

S – Nuclear Security

Convention on the Physical Protection of Nuclear Material

[Signed at Vienna and New York on 3 March 1980, entered into force on 8 February 1987]

[Eds...]

Article 1

For the purposes of this Convention:

(a) 'nuclear material' means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;

(b) 'uranium enriched in the isotope 235 or 233' means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;

(c) 'international nuclear transport' means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

Article 2

1. This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.
2. With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.
3. Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

Article 3

Each State Party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from the State, is protected at the levels described in Annex I.

Article 4

1. Each State Party shall not export or authorize the export of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport at the levels described in Annex I.
2. Each State Party shall not import or authorize the import of nuclear material from a State not party to this Convention unless the State Party has received assurances that such material will during the international nuclear transport be protected at the levels described in Annex I.
3. A State Party shall not allow the transit through its territory by land or internal waterways or through its airports or seaports of nuclear material between States that are not parties to this Convention unless the State Party has received assurances as far as practicable that this nuclear material will be protected during international nuclear transport at the levels described in Annex I.
4. Each State Party shall apply within the framework of its national law the levels of physical protection described in Annex I to nuclear material being transported from a part of that State to another part of the same State through international waters or airspace.
5. The State Party responsible for receiving assurances that the nuclear material will be protected at the levels described in Annex I according to paragraphs 1 to 3 shall identify and inform in advance States which the nuclear material is expected to transit by land or international waterways, or whose airports or seaports it is expected to enter.
6. The responsibility for obtaining assurances referred to in paragraph 1 may be transferred, by mutual agreement, to the State Party involved in the transport as the importing State.
7. Nothing in this article shall be interpreted as in any way affecting the territorial sovereignty and jurisdiction of a State, including that over its airspace and territorial sea.

Article 5

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for co-ordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof.
2. In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

(a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof and to inform, where appropriate, international organizations;

(b) as appropriate, the States Parties concerned shall exchange information with each other or international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container, or recovering unlawfully taken nuclear material and shall:

(i) co-ordinate their efforts through diplomatic and other agreed channels;
(ii) render assistance, if requested;
(iii) ensure the return of nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. States Parties shall co-operate and consult as appropriate, with each other directly or through international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

Article 6

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.
2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

Article 7

1. The intentional commission of:

(a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property;

(b) a theft or robbery of nuclear material;

(c) an embezzlement or fraudulent obtaining of nuclear material;

(d) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;

(e) a threat:

(i) to use nuclear material to cause death or serious injury to any person or substantial property damage, or

(ii) to commit an offence described in sub-paragraph (b) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;

(f) an attempt to commit any offence described in paragraphs (a), (b) or (c); and

(g) an act which constitutes participation in any offence described in paragraphs (a) to (f) shall be made a punishable offence by each State Party under its national law.

2. Each State Party shall make the offences described in this article punishable by appropriate penalties which take into account their grave nature.

Article 8

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 7 in the following cases:

(a) when the offence is committed in the territory of that State or on board a ship or aircraft registered in that State;

(b) when the alleged offender is a national of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 11 to any of the States mentioned in paragraph 1.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

4. In addition to the States Parties mentioned in paragraphs 1 and 2, each State Party may, consistent with international law, establish its jurisdiction over the offences set forth in article 7 when it is involved in international nuclear transport as the exporting or importing state.

Article 9

Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take appropriate measures, including detention, under its national law to ensure his presence for the purpose of prosecution or extradition. Measures taken according to this article shall be notified without delay to the States required to establish jurisdiction pursuant to article 8, and where appropriate, all other States concerned.

Article 10

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

Article 11

1. The offences in article 7 shall be deemed to be included as extraditable offences in any extradition treaty existing between State Parties. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of article 8.

Article 12

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

Article 13

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

Article 14

1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The depositary shall communicate such information periodically to all States Parties.

2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.

3. Where an offence involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

Article 15

The Annexes constitute an integral part of this Convention.

Article 16

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.

2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

Article 17

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

Article 18

1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York from 3 March 1980 until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. After its entry into force, this Convention will be open for accession by all States.

4. (a) This Convention shall be open for signature or accession by international organizations and regional organizations of an

integrated or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.

(c) When becoming party to this Convention such an organization shall communicate to the depositary a declaration indicating which States are members thereof and which articles of this Convention do not apply to it.

(d) Such an organization shall not hold any vote additional to those of its Member States.

5. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

Article 19

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-first instrument of ratification, acceptance or approval with the depositary.

2. For each State ratifying, accepting, approving or acceding to the Convention after the date of deposit of the twenty-first instrument of ratification, acceptance or approval, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 20

1. Without prejudice to article 16 a State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all States Parties. If a majority of States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be promptly circulated by the depositary to all States Parties.

2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article 21

1. Any State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

Article 22

The depositary shall promptly notify all States of:

(a) each signature of this Convention;
(b) each deposit of an instrument of ratification, acceptance, approval or accession;
(c) any reservation or withdrawal in accordance with article 17.
(d) any communication made by an organization in accordance with paragraph 4 (c) of article 18;
(e) the entry into force of this Convention;
(f) the entry into force of any amendment to this Convention; and
(g) any denunciation made under article 21.

Article 23

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States.

ANNEX 1

1. Levels of physical protection to be applied to international transport of nuclear material as categorized in Annex II.

(a) For category III materials, storage within an area to which access is controlled;

(b) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;

(c) For Category I material, storage within a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their object the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

2. Levels of physical protection for nuclear material during international transport include:

(a) For Category I I and I II materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;

(b) For Category I materials, transportation shall take place under special precautions identified above for transportation of Category II and III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces.

(c) For natural uranium other than in the form of ore or ore-residue, transportation protection for quantities exceeding 500 kilograms uranium shall include advance notification of shipment specifying mode of transport, expected time of arrival and confirmation of receipt of shipment.

Amendment to the Convention on the Physical Protection of Nuclear Material

[Reproduced from GOV/INF/2005/10-GC(49)/INF/6, 6 September 2005,]

Report by the Director General…

[Eds…]

Amendment to the Convention on the Physical Protection of Nuclear Material

17. The Title of the Convention on the Physical Protection of Nuclear Material adopted on 26 October 1979 (hereinafter referred to as "the Convention") is replaced by the following title:

CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL AND NUCLEAR FACILITIES

17. The Preamble of the Convention is replaced by the following text:

THE STATES PARTIES TO THIS CONVENTION,

RECOGNIZING the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

CONVINCED of the need to facilitate international co-operation and the transfer of nuclear technology for the peaceful application of nuclear energy,

BEARING IN MIND that physical protection is of vital importance for the protection of public health, safety, the environment and national and international security,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good neighbourliness and friendly relations and co-operation among States,

CONSIDERING that under the terms of paragraph 4 of Article 2 of the Charter of the United Nations, "All members shall refrain in their international relations from the threat or use of force against the

territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations,"

RECALLING the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994,

DESIRING to avert the potential dangers posed by illicit trafficking, the unlawful taking and use of nuclear material and the sabotage of nuclear material and nuclear facilities, and noting that physical protection against such acts has become a matter of increased national and international concern,

DEEPLY CONCERNED by the worldwide escalation of acts of terrorism in all its forms and manifestations, and by the threats posed by international terrorism and organized crime,

BELIEVING that physical protection plays an important role in supporting nuclear non-proliferation and counter-terrorism objectives,

DESIRING through this Convention to contribute to strengthening worldwide the physical protection of nuclear material and nuclear facilities used for peaceful purposes,

CONVINCED that offences relating to nuclear material and nuclear facilities are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures, or to strengthen existing measures, to ensure the prevention, detection and punishment of such offences,

DESIRING to strengthen further international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material and nuclear facilities,

CONVINCED that this Convention should complement the safe use, storage and transport of nuclear material and the safe operation of nuclear facilities,

RECOGNIZING that there are internationally formulated physical protection recommendations that are updated from time to time which can provide guidance on contemporary means of achieving effective levels of physical protection,

RECOGNIZING also that effective physical protection of nuclear material and nuclear facilities used for military purposes is a responsibility of the State possessing such nuclear material and nuclear facilities, and understanding that such material and facilities are and will continue to be accorded stringent physical protection,

HAVE AGREED as follows:

3. In Article 1 of the Convention, after paragraph I, two new paragraphs are added as follows:

(d) "nuclear facility" means a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

I "sabotage" means any deliberate act directed against a nuclear facility or nuclear material in use, storage or transport which could directly or indirectly endanger the health and safety of personnel, the public or the environment by exposure to radiation or release of radioactive substances.

4. After Article 1 of the Convention**,** a new Article 1A is added as follows:

Article 1A

The purposes of this Convention are to achieve and maintain worldwide effective physical protection of nuclear material used for peaceful purposes and of nuclear facilities used for peaceful purposes; to prevent and combat offences relating to such material and facilities worldwide; as well as to facilitate co-operation among States Parties to those ends.

5. Article 2 of the Convention is replaced by the following text:

1. This Convention shall apply to nuclear material used for peaceful purposes in use, storage and transport and to nuclear facilities used for peaceful purposes, provided, however, that articles 3 and 4 and paragraph 4 of article 5 of this Convention shall only apply to such nuclear material while in international nuclear transport**.**

2. The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State Party rests entirely with that State.

3. Apart from the commitments expressly undertaken by States Parties under this Convention, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State.

4. (a) Nothing in this Convention shall affect other rights, obligations and responsibilities of States Parties under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

(b) The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by the military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

I Nothing in this Convention shall be construed as a lawful authorization to use or threaten to use force against nuclear material or nuclear facilities used for peaceful purposes.

(d) Nothing in this Convention condones or makes lawful otherwise unlawful acts, nor precludes prosecution under other laws.

5. This Convention shall not apply to nuclear material used or retained for military purposes or to a nuclear facility containing such material.

6. After Article 2 of the Convention**,** a new Article 2A is added as follows:

Article 2A

1. Each State Party shall establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under its jurisdiction, with the aim of:

(a) protecting against theft and other unlawful taking of nuclear material in use, storage and transport;

(b) ensuring the implementation of rapid and comprehensive measures to locate and, where appropriate, recover missing or stolen nuclear material; when the material is located outside its territory, that State Party shall act in accordance with article 5;

I protecting nuclear material and nuclear facilities against sabotage; and

(d) mitigating or minimizing the radiological consequences of sabotage.

2. In implementing paragraph 1, each State Party shall:

(a) establish and maintain a legislative and regulatory framework to govern physical protection;

(b) establish or designate a competent authority or authorities responsible for the implementation of the legislative and regulatory framework; and

I take other appropriate measures necessary for the physical protection of nuclear material and nuclear facilities.

3. In implementing the obligations under paragraphs 1 and 2, each State Party shall, without prejudice to any other provisions of this Convention, apply insofar as is reasonable and practicable the following Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities.

FUNDAMENTAL PRINCIPLE A: ***Responsibility of the State***

The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State rests entirely with that State.

FUNDAMENTAL PRINCIPLE B: ***Responsibilities During International Transport***

The responsibility of a State for ensuring that nuclear material is adequately protected extends to the international transport thereof, until that responsibility is properly transferred to another State, as appropriate.

FUNDAMENTAL PRINCIPLE C: ***Legislative and Regulatory Framework***

The State is responsible for establishing and maintaining a legislative and regulatory framework to govern physical protection. This framework should provide for the establishment of applicable physical protection requirements and include a system of evaluation and licensing or other procedures to grant authorization. This framework should include a system of inspection of nuclear facilities and transport to verify compliance with applicable requirements and conditions of the license or other authorizing document, and to establish a means to enforce applicable requirements and conditions, including effective sanctions.

FUNDAMENTAL PRINCIPLE D: ***Competent Authority***

The State should establish or designate a competent authority which is responsible for the implementation of the legislative and regulatory framework, and is provided with adequate authority, competence and financial and human resources to 5ulfil its assigned responsibilities. The State should take steps to ensure an effective independence between the functions of the State's competent authority and those of any other body in charge of the promotion or utilization of nuclear energy.

FUNDAMENTAL PRINCIPLE E: ***Responsibility of the License Holders***

The responsibilities for implementing the various elements of physical protection within a State should be clearly identified. The State should ensure that the prime responsibility for the implementation of physical protection of nuclear material or of nuclear facilities rests with the holders of the relevant licenses or of other authorizing documents (e.g., operators or shippers).

FUNDAMENTAL PRINCIPLE F: ***Security Culture***

All organizations involved in implementing physical protection should give due priority to the security culture, to its development and maintenance necessary to ensure its effective implementation in the entire organization.

FUNDAMENTAL PRINCIPLE G: ***Threat***

The State's physical protection should be based on the State's current evaluation of the threat.

FUNDAMENTAL PRINCIPLE H: ***Graded Approach***

Physical protection requirements should be based on a graded approach, taking into account the current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities.

FUNDAMENTAL PRINCIPLE I: ***Defence in Depth***

The State's requirements for physical protection should reflect a concept of several layers and methods of protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives.

FUNDAMENTAL PRINCIPLE J: ***Quality Assurance***

A quality assurance policy and quality assurance programmes should be established and implemented with a view to providing confidence that specified requirements for all activities important to physical protection are satisfied.

FUNDAMENTAL PRINCIPLE K: ***Contingency Plans***

Contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof, should be prepared and appropriately exercised by all license holders and authorities concerned.

FUNDAMENTAL PRINCIPLE L: ***Confidentiality***

The State should establish requirements for protecting the confidentiality of information, the unauthorized disclosure of which could compromise the physical protection of nuclear material and nuclear facilities.

4. (a) The provisions of this article shall not apply to any nuclear material which the State Party reasonably decides does not need to be subject to the physical protection regime established pursuant to paragraph 1, taking into account the nature of the material, its quantity and relative attractiveness and the potential radiological and other consequences associated with any unauthorized act directed against it and the current evaluation of the threat against it.

(b) Nuclear material which is not subject to the provisions of this article pursuant to subparagraph (a) should be protected in accordance with prudent management practice.

7. Article 5 of the Convention is replaced by the following text:

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their point of contact in relation to matters within the scope of this Convention.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

(a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof, and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations;

(b) in doing so, as appropriate, the States Parties concerned shall exchange information with each other, the International Atomic Energy Agency and other relevant international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container or recovering unlawfully taken nuclear material and shall:
(i) co-ordinate their efforts through diplomatic and other agreed channels;
(ii) render assistance, if requested;

(17) ensure the return of recovered nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. In the case of a credible threat of sabotage of nuclear material or a nuclear facility or in the case of sabotage thereof, States Parties shall, to the maximum feasible extent, in accordance with their national law and consistent with their relevant obligations under international law, cooperate as follows:

(a) if a State Party has knowledge of a credible threat of sabotage of nuclear material or a nuclear facility in another State, the former shall decide on appropriate steps to be taken in order to inform that State as soon as possible and, where appropriate, the International Atomic Energy Agency and other relevant international organizations of that threat, with a view to preventing the sabotage;

(b) in the case of sabotage of nuclear material or a nuclear facility in a State Party and if in its view other States are likely to be radiologically affected, the former, without prejudice to its other obligations under international law, shall take appropriate steps to inform as soon as possible the State or the States which are likely to be radiologically affected and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations, with a view to minimizing or mitigating the radiological consequences thereof;

l if in the context of sub-paragraphs (a) and (b), a State Party requests assistance, each State Party to which a request for assistance is directed shall promptly decide

and notify the requesting State Party, directly or through the International Atomic Energy Agency, whether it is in a position to render the assistance requested and the scope and terms of the assistance that may be rendered;

(d) co-ordination of the co-operation under sub-paragraphs (a) to (c) shall be through diplomatic or other agreed channels. The means of implementation of this cooperation shall be determined bilaterally or multilaterally by the States Parties concerned.

4. States Parties shall co-operate and consult, as appropriate, with each other directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

5. A State Party may consult and co-operate, as appropriate, with other States Parties directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining their guidance on the design, maintenance and improvement of its national system of physical protection of nuclear material in domestic use, storage and transport and of nuclear facilities.

8. Article 6 of the Convention is replaced by the following text:

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations or to States that are not parties to this Convention in confidence, steps shall be taken to ensure that the confidentiality of such information is protected. A State Party that has received information in confidence from another State Party may provide this information to third parties only with the consent of that other State Party.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material or nuclear facilities.

9. Paragraph 1 of Article 7 of the Convention is replaced by the following text:

1. The intentional commission of:

(a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment;

(b) a theft or robbery of nuclear material;

l an embezzlement or fraudulent obtaining of nuclear material;

(d) an act which constitutes the carrying, sending, or moving of nuclear material into or out of a State without lawful authority;

l an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where he knows that the act is likely to cause, death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances, unless the act is undertaken in conformity with the national law of the State Party in the territory of which the nuclear facility is situated;

(f) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;

(g) a threat:
(i) to use nuclear material to cause death or serious injury to any person or substantial damage to property or to the environment or to commit the offence described in sub-paragraph l, or
(ii) to commit an offence described in sub-paragraphs (b) and l in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;

(h) an attempt to commit any offence described in sub-paragraphs (a) to l;

(i) an act which constitutes participation in any offence described in sub-paragraphs (a) to (h);

(j) an act of any person who organizes or directs others to commit an offence described in sub-paragraphs (a) to (h); and

(k) an act which contributes to the commission of any offence described in sub-paragraphs (a) to (h) by a group of persons acting with a common purpose; such act shall be intentional and shall either:
(i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence described in sub-paragraphs (a) to (g), or
(ii) be made in the knowledge of the intention of the group to commit an offence described in sub-paragraphs (a) to (g)

shall be made a punishable offence by each State Party under its national law.

10. After Article 11 of the Convention, two new articles, Article 11A and Article 11B, are added as follows:

Article 11A

None of the offences set forth in article 7 shall be regarded for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 11B

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 7 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

11. After Article 13 of the Convention**,** a new Article 13A is added as follows:

Article 13A

Nothing in this Convention shall affect the transfer of nuclear technology for peaceful purposes that is undertaken to strengthen the physical protection of nuclear material and nuclear facilities.

12. Paragraph 3 of Article 14 of the Convention is replaced by the following text:

3. Where an offence involves nuclear material in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, or where an offence involves a nuclear facility and the alleged offender remains in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

13. Article 16 of the Convention is replaced by the following text:

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of the Amendment adopted on 8 July 2005 to review the implementation of this Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.

2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

14. Footnote [b/] of Annex II of the Convention is replaced by the following text:

[b/] Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 1 gray/hour (100 rads/hour) at one metre unshielded.

15. Footnote [e/] of Annex II of the Convention is replaced by the following text:

[e/] Other fuel which by virtue of its original fissile material content is classified as Category and II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 1 gray/hour (100 rads/hour) at one metre unshielded.

[Eds…]

Status of Amendment to the Convention on the Physical Protection of Nuclear Material

[As at 23 Sept 2021]

Notes: Pursuant to Article 20, the amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Party have deposited their instruments of ratification, acceptance or approval with the depositary: International Atomic Energy Agency

Parties: 127

Key Nuclear Security Agreement to Enter into Force. IAEA Press Release.

[08 April 2016]

A nuclear security agreement that will take effect on 8 May will reduce the risk of a terrorist attack on a nuclear power plant and make it harder to smuggle nuclear material.

The entry into force of the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) was secured today with the deposit of the instrument of ratification by Nicaragua, which brought the number of adherences to 102 States Parties to the CPPNM, the threshold required for the agreement to come into effect in 30 days. The Amendment, adopted more than a decade ago, will make it legally binding on countries to protect nuclear facilities. It will also extend the CPPNM's application to nuclear material in domestic use, storage and transport.

"This is an important day for efforts to strengthen nuclear security around the world," said IAEA Director General Yukiya Amano in a statement. The Amendment "will help reduce the risk of a terrorist attack involving nuclear material, which could have catastrophic consequences."

The CPPNM, the only legally binding international undertaking in the area of physical protection of nuclear material, entered into force in 1987. It focuses on the physical protection of nuclear material used for peaceful purposes during international transport, but does not cover the protection of nuclear facilities or nuclear material in domestic use, storage and transport. In July 2005, the Parties to the CPPNM adopted the Amendment. The adherence of two-thirds of the States Parties to the CPPNM was required for entry into force of the Amendment. Currently, there are 152 States Parties to the Convention.

"The entry into force of the Amendment demonstrates the determination of the international community to act together to strengthen nuclear security globally," Mr Amano said. He urged States Parties that have not yet done so to adhere to the Amendment.

The Amendment makes it legally binding for States to establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under their jurisdiction. It provides for the criminalization of new and extended specified acts, and requires countries to put in place measures to protect nuclear material and nuclear facilities against sabotage.

The Amendment expands the existing offences identified in the CPPNM, including the theft and robbery of nuclear material, and establishes new ones, such as the smuggling of nuclear material and the actual or threatened sabotage of nuclear facilities. A number of the offences were also expanded to include substantial damage to the environment.

The Amendment also provides for expanded cooperation and information sharing between States regarding rapid measures to locate and recover stolen or smuggled nuclear material, to mitigate any radiological consequences of sabotage and to prevent and combat related offences. It also establishes channels for cooperation and consultation, directly among States via established points of contact or through the IAEA, to obtain guidance on the design, maintenance and improvement of national systems of physical protection.

"It is now important that practical and operational arrangements and improved information exchange mechanisms be established to enable us to be better placed to face emerging nuclear security challenges," said Peri Lynne Johnson, IAEA Legal Adviser and Director of the Office of Legal Affairs.

The IAEA held the first ever Technical Meeting of the Points of Contact and Central Authorities of States Parties to the CPPNM in December 2015. Mr Amano announced last week that the IAEA will host annual meetings of national points of contacts as well as periodic conferences to review the implementation of the convention.

"I will bring the Parties together to work out ways of improving the mechanisms for sharing such information, while protecting confidentiality," Mr Amano said.

The Director General, as depositary for the Convention will convene a conference of States Parties five years after the Amendment's entry into force to review the implementation of the amended Convention as well as its adequacy.

Although States Parties will be responsible for implementing the Amendment, the IAEA will facilitate implementation by providing legislative and technical assistance to Member States. This includes assistance in the drafting of national implementing legislation and in establishing, implementing, and maintaining a State's physical protection regime. In addition, the IAEA continues to stand ready to help, upon request, those countries which are not parties to either the Convention or the Amendment.

"The IAEA stands ready to further strengthen its cooperation with the States Parties on their national physical protection regime applicable to nuclear material and nuclear facilities under their jurisdiction in accordance the IAEA Nuclear Security Series," said Khammar Mrabit, Director of the IAEA Division of Nuclear Securi

UN Security Council Resolution 1540

[Reproduced from S/RES/1540, adopted on 28 April 2004]

See Section K

International Convention for the Suppression of Acts of Nuclear Terrorism

[United Nations, 2005]

The States Parties to this Convention, *[Eds…] Have agreed* as follows:

Article 1

For the purposes of this Convention:

1. "Radioactive material" means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

2. "Nuclear material" means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; or any material containing one or more of the foregoing;

Whereby "uranium enriched in the isotope 235 or 233" means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than he ratio of the isotope 235 to the isotope 238 occurring in nature.

3. "Nuclear facility" means:

(*a*) Any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

(*b*) Any plant or conveyance being used for the production, storage, processing or transport of radioactive material.

4. "Device" means:

(*a*) Any nuclear explosive device; or

(*b*) Any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.

5. "State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of a Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

6. "Military forces of a State" means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(*a*) Possesses radioactive material or makes or possesses a device:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment;

(*b*) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment; or

(iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

2. Any person also commits an offence if that person:

(*a)* Threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (*b*) of the present article; or

(*b*) Demands unlawfully and intentionally radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.

3. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.

4. Any person also commits an offence if that person:

(*a*) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(*b*) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(*c*) In any other way contributes to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under article 9, paragraph 1 or 2, to exercise jurisdiction, except that the provisions of articles 7, 12, 14, 15, 16 and 17 shall, as appropriate, apply in those cases.

Article 4

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.

4. This Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

Article 5

Each State Party shall adopt such measures as may be necessary:

(*a*) To establish as criminal offences under its national law the offences set forth in article 2;

(*b*) To make those offences punishable by appropriate penalties which take into account the grave nature of these offences.

Article 6

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, r acial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

Article 7

1. States Parties shall cooperate by:

(*a*) Taking all practicable measures, including, if necessary, adapting their national law, to prevent and counter preparations in their respective territories for the commission within or outside their territories of the offences set forth in article 2, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or knowingly provide technical assistance or information or engage in the perpetration of those offences;

(*b*) Exchanging accurate and verified information in accordance with their national law and in the manner and subject to the conditions specified herein, and coordinating administrative

and other measures taken as appropriate to detect, prevent, suppress and investigate the offences set forth in article 2 and also in order to institute criminal proceedings against persons alleged to have committed those crimes. In particular, a State Party shall take appropriate measures in order to inform without delay the other States referred to in article 9 in respect of the commission of the offences set forth in article 2 as well as preparations to commit such offences about which it has learned, and also to inform, where appropriate, international organizations.

2. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

3. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

4. States Parties shall inform the Secretary-General of the United Nations of their competent authorities and liaison points responsible for sending and receiving the information referred to in the present article. The Secretary-General of the United Nations shall communicate such information regarding competent authorities and liaison points to all States Parties and the International Atomic Energy Agency. Such authorities and liaison points must be accessible on a continuous basis.

Article 8

For purposes of preventing offences under this Convention, States Parties shall make eve ry effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the International Atomic Energy Agency.

Article 9

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

(*a*) The offence is committed in the territory of that State; or

(*b*) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or

(*c*) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(*a*) The offence is committed against a national of that State; or

(*b*) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or

(*c*) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or

(*d*) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or

(*e*) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established under its national law in accordance with paragraph 2 of the present article. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of the present article.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its national law.

Article 10

1. Upon receiving information that an offence set forth in article 2 has been committed or is being committed in the territory of a State Party or that a person who has committed or who is alleged to have committed such an offence may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 of the present article are being taken shall be entitled:
(*a*) To communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(*b*) To be visited by a representative of that State;

(*c*) To be informed of that person's rights under subparagraphs (*a*) and (*b*).

4. The rights referred to in paragraph 3 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 of the present article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 9, paragraph 1 (*c*) or 2 (*c*), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to the present article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 9, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that that person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 of the present article shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

Article 11

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 9 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its national law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1 of the present article.

Article 12

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human

rights.

Article 13

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 9, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

Article 14

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their national law.

Article 15

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 16

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 17

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

(*a*) The person freely gives his or her informed consent; and

(*b*) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of the present article:

(*a*) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(*b*) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(*c*) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(*d*) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State to which he or she was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

Article 18

1. Upon seizing or otherwise taking control of radioactive material, devices or nuclear facilities, following the commission of an offence set forth in article 2, the State Party in possession of such items shall:

(*a*) Take steps to render harmless the radioactive material, device or nuclear facility;

(*b*) Ensure that any nuclear material is held in accordance with applicable International Atomic Energy Agency safeguards; and

(*c*) Have regard to physical protection recommendations and health and safety standards published by the International Atomic Energy Agency.

2. Upon the completion of any proceedings connected with an offence set forth in article 2, or sooner if required by international law, any radioactive material, device or nuclear facility shall be returned, after consultations (in particular, regarding modalities of return and storage) with the States Parties concerned to the State Party to which it belongs, to the State Party of which the natural or legal person owning such radioactive material, device or facility is a national or resident, or to the State Party from whose territory it was stolen or otherwise unlawfully obtained.

3. (*a*) Where a State Party is prohibited by national or international law from returning or accepting such radioactive material, device or nuclear facility or where the States Parties concerned so agree, subject to paragraph 3(*b*) of the present article, the State Party in possession of the radioactive material, devices or nuclear facilities shall continue to take the steps described in paragraph 1 of the present article; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes;

(*b*) Where it is not lawful for the State Party in possession of the radioactive material, devices or nuclear facilities to possess them, that State shall ensure that they are placed as soon as possible in the possession of a State for which such possession is lawful and which, where appropriate, has provided assurances consistent with the requirements of paragraph 1 of the present article in consultation with that State, for the purpose of rendering it harmless; such radioactive material, devices or nuclear fac ilities shall be used only for peaceful purposes.

4. If the radioactive material, devices or nuclear facilities referred to in paragraphs 1 and 2 of the present article do not belong to any of the States Parties or to a national or resident of a State Part y or was not stolen or otherwise unlawfully obtained from the territory of a State Party, or if no State is willing to receive such items pursuant to paragraph 3 of the present article, a separate decision concerning its disposition shall, subject to paragraph 3 (*b*) of the present article, be taken after consultations between the States concerned and any relevant international organizations.

5. For the purposes of paragraphs 1, 2, 3 and 4 of the present article, the State Party in possession of the radioactive material,

device or nuclear facility may request the assistance and cooperation of other States Parties, in particular the States Parties concerned, and any relevant international organizations, in particular the International Atomic Energy Agency. States Parties and the relevant international organizations are encouraged to provide assistance pursuant to this paragraph to the maximum extent possible.

6. The States Parties involved in the disposition or retention of the radioactive material, device or nuclear facility pursuant to the present article shall inform the Director General of the International Atomic Energy Agency of the manner in which such an item was disposed of or retained. The Director General of the International Atomic Energy Agency shall transmit the information to the other States Parties.

7. In the event of any dissemination in connection with an offence set forth in article 2, nothing in the present article shall affect in any way the rules of international law governing liability for nuclear damage, or other rules of international law.

Article 19

The State Party where the alleged offender is prosecuted shall, in accordance with its national law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 20

States Parties shall conduct consultations with one another directly or through the Secretary-General of the United Nations, with the assistance of international organizations as necessary, to ensure effective implementation of this Convention.

Article 21

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 22

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its national law.

Article 23

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may, at the time of signature, ratification, acceptance or approval of this Convent ion or accession thereto, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 24

1. This Convention shall be open for signature by all States from 14 September 2005 until 31 December 2006 at United Nations Headquarters in New York.

2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 25

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 26

1. A State Party may propose an amendment to this Convention. The proposed amendment shall be submitted to the depositary, who circulates it immediately to all States Parties.

2. If the majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin no sooner than three months after the invitations are issued.

3. The conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted by a two-thirds majority of all States Parties. Any amendment adopted at the conference shall be promptly circulated by the depositary to all States Parties.

4. The amendment adopted pursuant to paragraph 3 of the present article shall enter into force for each State Party that deposits its instrument of ratification, acceptance, accession or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their relevant instrument. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day after the date on which that State deposits its relevant instrument.

Article 27

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

Article 28

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on 14 September 2005.

Nuclear Security Summit 2016 Communique

[Washington DC, 2016]

The threat of nuclear and radiological terrorism remains one of the greatest challenges to international security, and the threat is constantly evolving. We, the leaders, gathered in Washington, D.C. on the first day of April, 2016 on the occasion of the fourth Nuclear Security Summit, are proud to observe that the Summits have since 2010 raised awareness of this threat and driven many tangible, meaningful and lasting improvements in nuclear security. The Summits have also strengthened the nuclear security architecture at national, regional and global levels, including through broadened ratification and implementation of international legal instruments regarding nuclear security. We underline the importance of the Convention on Physical Protection of Nuclear Material and its 2005 Amendment and the International Convention on the Suppression of Acts of Nuclear Terrorism and will continue to work toward their universalization and full implementation. We welcome the imminent entry into force of the 2005 Amendment to the Convention on Physical Protection of Nuclear Material and Facilities and encourage further ratifications.

We reaffirm our commitment to our shared goals of nuclear disarmament, nuclear non-proliferation and peaceful use of nuclear energy. We also reaffirm that measures to strengthen nuclear security will not hamper the rights of States to develop and use nuclear energy for peaceful purposes. We reaffirm the fundamental responsibility of States, in accordance with their respective obligations, to maintain at all times effective security of all nuclear and other radioactive material, including nuclear materials used in nuclear weapons, and nuclear facilities under their control.

More work remains to be done to prevent non-state actors from obtaining nuclear and other radioactive materials, which could be used for malicious purposes. We commit to fostering a peaceful and stable international environment by reducing the threat of nuclear terrorism and strengthening nuclear security.

Sustaining security improvements requires constant vigilance at all levels, and we pledge that our countries will continue to make nuclear security an enduring priority. We, as leaders, are conscious of our responsibility. Actions taken today can prevent tomorrow's nuclear security incidents. Where we choose to take such steps visibly, in light of national conditions and while protecting sensitive information, we contribute to strengthening and building confidence in the effectiveness of our national nuclear security regimes.

Countering nuclear and radiological terrorism demands international cooperation, including sharing of information in accordance with States' national laws and procedures. International cooperation can contribute to a more inclusive, coordinated, sustainable, and robust global nuclear security architecture for the common benefit and security of all.

We reaffirm the *essential responsibility and the central role* of the International Atomic Energy Agency in strengthening the global nuclear security architecture and in developing international guidance, and its leading role in facilitating and coordinating nuclear security activities among international organizations and initiatives and supporting the efforts of States to fulfill their nuclear security responsibilities. We welcome and support the Agency in convening regular high-level international conferences, such as the December 2016 international conference on nuclear security including its Ministerial segment, to maintain political momentum and continue to raise awareness of nuclear security among all stakeholders.

We seek to maintain the international network of officials and government experts who have supported the Summit process and to incorporate the broader community of States, as well as encourage the continued engagement of relevant partners in nuclear industry and civil society.

In our continued collective determination to ensure political momentum and to continuously strengthen nuclear security at national, regional, and global levels, we resolve to implement the attached Action Plans, in support of the international organizations and initiatives to which we respectively belong (the United Nations, the International Atomic Energy Agency, INTERPOL, the Global Initiative to Combat Nuclear Terrorism, and the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction), to be carried out on a voluntary basis and consistent with national laws and respective international obligations. These plans reflect the political will of participating States.

The 2016 Summit marks the end of the Nuclear Security Summit process in this format. We affirm that the Communiqués from the 2010, 2012 and 2014 Summits and the Work Plan of the 2010 Summit will continue to guide our efforts as we endeavor to fully implement them.

Ministerial Declaration. International Conference on Nuclear Security (ICONS)

[Vienna, 10–14 February 2020]

1. We, the Ministers of the Member States of the International Atomic Energy Agency (IAEA), gathered at the International Conference on Nuclear Security: Sustaining and Strengthening Efforts, reiterate our commitment to sustain and strengthen effective and comprehensive nuclear security of all nuclear and other radioactive material and facilities.

2. We reassert that the responsibility for nuclear security within a State rests entirely with that State in accordance with its respective national and international obligations.

3. We remain concerned about existing and emerging nuclear security threats and committed to addressing such threats.

4. We acknowledge that nuclear security measures may enhance public confidence in the peaceful use of nuclear applications. We also acknowledge that those applications contribute to Member States' sustainable development and we should ensure that measures to strengthen nuclear security do not hamper international cooperation in the field of the peaceful uses of nuclear applications.

5. We reaffirm the common goals of nuclear non-proliferation, nuclear disarmament and peaceful uses of nuclear energy, recognize that nuclear security contributes to international peace and security, and stress that progress in nuclear disarmament is critically needed and will continue to be addressed in all relevant fora, consistent with the relevant obligations and commitments of Member States.

6. We support the work of the IAEA in assisting Member States, upon request, in establishing and improving effective and sustainable national nuclear security regimes, including through guidance development, advisory services, and capacity building, and accordingly its central role in facilitating and coordinating international cooperation to strengthen nuclear security, as well as its role in facilitating, as appropriate, regional activities.

7. We recognize physical protection as a key element in nuclear security, and support the further development of the IAEA's assistance in the relevant areas of importance to Member States to include prevention, detection and response.

8. We encourage Member States to implement threat mitigation and risk reduction measures that contribute to improving nuclear security including, but not limited to, ensuring the protection of nuclear and other radioactive materials and facilities, in accordance with national legislation.

9. We call upon all Member States possessing HEU and separated plutonium in any application, which require special precautions to ensure their nuclear security, to make sure they are appropriately secured and accounted for, by and in the relevant State, and we encourage Member States, on a voluntary basis, to further minimize HEU in civilian stocks, when technically and economically feasible.

10. We recognize the threats to computer security and from cyber-attacks at nuclear related facilities, as well as their associated activities including the use, storage and transport of nuclear and radioactive materials, and call on Member States to strengthen protection of sensitive information and computer-based systems, and encourage the IAEA to continue to foster international cooperation and to assist Member States, upon request, in this regard.

11. We reaffirm the importance of continuing to promote the universalization and implementation by its States Parties of the Convention on the Physical Protection of Nuclear Material (CPPNM) and its Amendment, and look forward to the 2021 conference. We also reaffirm the importance of other relevant international legal instruments, such as the International Convention on the Suppression of Acts of Nuclear Terrorism (ICSANT).

12. We commit to maintaining effective security of radioactive sources throughout their life cycle, consistent with the objectives of the Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary guidance documents.

13. We encourage the IAEA to continue to facilitate, in close cooperation with Member States, a coordination process to address the interface between nuclear security and nuclear safety, as appropriate.

14. We reiterate our commitment to combatting illicit trafficking of nuclear and other radioactive material and to ensure that the

material cannot be used by non-State actors for malicious purposes and encourage Member States to continue sharing relevant information, on a voluntary basis, including through relevant channels and databases. The States providing notifications to databases are responsible for accuracy, objectivity and purely technical character of this information.

15. We support the IAEA's and Member States' efforts to strengthen nuclear security culture and also insider threat mitigation, in particular through providing education and training opportunities, and note the contribution of other relevant institutional entities, such as regulators and industry, in this regard.

16. We encourage Member States to use and contribute to the IAEA's nuclear security advisory services and peer reviews, on a voluntary basis.

17. We call upon Member States to support and contribute, as appropriate, to the IAEA's nuclear security activities by providing experts and sharing national expertise, best practices, lessons learned, as well as highlighting recent successes, with due regard to the protection of sensitive and confidential information.

18. We recognize the Nuclear Security Fund as an important instrument for the Agency's activities in the field of nuclear security. We will continue to provide, on a voluntary basis, funds to the Nuclear Security Fund, as well as technical and human resources, as appropriate for the IAEA to implement its work in nuclear security and to provide, upon request, the support needed by Member States.

19. We commit to promote geographical diversity and gender equality, in the context of IAEA's nuclear security activities, and encourage Member States to establish an inclusive workforce within their national security regimes, including ensuring equal access to education and training.

20. We call upon the IAEA Secretariat and Member States to take this Ministerial Declaration into account in the consultation process between the Secretariat and the Member States during the development of the IAEA's 2022 – 2025 Nuclear Security Plan, while also considering the proceedings of this conference, as appropriate.

21. We call upon the IAEA to continue to improve communication with Member States about its nuclear security activities and to facilitate the exchange of technical and scientific information on nuclear and radioactive security technology options.

22. We call upon the IAEA to continue to organize international conferences on Nuclear Security every four years and encourage all Member States to participate at a Ministerial level.

T – NPT Anniversary

Joint Statement by the Foreign Ministers of the Depositary Governments for the Treaty on the Non-Proliferation of Nuclear Weapons

[28 June 2018]

On July 1, 1968, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) opened for signature in our respective capitals: London, Moscow, and Washington. Today, 50 years later, we celebrate the immeasurable contributions this landmark treaty has made to the security and prosperity of the nations and peoples of the world.

The NPT has provided the essential foundation for international efforts to stem the looming threat – then and now – that nuclear weapons would proliferate across the globe. In so doing, it has served the interests of all its Parties and has limited the risk that the vast devastation of nuclear war would be unleashed.

We also celebrate the astonishingly diverse benefits of the peaceful uses of the atom, whether for electricity, medicine, agriculture, or industry. This boon to humanity thrives because the NPT, and the nuclear nonproliferation regime built around the Treaty, has helped provide confidence that nuclear programs are and will remain entirely peaceful.

The International Atomic Energy Agency (IAEA) plays a critical role in NPT implementation, both to promote the fullest possible cooperation on the peaceful uses of nuclear energy, and to apply safeguards and verify that nuclear programs are entirely peaceful. An IAEA comprehensive safeguards agreement together with an Additional Protocol provide credible assurances of the absence of undeclared nuclear activities and should become the universal standard for verifying the fulfillment of NPT obligations. We pledge our full and continued support to the IAEA and urge others to do the same.

By helping to ease international tensions and create conditions of stability, security and trust among nations, the NPT has made a vital contribution to nuclear disarmament. The NPT continues to help create conditions that would be essential for further progress on nuclear disarmament. We remain committed to the ultimate goal of the elimination of nuclear weapons, as set forth in the NPT, and are committed to working together to make the international environment more conducive to such progress.

The success of the NPT was not foreordained, nor is its future success guaranteed. It depends on our concerted and sustained efforts to ensure compliance, to promote universalization, to ensure effective safeguards, and to respond to ongoing and emerging proliferation challenges, wherever they occur. Even at the height of the Cold War, our predecessors made this wise investment in our shared security and prosperity. Today, we pledge our unstinting commitment to preserving and deepening this legacy for future generations.

Michael R. Pompeo
Secretary of State
United States of America

Boris Johnson
Foreign Secretary
United Kingdom

Sergey Lavrov
Minister of Foreign Affairs
Russian Federation

Stockholm Initiative. The NPT at 50 - Advancing Nuclear Disarmament, Securing Our Future

[25 February 2020]

As we approach the 50th anniversary of the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the 2020 Review Conference

We, Ministers of Argentina, Canada, Finland, Germany, Indonesia, Japan, Jordan, Kazakhstan, the Netherlands, New Zealand, Norway, the Republic of Korea, Spain, Sweden and Switzerland,

Reaffirm our unequivocal support of the NPT and its three mutually reinforcing pillars: nuclear disarmament, non-proliferation and peaceful uses of nuclear energy. We underline that past NPT commitments remain valid and form the basis for making further progress in fully implementing the treaty and achieving a world free of nuclear weapons.

We are united in our resolve to strengthen the NPT against the background of disturbing trends – the unravelling of the arms-control fabric that has served and must continue to serve global security well, increasingly tense relations between nations and risks arising from new and emerging weapon technologies.

Today, we discussed these trends and our message is: Commitments must be implemented. We must advance nuclear disarmament, in accordance with Article VI of the NPT, and ensure that, in the interest of humanity, nuclear weapons will never be used again.

Now is the time to take action to reduce nuclear risks. We call on Nuclear-Weapon States to maximize transparency on their nuclear arsenals and show nuclear restraint at the highest political level. We encourage Nuclear-Weapons States to discuss and take practical measures to reduce the role of nuclear weapons in their security and defence policies. All States must refrain from entering a new arms race.

More far-reaching steps can be taken. We are convinced that such steps would put us back on the road to nuclear disarmament. We encourage the United States and Russia to extend New START and engage in talks on its possible expansion, thus contributing to strategic stability. We underline the importance of contributions that other Nuclear-Weapon States can make to lay the ground for next-generation arms-control arrangements. We call on all Nuclear-Weapon States to reduce or further reduce their nuclear arsenals and to show leadership in putting a definite end to nuclear testing; in proceeding with negotiations on a treaty prohibiting fissile material production for nuclear weapons; and in supporting efforts to develop multilateral nuclear disarmament verification capacities.

We, Ministers of the Stockholm initiative, are firmly committed to facilitating such efforts and we support all sincere endeavours to rebuild confidence, improve the environment for and make real progress on nuclear disarmament. We value the impetus given to the P5 dialogue and we encourage Nuclear-Weapon States to make full use of it to yield concrete results before and at the NPT Review Conference. We feel encouraged by the first conference held on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction.

We are resolved to stay engaged on regional proliferation challenges. One of our firm objectives remains the denuclearization of the DPRK in a complete, verifiable and irreversible manner, in full compliance with all relevant United Nations Security Council resolutions. We underscore the importance of the preservation and full implementation of the Joint Comprehensive Plan of Action (JCPoA) on the Iranian nuclear programme, which was endorsed by the United Nations Security Council.

We are committed to promoting nuclear disarmament and non-proliferation education and empowering the young generation to shape our future in the field of nuclear disarmament. We pay respect to communities affected by the use and the testing of nuclear weapons. We are resolved to ensure full and effective participation of women and further integrate gender perspectives in nuclear disarmament. We are equally resolved to further cooperation across the broad spectrum of nuclear opportunities and challenges – including peaceful nuclear uses as well as addressing nuclear proliferation risks.

Today, we endorsed a set of stepping stones for advancing nuclear disarmament – meaningful and achievable measures

reinforcing the NPT and its implementation. The 50th anniversary of the NPT is the moment to show political leadership, honour the commitments and achievements made under the treaty and lay the ground for its future. We are fully committed to that goal and will participate at high level in the 2020 Review Conference. We invite the NPT community to join us in our commitment and subscribe to this declaration.

Joint Statement by the Foreign Ministers of China, France, Russia, UK and US on the 50th anniversary of the Treaty on the Non-Proliferation of Nuclear Weapons

[5 March 2020]

On March 5, 1970, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) entered into force. Today, 50 years later, we celebrate the immeasurable contributions this landmark treaty has made to the security and prosperity of the nations and peoples of the world. We reaffirm our commitment to the NPT in all its aspects.

The NPT has provided the essential foundation for international efforts to stem the looming threat – then and now – that nuclear weapons would proliferate across the globe. In so doing, it has served the interests of all its Parties.

We also celebrate the astonishingly diverse benefits of the peaceful uses of the atom, whether for electricity, medicine, agriculture, or industry. We reiterate our strong support for broadening access to the benefits of nuclear energy and its applications for peaceful purpose. This boon to humanity thrives because the NPT, and the nuclear nonproliferation regime built around the Treaty, has helped provide confidence that nuclear programs are and will remain entirely peaceful.

The International Atomic Energy Agency (IAEA) plays a critical role in NPT implementation, both to promote the fullest possible co-operation on the peaceful uses of nuclear energy, and to apply safeguards and verify that nuclear programs are entirely peaceful. An IAEA comprehensive safeguards agreement together with an Additional Protocol provide credible assurances of the absence of undeclared nuclear activities and should become the universal standard for verifying the fulfilment of NPT obligations. We pledge our full and continued support to the IAEA and urge others to do the same.

We remain committed under the NPT to the pursuit of good faith negotiations on effective measures related to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control. We support the ultimate goal of a world without nuclear weapons with undiminished security for all. By helping to ease international tensions and create conditions of stability, security and trust among nations, the NPT has made a vital contribution to nuclear disarmament. The NPT continues to help create conditions that would be essential for further progress on nuclear disarmament.

The success of the NPT was not foreordained, nor is its future success guaranteed. It depends on our concerted and sustained efforts to ensure compliance, to promote universalization, to ensure effective safeguards, and to respond to ongoing and emerging proliferation challenges, wherever they occur. Even at the height of the Cold War, our predecessors made this wise investment in our shared security and prosperity. Today, we pledge our unstinting commitment to preserving and deepening this legacy for future generations.

Wang Yi, State Councilor and Minister of Foreign Affairs, People's Republic of China

Jean-Yves Le Drian, Minister for Europe and Foreign Affairs, French Republic

Sergey Lavrov, Minister of Foreign Affairs, Russian Federation

Dominic Raab, Secretary of State for Foreign and Commonwealth Affairs, United Kingdom of Great Britain and Northern Ireland

Michael R. Pompeo, Secretary of State, United States of America

Joint Communique by Algeria, Austria, Brazil, Chile, Costa Rica, Ecuador, Egypt, Indonesia, Ireland, Malaysia, Mexico, Morocco, New Zealand, Nigeria, the Philippines, South Africa and Thailand to Commemorate the 50th Anniversary of the NPT

[19 May 2020]

On its 50th anniversary, Algeria, Austria, Brazil, Chile, Costa Rica, Ecuador, Egypt, Indonesia, Ireland, Malaysia, Mexico, Morocco, New Zealand, Nigeria, the Philippines, South Africa and Thailand celebrate the entry into force of the Treaty on the Non- Proliferation of Nuclear Weapons(NPT). The inception of the NPT at a time of heightened tensions and mistrust is a testament to the value of international cooperation and the success of multilateral diplomacy in a challenging environment such as the international security situation of today.

Five decades since its entry into force, the NPT remains an invaluable instrument in contributing to international peace and security. As the cornerstone of the global nuclear disarmament and nuclear non- proliferation regime, the NPT has been instrumental in supporting international efforts to curtail the threats posed by nuclear weapons and their proliferation, while providing a foundation for global nuclear disarmament leading to the complete elimination of nuclear weapons in order to rid humanity of the existential threats they pose.

The deep concern at the continued threat posed to humanity by nuclear weapons and the possibility of their catastrophic humanitarian impacts also underline the urgent need for significant and tangible progress. In this regard, we recall the concern expressed by all States Parties at the catastrophic humanitarian consequences of any use of nuclear weapons as reflected in the Final Document of the 2010 NPT Review Conference.

The NPT has played a pivotal role in promoting the diverse peaceful uses of nuclear energy, ensuring that nuclear non-proliferation does not impede the rights and access of States Parties to the peaceful uses of nuclear energy. In this regard, the International Atomic Energy Agency (IAEA) has succeeded in playing an effective role towards NPT implementation.

This semi- centennial of the NPT serves as a reminder of the importance of the universalization of the NPT. All States that have not yet done so should join the Treaty as non- nuclear- weapon States without further delay or condition s. This is an opportunity to redouble our collective efforts to fully implement the equal and mutually reinforcing three pillars of the Treaty, which is essential for realizing its objectives. At previous Review Conferences, States Parties entered into specific commitments to implement the Treaty's obligations. The accomplishments achieved to date pursuant to the NPT are a culmination of concerted international efforts towards this end.

Success in the implementation of the Treaty lies in the hands of its States Parties. Non- nuclear- weapon States committed not to develop nuclear weapons in exchange for the elimination of nuclear arsenals by the nuclear- weapon States. Progress on nuclear disarmament has lagged behind that on nuclear non-proliferation and the peaceful uses of nuclear energy. It is urgently necessary to implement concrete, transparent, verifiable and irreversible nuclear disarmament measures in order to fulfill the obligations and commitments within the framework of the NPT. We must uphold and preserve the NPT's credibility, viability and effectiveness, and the only way to protect the NPT is to implement it.

Though some progress on nuclear disarmament has been achieved over the last five decades, it is far from sufficient and the obligation of nuclear disarmament has still not been fulfilled. Current modernization and upgrading programmes put progress achieved in danger of reversal. At the same time, we see a highly concerning erosion of the multilateral nuclear disarmament and arms- control architecture with existing agreements being

terminated and others in danger. The contemporary global security environment and challenges warrant for urgent progress.

At the 2000 NPT Review Conference, the nuclear - weapon States unequivocally undertook to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament and committed to accelerating progress in this regard. The 2010 Action Plan subsequently reaffirmed the decisions taken in 1995 and 2000, including the 13 practical steps, to advance the implementation of Article VI of the NPT. The nuclear- weapon States, bearing in mind their special responsibility, committed to accelerate progress on the steps leading to nuclear disarmament. We urge the nuclear-weapon States to implement their existing commitments and also to build further upon them in order to accelerate fulfillment of their obligations under the NPT.

The 50th anniversary of the entry into force of the NPT coincides with the 25th anniversary of its indefinite extension. It is important to recall that the indefinite extension of the NPT was part of a package of decisions including a decision to strengthen the Treaty's Review Process, identify principles and objectives for nuclear disarmament and non- proliferation and a Resolution on the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East . These decisions together with the Middle East Resolution are considered inseparable from the indefinite extension of the NPT, and must be honored by all States Parties.

It should also be stressed that the indefinite extension of the Treaty cannot in any way be interpreted as a justification for the indefinite retention of nuclear weapons.

The establishment of Nuclear- Weapon- Free- Zones (NWFZs) in all regions of the world are positive steps and important interim measures towards strengthening global nuclear disarmament and non- proliferation and realizing the objectives of the NPT, pending the total elimination of nuclear weapons.

On this momentous occasion, we solemnly reaffirm our past commitments agreed upon during previous NPT Review Conferences, which should be built upon at the next Review Conference. We call on other States Parties to do the same. As the history of the NPT was not devoid of challenges, so today it faces difficult challenges, again. However, our awareness of these various hurdles should not be a reason to falter in our stride; it should instead strengthen our resolve to work together to overcome them, through more open, inclusive and transparent multilateral dialogue, with civility and diplomacy, within the context of the NPT. International peace and security will only be achieved through cooperation and concrete progress towards the goal of the NPT, which is a world without nuclear weapons.

The upcoming Review Conference of the NPT, which was postponed due to the unfortunate circumstances of the COVID- 19 pandemic, presents a timely opportunity for the States Parties to undertake a comprehensive review and assessment of t he current status of the Treaty and the implementation of its three pillars as well as the previous obligations and commitments within its framework. The Review Conference has the responsibility to identify additional areas and means for further concrete progress to be made in the future. We look forward to work with other States Parties in this regard. There is no doubt that the implementation of disarmament commitments would have allowed more resources to be allocated for sustainable development as well as international cooperation and preparedness to deal with such public health and global emergencies.

It is now time that States Parties translate words into concrete actions backed by clear and agreed upon benchmarks and timelines. Only through such efforts can we look ahead towards a successful next 50 years of the NPT, improving on the important achievements of the last 50 years, which we presently commemorate.

North Atlantic Council Statement on the 50th Anniversary of the Treaty on the Non-Proliferation of Nuclear Weapons

[5 March 2020]

Fifty years ago today, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) entered into force. We, as NATO Allies, celebrate this visionary Treaty and its remarkable achievements. The NPT remains the essential bulwark against the spread of nuclear weapons, the cornerstone of the global non-proliferation and disarmament architecture, and the framework for international cooperation in sharing the benefits of the peaceful uses of nuclear energy, science, and technology. Allies remain strongly committed to full implementation of the NPT in all its aspects.

The NPT has limited the spread of nuclear weapons across the world. Since the Treaty entered into force, great progress has been made on nuclear disarmament, evidenced by the elimination of tens of thousands of nuclear weapons, and further work to implement all provisions of the Treaty remains necessary. Ongoing proliferation challenges underline the need for upholding and strengthening the Treaty, and we call on all States to enhance efforts to achieve universal adherence and universalisation, and effectively combat nuclear proliferation through full implementation of the NPT. There is no credible alternative to this Treaty.

Arms control, disarmament, and non-proliferation have made, and should continue to make, an essential contribution to achieving NATO's security objectives and for ensuring strategic stability and our collective security. NATO Allies have a long track record of doing their part on disarmament and non-proliferation. We reaffirm our resolve to seek a safer world for all, and to take further practical steps and effective measures to foster nuclear disarmament. As long as nuclear weapons exist, NATO will remain a nuclear alliance. The fundamental purpose of NATO's nuclear capability has always been to preserve peace, prevent coercion, and deter aggression. Allies have always adhered to their obligations under the NPT and continue to do so. NATO's nuclear arrangements have always been fully consistent with the NPT.

NATO Allies support the ultimate goal of a world without nuclear weapons in full accordance with all provisions of the NPT, including Article VI, in an ever more effective and verifiable way that promotes international stability, and is based on the principle of undiminished security for all. Despite its achievements, the enduring success of the NPT cannot be taken for granted and requires sustained effort. In this spirit, we call on all NPT States Parties to work together towards a successful Review Conference later this year.

United States: Presidential Message on the 50th-Anniversary of the NPT

[5 March 2020]

Fifty years ago today, at the height of the Cold War, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) entered into force as the cornerstone of international efforts to prevent the spread of nuclear weapons. Today, new nuclear dangers remind us of the importance of preventing nuclear war, avoiding a nuclear arms race, and ensuring against the further spread of nuclear weapons to additional states. At the same time, the benefits and the promise of the peaceful uses of nuclear energy, science, and technology continue to grow.

The NPT serves the interests of all nations who are committed to peace and who want and deserve to be secure from the devastation of nuclear war—a potential disaster we have successfully avoided for the last 75 years. Nonproliferation is crucial to maintaining regional security and avoiding conflict and military competition between neighbors. The world cannot afford additional proliferation or regional arms races. That is why the United States will continue to work with our allies and partners to strengthen the NPT while also upholding its obligations and respecting the rights of every nation.

The NPT has also made vital and positive contributions to global economic development and prosperity by permitting and facilitating

the peaceful uses of the atom for energy, industry, medicine, and agriculture. The nonproliferation regime is what makes it possible for nations to cooperate and share the benefits of peaceful uses of nuclear science and technology by providing confidence that those benefits will not be diverted or misused. The United States will continue to support the International Atomic Energy Agency and its essential contributions on both sides of this equation through technical assistance and through international inspections to ensure peaceful uses of nuclear science and technology.

On the 50th anniversary of this historic treaty, the United States is releasing newly declassified documents from 50 or more years ago to shine a spotlight on the hard work it took to negotiate the NPT and bring it into force. I welcome similar releases by the United Kingdom and the Russian Federation, the other two NPT depositories.

Nonproliferation is also essential to creating and preserving the conditions that make progress on disarmament possible. This will only succeed if states are willing to work together to achieve that goal. Over the next decade, China seeks to at least double the size of its nuclear stockpile while Russia is developing expensive and destabilizing new types of delivery systems, such as the nuclear-powered cruise missile, which exploded and released a burst of radiation during a recovery operation last year. As a step toward addressing these challenges, I will be proposing a bold new trilateral arms control initiative with Russia and China to help avoid an expensive arms race and instead work together to build a better, safer, and more prosperous future for all.

The success of the NPT was not foreordained, and its future success is not guaranteed. I pledge the complete commitment of the United States to preserving and deepening its legacy.

Russian Foreign Ministry Statement on the 50th anniversary of the Treaty on the Non-Proliferation of Nuclear Weapons

[5 March 2020]

March 5 marks the 50th anniversary of the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which has made an invaluable contribution to ensuring international security and prosperity around the world.

For half a century, the NPT has restrained the threat of nuclear weapons proliferation, promoted international cooperation in the peaceful uses of atomic energy, and ensured gradual progress along the path of nuclear disarmament. The balance of these three components has been crucial to NPT's viability.

Over this period of time, the NPT has become an almost universal international legal instrument, one of the pillars of the modern international order. An important milestone was its indefinite extension in 1995.

It is obvious that the NPT benefits the interests of all countries – both nuclear and non-nuclear. The treaty is extremely important for building confidence in the world and upholding stability on a global scale. Maintaining the treaty and enhancing its efficiency is the responsibility of all participating states regarding future generations.

As a state party to the NPT and one of its depositories, the Russian Federation strictly observes all the NPT requirements, consistently reducing its nuclear arsenal as well as the role of nuclear weapons in its national defence policy. It provides support to other states parties in peaceful nuclear development and shares its unique experience with them, and helps strengthen the IAEA safeguards system, which provides reliable verification of countries' compliance with their NPT commitments.

The NPT Review Conference will set to work in New York on April 27. We are confident that its focal point should be all parties reaffirming their commitments to the NPT goals and their obligations under it. Russia is ready to intensively cooperate with all interested parties to ensure that the Conference is a success.

Statement by Spokesman of the Secretary-General of the UN- on the fiftieth anniversary of the entry-into-force of the Treaty on the Non-Proliferation of Nuclear Weapons

[5 March 2020]

The Secretary-General congratulates the States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) on the fiftieth anniversary of the Treaty's entry-into-force on 5 March 1970.

Throughout the past half century, the NPT has served as an essential pillar of international peace and security, and the heart of the nuclear disarmament and non-proliferation regime. It has conferred tangible security benefits on all its States parties. Its unique status is based on its near universal membership, legally-binding obligations on disarmament, verifiable non-proliferation safeguards regime, and commitment to the peaceful uses of nuclear energy.

At the 2020 Review Conference, States parties will evaluate the implementation of the Treaty's provisions since 2015 and identify areas and means through which further progress can be made. The Secretary-General calls on States parties to make the most of this opportunity to strengthen international peace and security through the promotion of non-proliferation of nuclear weapons and nuclear disarmament, as well as measures to strengthen implementation of the NPT and achieve its universality.

Security Council Press Statement on Supporting Non-Proliferation Treaty Ahead of 2020 Review Conference

SC/14126
[26 February 2020]

Today, the Security Council convened in support of the Non-Proliferation Treaty (NPT), commemorating the fiftieth anniversary of its entry into force. Following briefings by the United Nations High Representative for Disarmament, Under-Secretary-General Izumi Nakamitsu, as well as the designated President of the NPT Review Conference, Ambassador Gustavo Zlauvinen, the members of the Security Council underlined that the NPT remains the cornerstone of the nuclear non-proliferation regime and the foundation for the pursuit of nuclear disarmament and the peaceful uses of nuclear energy. The members of the Council expressed their resolve to further advance the goals of the Treaty.

They underscored the viability and the mutually reinforcing character of all the commitments taken under the Treaty, the need for its full implementation and the importance of achieving universal adherence to the treaty.

The members of the Security Council paid tribute to the historical achievements made under the NPT and underlined its essential role in the preservation of international peace, security and stability, as well as the ultimate objective of a world without nuclear weapons. In light of current international geopolitical challenges, they stressed the importance of upholding and strengthening the Treaty.

Members of the Security Council called upon all States parties to the NPT to cooperate in facilitating progress in non-proliferation, the peaceful uses of nuclear energy, and nuclear disarmament. Members of the Security Council reaffirmed joint responsibility for the future of the Treaty, expressed their readiness to work together and join efforts to achieve a successful outcome at the 2020 NPT Review Conference.

U – New Multilateral Initiatives

Section 1: The Stockholm Initiative

Unlocking disarmament diplomacy through a "stepping stone" approach. Working Paper submitted by Sweden

NPT/CONF.2020/PC.III/WP.33
[25 April 2019]

[Eds . . .]

The case for a "stepping stone" approach

The traditional progressive step-by-step approach contains several long-standing items (among them negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, the entry-into-force of the Comprehensive Nuclear-Test-Ban Treaty and a global and legally binding negative security assurance), articulated, inter alia, in the 2000 Review Conference's "13 steps" and the 2010 Review Conference's "64-point action plan". Each step would be extremely worthwhile in its own right. However, few seem ripe for action by 2020. This is partly because particular States perceive them as requiring too much compromise in their national security in the current low-trust strategic environment. It is also because the pathway to implementing the established steps requires practical interim steps that prepare the ground.

The Non-Proliferation Treaty community cannot come up empty handed in 2020. The situation is too dangerous for the future stability of the international community; hence the need for "actionable" implementation measures that:

• Signal intent to engage in mutual managed disarmament in support of the global disarmament regime;

• Build trust for subsequent steps; and

• Take into account the existing security environment that they themselves may contribute to improving.

This "stepping stone" approach recognizes differing State perspectives and offers a process to build political support for pragmatic, short-term, achievable demonstrations of commitment to the global disarmament regime. Crucially, it is not contradictory to other approaches to nuclear disarmament. Based on a recognition that nuclear disarmament forms as an integral part of broader security policy, its core objective is to facilitate the implementation of previous agreements on the Non-Proliferation Treaty.

The purpose of each stepping stone, in addition to the value in its own right, would be to rebuild the trust and confidence lacking today. Such an approach could help to unlock current diplomatic blockages, and, in the process, making the more substantial disarmament steps already on the diplomatic agenda a more realistic future possibility.

The stepping stones form possible pathways to implementing larger steps identified in Final Documents of previous review conferences. Early stepping stones are by definition more easily achievable in the shorter run.

Possible measures to include in a stepping stone approach

In making progress to implementing existing obligations, it is important that the 2020 Review Conference succeed in producing measures that work to:

• Reduce the salience of nuclear weapons;

• Rebuild habits of cooperation in the international community;

• Reduce nuclear risks; and

• Take steps to enhance transparency on arsenal size, control fissile materials and nuclear technology.

While there may be different perspectives on what particular steps go far enough in achieving this, a package of measures designed around these principles would go a long way towards honouring previous commitments and enhancing the disarmament and non-proliferation regime.

Below is non-exhaustive list of stepping stones that would contribute to meaningful progress and respect this vision.

Reducing the salience of nuclear weapons

Nuclear-weapon States committed to "a diminishing role for nuclear weapons in their security policies" in the Final Documents of the 2000 and 2010 review conferences. Stepping stones to implement commitments to limit the salience of nuclear weapons could include:

• **Enhanced negative security assurances:** Exceptions to negative security assurances for non-nuclear-weapon States signal a level of attachment to nuclear deterrence against non-nuclear-weapon States that is widely seen as illegitimate. All States agreed, in action 8 of the 2010 Final Document for the Conference on Disarmament, to work towards negative security assurances, "not excluding an internationally legally binding instrument". If legally binding assurances are currently out of reach, it is incumbent on nuclear weapon States to take steps that make progress on this previous commitment.

• **Ratification of outstanding protocols to nuclear-weapon-free zones:** There remain many gaps in the ratification of protocols. All States agree on the benefit of nuclear-weapon-free zones with regard to the implementation of the Non-Proliferation Treaty and to the wider non-proliferation regime, and according to action 10 of the Final Document of the 2010 Review Conference "concerned States are encouraged to ratify the nuclear-weapon-free zone treaties … [and] review any related reservations". Specifically, nuclear-weapon States could re-evaluate the reservations to signing and ratifying the protocols to the Treaty of Bangkok.

• **Sole-purpose and "No first use":** Nuclear-weapon States could consider tighter declaratory policy to signal their willingness to limit use and reassure the international community. Recent developments in States' declaratory policies appear to expand the scope of nuclear deterrence and walk away from changes that upheld previous commitments, including action 9 of the 2010 Final Document in which "all nuclear-weapon States commit to fully respect their existing commitments with regard to security assurances". Consideration of the obstacles that prevent the move towards more limited declaratory policies would itself strengthen confidence within the international community.

• **An unequivocal expression against the notion of any nuclear use:** "A nuclear war cannot be won and must never be fought"

Rebuilding habits of cooperation in the international community

Reflecting a polarization of opinion within the international community, arms control and nuclear diplomacy has suffered significant set-backs, frustration has deepened and trust has been damaged. The health of the non-proliferation and disarmament regime and States' commitments to fulfil their obligations are more frequently called into question. Somehow, States need to rebuild the habits of cooperation and a level of strategic empathy essential to realizing the objectives of the Treaty and the decisions of its Review Conferences.

• **Transparency and clarity:** Greater transparency is essential to building international trust and confidence, as well as clarity in signalling and communication.

• **Systematic follow-up:** In terms of the 2020 outcome document, the international community would be well served by a follow-up process to facilitate an effective implementation phase and bring confidence that commitments have meaning. This should be seen as an integral part of the package designed to ensure accountability to agreed obligations and should be established soon after the Review Conference.

Reducing nuclear risks

Nuclear-weapon States have a special responsibility to minimize nuclear risks and to take steps to reduce those risks. Risk reduction demands that the deterrence communities and the military be fully engaged within disarmament discussions, and that the diplomatic community integrate those perspectives into its considerations.

When identifying these stepping stones, States parties may contribute their perspectives on the sequencing of these steps, or to categorize some as being more short term and others as taking place further down the road. Steps to reduce nuclear risks could include:

• **Improving crisis communication channels and protocol:** The introduction of hot lines and military-to-military contact was seen as a significant improvement during the Cold War. Exploring ways that establish unambiguous and credible messaging is perhaps one of the most urgent and critical challenges in reducing nuclear risk.

• **Creating a clear distinction between conventional and nuclear delivery systems:** The separation of conventional and nuclear assets would demonstrate that nuclear weapons are purely political/strategic tools, signal that militaries are not contemplating fighting to win in nuclear conflict and reduce the risk that attacks on dual-use command, control, communications, intelligence (C3I) facilities could be interpreted as strategic attempts to knock out a second-strike capability.

• **Command and control vulnerabilities to cyber threats:** While there are a number of potentially destabilizing emerging technologies, including hypersonic glide vehicles, autonomous platforms and artificial intelligence, the potential impacts of cyber-vulnerabilities upon confidence and deterrence stability are highly significant and insufficiently understood. Measures might include agreements and best practices to avoid undermining command and control.

• **Codifying existing non-deployment arrangements for non-strategic nuclear warheads:** Shorter-range non-strategic warheads are generally seen as more destabilizing, and yet are not subject to arms control. Verification challenges will have to be addressed, possibly by drawing on procedures utilized under the new START Treaty. Rearticulating and considering ways to build on the 1992 Presidential nuclear initiatives would be a useful first step to address this risk.

• **Considering measures aimed at extending decision-times in crisis:** Nuclear-weapon States could explore mutual steps to increase decision-times and facilitate clearer crisis signalling through the prior interpretation of particular actions by each other. For instance, while there are those that maintain that moving away from "launch on warning" postures and de-alerting could increase crisis instability in the earlier stages of a crisis, as adversaries rush to prepare their nuclear forces in anticipation of possible pre-emptive attacks, hair-trigger postures carry high risks of accidental or inadvertent launch through misperception and miscalculation. The complex risks associated with different nuclear postures deserve increased attention.

Transparency on arsenals, controlling materials and technology

Nuclear disarmament obviously includes the reduction in warheads, delivery systems and their platforms. This is a fundamental principle agreed to by all, and affirmed by nuclear-weapon States' "unequivocal undertaking… to accomplish the total elimination of their nuclear arsenals" and their agreement 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" in 2000 and 2010. There are also essential steps needed to regulate and reduce military-grade fissile materials and access to key technologies.

• **Reporting on arsenals, plans for their modernisation and for reducing the salience of nuclear deterrence over time:** Giving clarity on plans shows a degree of accountability to the international community, builds greater understanding, facilitates exchange and potentially builds confidence in the mutual pathway towards disarmament, even if States are not currently reducing their arsenals

• **Reporting on stocks of fissile material and declaration of excess fissile material to be put under International Atomic Energy Agency safeguards:** Having greater clarity over stocks and their designation gives a sense of scale to the issue and facilitates confidence in future disarmament processes.

• **Ratify the Comprehensive Test Ban Treaty and take measures to create a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as all States committed to in 2000 and 2010:** States should consider measures that make progress towards these steps, which appear out of reach.

• **Developing capabilities and procedures for disarmament and arms control scenarios, building on lessons learned from the International Partnership for Nuclear Disarmament and Verification, the Quad Nuclear Verification Partnership and other related projects:** Reducing the technical barriers to verification can build the mutual confidence States have in the implementation of disarmament undertakings of others.

Stockholm Ministerial Meeting: Stepping Stones for Advancing Nuclear Disarmament

[11 June 2019]

We, the participating states – Argentina, Canada, Finland, Ethiopia, Germany, Indonesia, Japan, Jordan, Kazakhstan, Netherlands, Norway, New Zealand, Republic of Korea, Spain, Sweden and Switzerland – to the Stockholm Ministerial Meeting on Nuclear Disarmament and the Non-Proliferation Treaty (NPT), met today to discuss how nuclear disarmament can be advanced.

We are one year away from the 50th anniversary of the Non-Proliferation Treaty, the cornerstone of the global nuclear disarmament and non-proliferation regime. The treaty has been undisputedly successful in preventing the spread of nuclear weapons, laying the foundation for significant reductions in nuclear arsenals and facilitating the use of nuclear energy for peaceful purposes. It has also established an international safeguards system and fostered the creation of nuclear-weapon free zones. Notwithstanding those successes, the role of nuclear weapons has been increasing recently against the background of a deteriorating international security environment.

Qualitatively new capabilities are being developed, spurred on by new technology. The gradual downward trend of the global nuclear arsenal, from its peak in 1986, should not be reversed. A potential nuclear arms race – which would serve no one's interest – must be avoided.

Regional proliferation challenges add further complexity to the state of affairs. Our firm objective remains the denuclearization of the DPRK in a complete, verifiable and irreversible manner in accordance with all relevant UNSC resolutions. Meanwhile, the multilaterally endorsed nuclear deal with Iran (JCPOA) – a key achievement of the global non-proliferation regime – is in a precarious state.

We reaffirm our support for the establishment of a zone free of nuclear and other weapons of mass destruction and their delivery systems in the Middle East, in line with the 1995 Resolution and the outcome of the 2010 NPT Review Conference.

With its near universal membership, the NPT has been indispensable for global peace and security for five decades. Together we must ensure the future of this landmark treaty. In less than a year from now, States Parties will gather in New York to review the implementation of the NPT and chart the way forward. The Review Conference offers us an opportunity to deliver upon our collective commitments and, in particular, work towards advancing implementation of the disarmament pillar. We should seize that chance and contribute to breaking the deadlock.

Our governments will do their utmost to this end. From different regions and security contexts, we are united in our belief that constructive political and diplomatic engagement is essential to build the trust necessary for progress towards our shared goals.

The high-level meeting of the UN Security Council on 2 April showed unified and strong support for the NPT, which was further expressed in an agreed press statement.

Emphasising the mutually reinforcing character of the three pillars of the NPT, we stress the necessity of further progress on the disarmament pillar.

Contributing to such efforts will be our focus in the year ahead. Our approach will be ambitious yet realistic. We seek in 2020 an outcome that reaffirms the role of the NPT as the cornerstone of the

global disarmament and non-proliferation regime. It should give real meaning to this by identifying stepping stones for the implementation of Article VI of the Treaty, building on the commitments made during a series of Review Conferences, notably in 1995, 2000 and 2010.

Recognising the highly challenging character of the global security environment, our discussions today covered a wide range of issues, including more transparent and responsible declaratory policies, measures to reduce the role of nuclear weapons in doctrines and policies, ways of enhancing transparency and of reducing risks of any use of nuclear weapons, strengthened negative security assurances, work on nuclear disarmament verification and the importance of addressing the production of fissile material.

All these areas offer concrete opportunities to reduce international tensions and improve global security. They could provide us with important stepping stones, as confidence-building measures, that pave the way for further progress in the years to come. In this context, we noted that the extension of the New START would be a key contribution to preserving strategic stability.

Our efforts are also a response to the United Nations Secretary General's call to bring disarmament and non-proliferation back to the top of the international political agenda.

Moving forward, our governments – building on the Stockholm Meeting on Nuclear Disarmament and the NPT – will be reaching out to the wider NPT community. It will be of particular importance to work with the nuclear weapon states, whose full commitment and constructive engagement will be essential for success in 2020. Our shared goal is a world free of nuclear weapons.

Berlin Ministerial Meeting: Stepping Stones for Advancing Nuclear Disarmament

[25 February 2020]

We, Ministers of Argentina, Canada, Finland, Germany, Indonesia, Japan, Jordan, Kazakhstan, the Netherlands, New Zealand, Norway, the Republic of Korea, Spain, Sweden and Switzerland, have identified the following non-exhaustive list of short-term, achievable and meaningful actions – stepping stones - for advancing nuclear disarmament.

We reaffirm the mutually reinforcing character of the three pillars of the NPT and underline that previously agreed measures and commitments, including the 2000 NPT Review Conference's "13 Steps" and the 2010 NPT Review Conference's "64 Point Action Plan", remain valid and form the basis for making further progress in fully implementing the treaty and achieving a world free of nuclear weapons.

The stepping stones offer concrete opportunities to reduce international tensions, improve global security, serve as confidence-building measures and pave the way for further progress in the years to come, with the aim of achieving our shared goal of a world free of nuclear weapons. These areas include, inter alia, diminishing the role of nuclear weapons in security policies and doctrines, minimizing the risk of conflict and accidental nuclear weapon use, strengthening cooperation and building trust, enhancing transparency on arsenals and doctrines and strengthening the nuclear arms control architecture.

We pledge to take responsibility in promoting, including, but not exclusively, the following stepping stones on the way to implementing nuclear disarmament, and we invite all states to consider, support and implement them:

- Nuclear-Weapon States to acknowledge the need to ensure that nuclear weapons will never be used again and to advance nuclear disarmament.
- The United States and Russia to extend New START and engage in talks on its possible expansion.
- Nuclear-Weapon States to reduce or further reduce their nuclear arsenals and to contribute to next-generation arms control arrangements.
- Nuclear-Weapon States, collectively or individually, to discuss and take practical measures to reduce the role of nuclear weapons in their policies and doctrines.
- Nuclear-Weapon States to deepen discussions on nuclear doctrine and declaratory policies, both among themselves and with Non-Nuclear Weapon States, at the upcoming NPT Review Conference and throughout the next NPT review cycle.
- Nuclear-Weapon States to report to parties to the NPT on arsenals and plans for their modernisation.
- Nuclear-Weapon States, collectively or individually, to tighten Negative Security Assurances, including in the context of Treaties establishing Nuclear Weapons-Free Zones.
- All States to support the establishment of Nuclear Weapons-Free Zones in all regions of the world on the basis of arrangements freely arrived at among States of the region concerned, including the establishment of Middle East zone free of nuclear weapons and other weapons of mass destruction in accordance with the 1995 resolution on the Middle East, in relation to which we feel encouraged by the first session of the conference held in 2019 and continuous efforts in this regard.
- Nuclear-Weapon States and Nuclear Possessor States to engage in a structured dialogue to assess, minimize and address nuclear risks, including by measures aimed at preventing crisis, extending decision-times in crisis and measures to minimise potential vulnerabilities emerging from disruptive technologies and cyber threats, e.g. on command and control.
- Nuclear-Weapon States to improve or establish crisis communication and protocol among each other, e.g. by hotlines and risk reduction centres.
- Nuclear-Weapon States to address increasing entanglement of conventional and nuclear systems and to take measures to reverse such development.
- All States to uphold existing moratoria on nuclear-weapon test explosions or any other nuclear explosion and to enhance efforts towards the long overdue entry into force of the Comprehensive Test Ban Treaty (CTBT), through continued advocacy vis-à-vis and engagement by the States whose ratification is required, as well as political, technical and financial efforts to further strengthen the International Monitoring Systems and the Comprehensive Test Ban Treaty Organization (CTBTO).
- All States to declare and uphold moratoria on the production of fissile material for use in nuclear weapons or other nuclear explosive devices.
- Nuclear-Weapon States and Nuclear Possessor States to show leadership to unblock negotiations on a treaty prohibiting fissile material production.
- All States to support the ongoing initiatives on developing multilateral nuclear disarmament verification capacities, such as the International Partnership for Nuclear Disarmament Verification and efforts within the United Nations such as Groups of Governmental Experts, Open-ended Working Groups and capacity building.
- All States to engage with the young generation, including through dialogue platforms, mentoring, internships, fellowships, scholarships, model events and youth group activities
- All States to encourage visits to and interaction with communities affected by nuclear weapons, including Hiroshima and Nagasaki, and former nuclear test sites such as Semipalatinsk and in the Pacific.
- All States to ensure the full and effective participation of women and to further integrate gender perspectives in all aspects of nuclear disarmament and non-proliferation

decision-making processes.

- Nuclear-Weapon States to engage in and intensify dialogue on maintaining strategic stability, with maximum transparency vis-à-vis the international community, to foster mutual understanding and trust and setting the frame for future arms-control agreements and disarmament.

- All parties to the NPT to report on their implementation of obligations and commitments under the NPT using a standardized reporting format, and to support proposals to strengthen reporting and transparency commitments.

- Each Nuclear-Weapon State to submit its NPT implementation reports in advance of the 2020 NPT Review Conference.

- All states to commit to enhancing the NPT review cycle to improve implementation in all its aspects and to support ongoing efforts to strengthen the NPT review process.

Recognizing various State perspectives, the above stepping stones are interlinked and mutually reinforcing and offer a way to build political momentum that could help unlock current diplomatic blockages and advance the implementation of nuclear disarmament commitments. Our governments will do their utmost to this end.

Representatives from 42 countries met at the U.S. Department of State in Washington, DC, from July 2-3 to deliberate on ways to address challenges in the security environment that would improve prospects for disarmament negotiations. The CEND Working Group (CEWG) kick-off plenary meeting marked the first official gathering of participants in the CEND initiative.

3rd Ministerial Meeting of the Stockholm Initiative for Nuclear Disarmament and the Non-Proliferation Treaty in Amman

[6 January 2021]

Today, at the invitation of the Jordanian Deputy Prime Minister and Minister of Foreign Affairs and Expatriates Ayman Safadi, the German Federal Foreign Minister Heiko Maas and the Swedish Foreign Minister Ann Linde, the members of the Stockholm Initiative for Nuclear Disarmament and the Non-Proliferation Treaty – Argentina, Canada, Ethiopia, Finland, Germany, Indonesia, Japan, Jordan, Kazakhstan, the Netherlands, New Zealand, Norway, the Republic of Korea, Spain, Sweden and Switzerland – met in Amman and over VTC (hybrid format) for their third Ministerial Meeting. United Nations Secretary-General António Guterres honoured the initiative with a keynote.

Ahead of the 10th Review Conference of the Non-Proliferation Treaty re-scheduled for August 2021, the members of the Stockholm initiative underlined their resolve to advance nuclear disarmament and strengthen the NPT as a whole:

"We renew our call on all Nuclear Weapon States to show leadership, address and reduce nuclear risks and advance nuclear disarmament by taking meaningful steps to implement the commitments under the NPT. Recalling our declaration 'The NPT at 50- advancing nuclear disarmament, securing our future', adopted last year in Berlin, we reaffirm the 'Stepping Stones' contained therein as 22 concrete proposals to make progress on the road towards a world free of nuclear weapons. We invite all NPT State Parties to join us and support the Stepping Stones in word and deed. We will reach out to all groups and initiatives, both governmental and from civil society, aimed at strengthening the NPT and fully implementing its commitments. We will support the President-designate of the 10th NPT Review Conference, Ambassador Zlauvinen, in establishing the common ground needed to secure the future success of the treaty."

During the meeting, the Ministers discussed a broad range of topics, including their engagement on regional proliferation challenges; the perspectives for preserving and strengthening the Joint Comprehensive Plan of Action on Iran and the denuclearization of North Korea; the establishment of a Zone Free of Nuclear Weapons, other Weapons of Mass Destruction and their delivery systems in the Middle East in line with the 1995 Resolution and the outcome of the 2010 NPT Review Conference; the perspective for the extension of the New START treaty and possible follow-on arrangements; their support for the Comprehensive Nuclear Test Ban Treaty (CTBT), the start of Fissile Materials Cut-Off Treaty (FMCT) negotiations and nuclear disarmament verification; the entry-into-force of the Treaty on the Prohibition of Nuclear Weapons (TPNW).

Resolved to make full use of the months ahead of the 10th NPT Review Conference, the Ministers adopted a roadmap for further activities to promote their mission and join forces with other NPT State Parties. The Ministers expressed appreciation for the NPT State Parties, who have already formally expressed their support for the Stepping Stones document adopted in February 2020, and encouraged more to follow.

Press release by co-hosts of 4th Ministerial Meeting of Stockholm Initiative for Nuclear Disarmament

[5 July 2021]

Today, upon an invitation from the Ministers for Foreign Affairs, Arancha González Laya, Ann Linde and Heiko Maas, the 4th Ministerial Meeting of the Stockholm Initiative for Nuclear Disarmament was held in Madrid, which gathered together 16 countries from different geographic origins: Germany, Argentina, Canada, South Korea, Spain, Finland, Indonesia, Japan, Jordan, Kazakhstan, Norway, New Zealand, the Netherlands, Sweden and Switzerland.
The Stockholm Initiative, set up in 2019, seeks to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), promote nuclear disarmament and achieve a world free of nuclear weapons. Last year in Berlin, the Initiative presented 22 specific proposals ("Stepping Stones") to revitalise and promote efforts towards nuclear disarmament.

Today, the ministers analysed the current state of the nuclear disarmament and non-proliferation regime, and revised the priorities for strengthening the NPT and moving towards its targets and goals, including new reductions in nuclear arsenals.

The Stockholm Initiative ministers renewed their call for all States that possess nuclear weapons to show leadership, address and reduce nuclear risks and promote nuclear disarmament through the adoption of significant measures to meet the commitments taken on under the NPT. They also expressed their satisfaction at the extension in February of the New START and the planned resumption of dialogue on strategic stability between the United States and Russia. They welcomed with satisfaction the statement made by the two presidents that a nuclear war cannot be won and that they should never be released. The ministers also indicated that these measures correspond to proposals made by the Stockholm Initiative and called for additional measures to be adopted.

After reviewing the current state of global disarmament efforts, the Stockholm Initiative ministers focused on their contributions to the upcoming NPT Review Conference, reiterating their full support for its President-designate, Ambassador Gustavo Zlauvinen. The ministers took stock of the work carried out since the Ministerial Meeting in Amman in January, and expressed their satisfaction at the adoption of a new working document of the Stockholm Initiative on reducing nuclear risks, promoted by Switzerland. They also took note of the growing number of alignments between the State Parties to the NPT, through the "Stepping stones for advancing nuclear disarmament", and called for more synergies within the NPT community.

The ministers addressed and discussed several specific topics related to the NPT, including, among others, support for the Comprehensive Nuclear-Test-Ban Treaty (CTBT), the start of negotiations on the Fissile Material Cut-off Treaty (FMCT) and the verification of nuclear disarmament, the establishment of a Nuclear Weapon-Free Zone, and of other Weapons of Mass Destruction and their vector systems in the Middle East, pursuant to Resolution 1995 and the Review Conference of the NPT of 2010; the entry into force of the Treaty on the Prohibition of Nuclear Weapons (TPNW); and their commitment to regional proliferation challenges, including the

perspectives for preserving and strengthening the Joint Comprehensive Plan of Action (JCPOA) on Iran.

Lastly, the ministers adopted a new roadmap for the coming months. They agreed to strengthen the outreach to and dialogue with other State Parties to the NPT, groups and initiatives in the field of nuclear disarmament, maintain high-level contact with those States that possess nuclear weapons, and make a new effort to gather the opinions of young people and civil society. The ministers decided to meet again before the Review Conference of the NPT to continue their joint efforts towards a world free of nuclear weapons.

NPT Working Paper by the Stockholm Initiative: A nuclear risk reduction package

NPT/ CONF.2020/WP.9
[14 May 2021]

1. Averting the danger of nuclear war and taking measures to safeguard the security of peoples is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons and is prominently stated in the preamble thereto. Risks associated with nuclear weapons will persist as long as there are such weapons. Therefore, full implementation of the Treaty, including the complete elimination of nuclear weapons, remains the best way to eliminate nuclear risks.

2. International concern about nuclear risks has come to the forefront in recent years, and urgent action is needed to implement risk reduction measures. Various developments and trends substantiate that assessment, notably a deteriorated international security environment, great-power strategic competition, stress on the nuclear arms control, disarmament and non-proliferation architecture, the emergence of regional tensions and the potentially destabilizing implications of several technological developments.

3. There now exists a broad range of research on nuclear risks. The humanitarian, economic, environmental and societal consequences of nuclear weapon detonations are better understood than they were before. Likewise, there is now greater awareness about the concrete aspects of the risk of using nuclear weapons, be it intentional or accidental or through miscalculation, misperception or unauthorized use, including by non-State actors. That growing understanding only underscores the urgent need to address nuclear risks.

4. Previous Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons agreed by consensus on various elements relevant for nuclear risk reduction, for instance in the context of the 64-point action plan on nuclear disarmament, including action 5, adopted at the 2010 Review Conference. The implementation of these commitments must be given greater priority, especially as risk reduction is part of nuclear disarmament and can further advance it.

5. In view of this, risk reduction should be advanced as a priority at the tenth Review Conference. States parties should send a clear political signal of their commitment to address nuclear risks as a matter of priority and, notably, ensure that, in the interest of humanity, nuclear weapons will never be used again. The Review Conference should also take practical steps towards a reduction of nuclear risks as part of broader disarmament efforts, notably calling for regular, in-depth, structured dialogues among nuclear-weapon States as well as all States parties on specific risk reduction measures, as well as a dedicated (multilateral or bilateral) process to address risk reduction-related issues.

6. The Stockholm Initiative on Nuclear Disarmament has adopted 22 “stepping stones” for nuclear disarmament, including in the area of risk reduction. These represent concrete opportunities to reduce international tensions, improve global security, serve as confidence-building measures and pave the way for further progress in the years to come, with the aim of achieving our shared goal of a world free of nuclear weapons. With this as a base, the Stockholm Initiative urges the Review Conference to adopt a package for nuclear risk reduction, comprising (a) declaratory language; (b) clear commitments by the nuclear-weapon States and all other States parties to the Non-Proliferation Treaty, including a reaffirmation of past commitments; and (c) decision(s) to establish a comprehensive process to allow for follow-up work within the context of the Treaty. To that effect, the Stockholm Initiative submits herein the following non-exhaustive list of proposals for consideration by the Conference.

Declaratory commitments as a political signal

7. Expressing its deep concern about the continued risk for humanity represented by the possibility that nuclear weapons could be used and the catastrophic humanitarian consequences that would result from their use, the Review Conference should:

(a) Reaffirm the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, and reaffirm measures agreed to that end at successive Review Conferences, in particular the action plan adopted at the 2010 Conference;

(b) Acknowledge that, as a necessary interim measure pending the total elimination of nuclear weapons, and given the disastrous consequences of any nuclear detonation, reducing the current level of risk of use of nuclear weapons is in the interest of humanity and in line with the objectives and purpose of the Non-Proliferation Treaty;

(c) Acknowledge that it is in the interest of humanity that nuclear weapons are never used again. Such a commitment could be developed on the basis of the 1985 statement by the leaders of the United States and the Soviet Union that “a nuclear war cannot be won and must never be fought”.

Renewed commitment by the nuclear-weapon States and expanded risk dialogue

8. Building on previous efforts, in the context of the Non-Proliferation Treaty, to address various aspects of nuclear risks, the Review Conference should:

(a) Encourage the nuclear-weapon States to take all necessary measures to address risks – unilaterally, bilaterally, plurilaterally and/or multilaterally;

(b) Welcome the various transparency and reporting efforts to date by the nuclear-weapon States about their implementation of the 64-point action plan, including on their strategies and doctrines and encourage them to extend these and develop additional transparency and confidence-building measures;

(c) Welcome the ongoing dialogue among the nuclear-weapon States on strategic stability and call on them to continue and expand on it, including to place the issue of nuclear risk reduction as a standard item on the agenda of their meetings;

(d) Encourage further work by the five Non-Proliferation Treaty nuclear-weapon States on nuclear risk reduction, in context of their dialogue, for instance in a working group, on issues such as:

(i) Policies and doctrines that could reduce the role of nuclear weapons in security policies, prevent escalation leading to the use of nuclear weapons and lessen the danger of nuclear war, including transparency on nuclear doctrines and arsenals; political statements promoting restraint and providing robust negative security assurances, including of a legally binding nature; and a commitment not to develop and/or deploy certain categories of nuclear weapons or delivery systems and reducing the operational status of nuclear weapons;

(ii) Reducing the risk of miscalculation or misperception and accidental use of nuclear weapons, including through the establishment and enhancement of hotlines building on robust and trusted crisis communication technology, joint data centres, military-to-military dialogue and other cooperative measures;

(iii) Steps to reduce the likelihood of new technologies, notably in the digital realm (cyber, artificial intelligence, machine learning) and in the area of delivery systems, leading to new nuclear risks and exacerbating existing ones, including consideration of how certain technologies may lessen risks and contribute to improving the security environment;

(iv) The impacts on nuclear risk of developments in defensive and offensive systems (such as new types of delivery vehicles or dual-capable long-range delivery systems), as well as counterspace capabilities;

(e) Encourage the nuclear-weapon States to conduct

such a risk reduction dialogue in an inclusive manner, taking into account the perspectives of non-nuclear-weapon States and including them in those efforts;

(f) Encourage the implementation of the disarmament commitments under the Non-Proliferation Treaty at the earliest time, in a full, irreversible, transparent and verifiable manner.

Supporting measures by all States parties

9. Recognizing that non-nuclear-weapon States play an important role in nuclear risk reduction, the Conference should call on all States parties to:

(a) Participate in transparency and confidence-building measures and other appropriate measures that can, directly or indirectly, improve predictability in international relations and help to reduce the risk of nuclear weapon use;

(b) Contribute to the preservation and strengthening of the international disarmament, arms control and non-proliferation architecture and support regional initiatives in these areas;

(c) Foster forms of dialogue that are aimed at easing international tensions, strengthening trust between States and creating an environment that contributes to the advancement of nuclear disarmament.

Research, analysis, education and awareness

10. Building on solid, existing research and with the aim of further improving understanding and awareness of nuclear risks, the Conference should:

(a) Encourage all States to support disarmament and non-proliferation education, including education on nuclear risks;

(b) Encourage additional research and dialogue on nuclear risk reduction, including by applying a gender-based analysis, on issues such as:

(i) Laying the groundwork for disarmament measures, including measures that would contribute to security in a world without nuclear weapons and those that could assist in the transition towards such a world, while ensuring undiminished security for all;

(ii) The links between nuclear risks and the role and significance of nuclear weapons in military and security concepts, doctrines and policies;

(iii) The implications of emerging technologies on nuclear risks, including in the digital realm such as cyber offensive capabilities, and artificial intelligence including machine learning;

(c) Consider encouraging a high-level international conference on nuclear risks, to allow for an inclusive and open-ended dialogue to foster information exchange;

(d) Strengthen partnerships for disarmament initiatives, especially by encouraging the empowerment of the young generation, the equal, full and effective participation of women and the participation of civil society.

Establishing a process

11. The Conference should establish a comprehensive process to allow for follow-up work beyond the tenth Review Conference, recognizing the importance of taking a diverse and inclusive approach, with the full and equal participation of women in decision-making and encouraging the participation of youth and civil society in formal or informal initiatives.

(a) The Conference should decide that strategic and nuclear risk reduction will be a standing item in the forthcoming Non-Proliferation Treaty review cycle and establish risk reduction as a Cluster 1 Specific Issue (a sub-agenda item). Co-facilitators (from nuclear- and non-nuclear-weapon States) could serve as focal points to channel relevant developments and to conduct structured intersessional discussions. The co-facilitators would report to the sessions of the Preparatory Committee, as well as to the 2025 Review Conference, which would take stock and consider next steps to address further nuclear risks;

(b) The Conference should call on all States parties, in particular the nuclear-weapon States, to include relevant developments in their national reports on their fulfilment of obligations and commitments under the Non-Proliferation Treaty, including on risk reduction measures, throughout the next review cycle, so that the 2025 Review Conference can take stock and consider possible next steps to address nuclear risks, including by leveraging the national reports submitted by the nuclear-weapon States;

(c) The Conference could encourage consideration of the establishment of an appropriate United Nations body, such as a group of governmental experts or an open-ended working group, with a mandate to take the issue forward in a structured manner, with a view to identifying and elaborating effective nuclear risk reduction measures.

NPT Working Paper: Stepping stones for advancing nuclear disarmament

NPT/ CONF.2020/WP.6
[13 Dec 2021]

Joint working paper submitted by Argentina, Canada, Finland, Germany, Indonesia, Japan, Jordan, Kazakhstan, the Netherlands, New Zealand, Norway, the Republic of Korea, Spain, Sweden and Switzerland, supported by Azerbaijan, Belgium, Brunei Darussalam, Cambodia, Denmark, Dominican Republic, Georgia, Guinea, Guinea-Bissau, Honduras, Iceland, Luxembourg, Mauritania, North Macedonia, Palau, Philippines, Portugal, the Republic of Moldova and Uruguay.

Ministers adopted a Ministerial Declaration at their meeting in Berlin on 25 February 2020 and identified in the annex to that Declaration a non-exhaustive list of short-term, achievable and meaningful actions – stepping stones – for advancing nuclear disarmament (see annex).

Annex: Stepping stones for advancing nuclear disarmament

We reaffirm the mutually reinforcing character of the three pillars of the NPT and underline that previously agreed measures and commitments, including the 2000 NPT Review Conference's "13 Steps" and the 2010 NPT Review Conference's "64 Point Action Plan", remain valid and form the basis for making further progress in fully implementing the treaty and achieving a world free of nuclear weapons.

The stepping stones offer concrete opportunities to reduce international tensions, improve global security, serve as confidence-building measures and pave the way for further progress in the years to come, with the aim of achieving our shared goal of a world free of nuclear weapons. These areas include, inter alia, diminishing the role of nuclear weapons in security policies and doctrines, minimizing the risk of conflict and accidental nuclear weapon use, strengthening cooperation and building trust, enhancing transparency on arsenals and doctrines and strengthening the nuclear arms control architecture.

We pledge to take responsibility in promoting, including, but not exclusively, the following stepping stones on the way to implementing nuclear disarmament, and we invite all states to consider, support and implement them:

- Nuclear-Weapon States to acknowledge the need to ensure that nuclear weapons will never be used again and to advance nuclear disarmament.
- The United States and Russia to extend New START and engage in talks on its possible expansion.
- Nuclear-Weapon States to reduce or further reduce their nuclear arsenals and to contribute to next-generation arms control arrangements.
- Nuclear-Weapon States, collectively or individually, to discuss and take practical measures to reduce the role of nuclear weapons in their policies and doctrines.
- Nuclear-Weapon States to deepen discussions on nuclear doctrine and declaratory policies, both among themselves and with Non-Nuclear Weapon States, at the upcoming NPT Review Conference and throughout the next NPT review cycle.
- Nuclear-Weapon States to report to parties to the NPT on arsenals and plans for their modernisation.

• Nuclear-Weapon States, collectively or individually, to tighten Negative Security Assurances, including in the context of Treaties establishing Nuclear Weapons-Free Zones.

• All States to support the establishment of Nuclear Weapons-Free Zones in all regions of the world on the basis of arrangements freely arrived at among States of the region concerned, including the establishment of Middle East zone free of nuclear weapons and other weapons of mass destruction in accordance with the 1995 resolution on the Middle East, in relation to which we feel encouraged by the first session of the conference held in 2019 and continuous efforts in this regard.

• Nuclear-Weapon States and Nuclear Possessor States to engage in a structured dialogue to assess, minimize and address nuclear risks, including by measures aimed at preventing crisis, extending decision-times in crisis and measures to minimise potential vulnerabilities emerging from disruptive technologies and cyber threats, e.g. on command and control.

• Nuclear-Weapon States to improve or establish crisis communication and protocol among each other, e.g. by hotlines and risk reduction centres.

• Nuclear-Weapon States to address increasing entanglement of conventional and nuclear systems and to take measures to reverse such development.

• All States to uphold existing moratoria on nuclear-weapon test explosions or any other nuclear explosion and to enhance efforts towards the long overdue entry into force of the Comprehensive Test Ban Treaty (CTBT), through continued advocacy vis-à-vis and engagement by the States whose ratification is required, as well as political, technical and financial efforts to further strengthen the International Monitoring Systems and the Comprehensive Test Ban Treaty Organization (CTBTO).

• All States to declare and uphold moratoria on the production of fissile material for use in nuclear weapons or other nuclear explosive devices.

• Nuclear-Weapon States and Nuclear Possessor States to show leadership to unblock negotiations on a treaty prohibiting fissile material production.

• All States to support the ongoing initiatives on developing multilateral nuclear disarmament verification capacities, such as the International Partnership for Nuclear Disarmament Verification and efforts within the United Nations such as Groups of Governmental Experts, Open-ended Working Groups and capacity building.

• All States to engage with the young generation, including through dialogue platforms, mentoring, internships, fellowships, scholarships, model events and youth group activities.

• All States to encourage visits to and interaction with communities affected by nuclear weapons, including Hiroshima and Nagasaki, and former nuclear test sites such as Semipalatinsk and in the Pacific.

• All States to ensure the full and effective participation of women and to further integrate gender perspectives in all aspects of nuclear disarmament and non proliferation decision-making processes.

• Nuclear-Weapon States to engage in and intensify dialogue on maintaining strategic stability, with maximum transparency vis-à-vis the international community, to foster mutual understanding and trust and setting the frame for future arms-control agreements and disarmament.

• All parties to the NPT to report on their implementation of obligations and commitments under the NPT using a standardized reporting format, and to support proposals to strengthen reporting and transparency commitments.

• Each Nuclear-Weapon State to submit its NPT implementation reports in advance of the 2020 NPT Review Conference.

• All states to commit to enhancing the NPT review cycle to improve implementation in all its aspects and to support ongoing efforts to strengthen the NPT review process.

• Recognizing various State perspectives, the above stepping stones are interlinked and mutually reinforcing and offer a way to build political momentum that could help unlock current diplomatic blockages and advance the implementation of nuclear disarmament commitments. Our governments will do their utmost to this end.

5th Ministerial Meeting of the Stockholm Initiative for Nuclear Disarmament and the Non-Proliferation Treaty in Stockholm

[14 December 2021]

Today – co-chaired by the Minister for Foreign Affairs of Sweden Ann Linde and the Minister for Foreign Affairs of Germany Annalena Baerbock – Ministers from Argentina, Canada, Ethiopia, Finland, Germany, Indonesia, Japan, Jordan, Kazakhstan, the Netherlands, New Zealand, Norway, the Republic of Korea, Spain, Sweden and Switzerland gathered for the fifth Ministerial Meeting of the Stockholm Initiative for Nuclear Disarmament. Collectively, the Ministers reflected on the Stockholm Initiative's work since its inception in 2019 and reaffirmed their unwavering commitment to a results-oriented 10th Review Conference of the Nuclear Non-Proliferation Treaty (NPT), to be held January 4-28, 2022: "The upcoming NPT Review Conference – two years after the Treaty's 50th anniversary – is a moment to demonstrate political leadership, honour commitments and achievements made under the Treaty, and set ourselves on a decisive path towards a world free of nuclear weapons, in the interest of preserving humanity. We remain united in our resolve to achieve the elimination of nuclear weapons in an irreversible, verifiable, and transparent manner, and to reduce the risks they pose in the interim. The upcoming NPT Review Conference is a pivotal opportunity for all states to show highlevel commitment to nuclear disarmament. The Stockholm Initiative for Nuclear Disarmament has presented a feasible way forward in this regard. We offer our full support to the President-designate of the Review Conference, Ambassador Gustavo Zlauvinen, in guiding delegations to secure the continued success of the Treaty. Our message at the Review Conference will be clear: Nuclear weapon States must advance nuclear disarmament, in accordance with Article VI of the Treaty. They can do so by taking forward the practical and meaningful steps reflected in the Stockholm Initiative's Stepping Stones and Nuclear Risk Reduction Package, supported by an increasing number of NPT States Parties, and by presenting a forward-looking plan for making further progress on nuclear disarmament. In addition to member countries of the Stockholm Initiative, we welcome the additional 20 NPT States Parties that have formally aligned themselves with the Initiative's documents. We encourage all States Parties to draw upon the language and feasible ideas contained in these documents, notably in the drafting of any outcome to the Review Conference." Ministers welcomed the the extension of the U.S.-Russia New Strategic Arms Reduction Treaty (New START) in January 2021 as well as the June 2021 presidential statement announcing a U.S.-Russia Strategic Stability Dialogue, which included a reaffirmation by that "a nuclear war cannot be won and must never be fought.". These are positive developments that respond to two of the stepping stones for nuclear disarmament of the Stockholm Initiative. Ministers noted the Summit Meeting between the U.S. and China held on November 16, 2021. Despite some progress, there is considerable work that remains to be done. Ministers acknowledged that further steps remain to be taken by the five NPT-recognized nuclear weapon states reduce their nuclear arsenals, bearing a special responsibility to do so under the Treaty. Also evident is the clear unwillingness to disarm among other nuclear possessing states. Rebuilding trust and confidence among the nuclear weapon states will help end the longstanding stasis in global nuclear disarmament. Ministers urged all nuclear weapon states to take clear and decisive steps to lay the

groundwork for next-generation arms control arrangements, to reduce or further reduce nuclear arsenals, to show leadership in putting a definite end to nuclear weapon test explosions, commencing negotiations on a treaty prohibiting fissile material production, as well as to support efforts to develop multilateral nuclear disarmament verification capacities. The Stockholm Initiative developed the Stepping Stones for Advancing Nuclear Disarmament and a Nuclear Risk Reduction Package with the express purpose of rebuilding trust and confidence and promoting progress through practical measures, such as transparency on nuclear arsenals, reducing role of nuclear weapons in security and defense policy, and increased dialogue. Ministers identified nuclear risk reduction as an area of particular urgency. They discussed concrete measures to curtail risks and avoid escalation, in order to advance the overarching goal of nuclear disarmament. Ministers took note of the outcome of the P5 Principals Meeting in Paris and encouraged the nuclear weapon states to make full use of, and further develop, the P5 format to yield more concrete results at the upcoming Review Conference and in the next NPT cycle. Ministers reiterated their call in the "Stepping Stones for Advancing Nuclear Disarmament" to engage with the young generation, including through dialogue platforms, mentoring, internships, fellowships, scholarships, model events and youth group activities. They also reiterated their call to encourage visits to and interaction with communities affected by nuclear weapons, including Hiroshima and Nagasaki, and former nuclear test sites such as Semipalatinsk and in the Pacific They remained resolved to integrate a diverse gender perspective and promote the full and effective participation of women in nuclear disarmament decision-making. Ministers also committed to exploring new, innovative ways to advance nuclear disarmament and address associated challenges. They resolved to make full use of the remaining weeks in the lead up to as well as during the upcoming Review Conference, including by advocating for the Stockholm Initiative's Stepping Stones and Nuclear Risk Reduction Package. Ministers underlined the need for continued engagement on Article VI of the Treaty beyond the Review Conference in January 2022, to ensure full implementation of commitments and to promote further progress on global nuclear disarmament. In conclusion, Ministers underscored that they are equally committed to further cooperation across the broad spectrum of nuclear opportunities and challenges – including peaceful nuclear uses as well as addressing proliferation challenges.

Section 2: Creating Environment for Nuclear Disarmament (CEND) Initiative

NPT Working Paper: Operationalizing the Creating an Environment for Nuclear Disarmament (CEND) Initiative

NPT/ CONF.2020/PC.III/WP.43
[26 April 2019]

1. The 2019 meeting of the NPT Preparatory Committee (PrepCom) is an opportunity for NPT Parties to lay the groundwork for successful outcomes at the 2020 RevCon. Throughout the 2020 NPT review cycle, the United States has sought to promote a more realistic dialogue on nuclear disarmament, in part to enable such outcomes.

2. At the 2017 NPT PrepCom, the United States submitted a Working Paper (NPT/CONF.2020/PC.I/WP.39) that highlighted how maintaining a strong nonproliferation regime helps create conditions conducive to progress on disarmament. As that paper laid out, the core provisions of the NPT – nonproliferation (Articles I-III), peaceful uses of nuclear energy (Article IV), and disarmament (Article VI) – are sometimes mistakenly portrayed as competing interests, but in fact represent the shared interests of all NPT Parties. In particular, the paper emphasized that the maintenance of a strong nonproliferation regime enables peaceful nuclear cooperation and helps create an environment more conducive to nuclear disarmament.

3. That Working Paper described the nonproliferation regime's impressive record over the past 50 years in advancing these shared interests. Rather than a cascade of nuclear proliferation, as many feared on the eve of the NPT's entry into force, the number of states that possess such weapons remains fewer than ten. The past half century has also witnessed great progress in the peaceful applications of nuclear energy, science, and technology, as well as the ever-expanding benefits from the dissemination of those applications. Substantial progress has also been made in reducing nuclear risks and on effective measures relating to the cessation of the nuclear arms race and nuclear disarmament. The success of the nonproliferation regime helped make possible this progress on peaceful uses and on disarmament.

4. Although nonproliferation is a necessary enabler for further progress on nuclear disarmament, however, it is not the only factor which must be considered as NPT Parties chart a course for such further progress. The nature of the prevailing security environment is also critical to the prospects for disarmament progress.

5. The challenges of disarmament cannot be met merely by attempting to reduce or prohibit nuclear weapons while ignoring the challenges of the security environment, and simply waiting for the international security environment to improve will likely only make conditions worse. Any viable path toward disarmament therefore must take into consideration, and try to ameliorate, the problems of the security environment that presently impede progress toward this shared goal.

6. The importance of addressing the conditions of the security environment has frequently been noted in U.S. strategy documents – not least in the 2018 U.S. Nuclear Posture Review (NPR) and the National Defense Strategy, both of which noted the dramatic deterioration in the security environment in recent years. The NPR also emphasized the continuing U.S. desire for negotiated answers to the challenges presented by nuclear weapons, making clear that the United States remains "committed to arms control efforts that advance U.S., allied, and partner security; are verifiable and enforceable; and include partners that comply responsibly with their obligations."

7. Illustrating its continuing commitment to pursuing "effective measures" on disarmament within the meaning of Article VI of the NPT – and to easing tension and strengthening trust between states in order to facilitate disarmament, as called for in the Treaty's Preamble – the United States submitted another Working Paper to the 2018 PrepCom (NPT/CONF.2020/PC.II/WP.30), introducing the concept that was then called "Creating the Conditions for Nuclear Disarmament." In that paper, the United States called for a dialogue to address the underlying security concerns that have made nuclear deterrence necessary in order to forestall major power conflict and maintain global stability. As that paper made clear, such a dialogue would embody the spirit of the NPT and represent a realistic and promising path forward for global disarmament discourse. To elicit serious contributions from all interested parties, the United States outlined some of the discrete tasks that would need to be accomplished to create an environment more conducive to further disarmament.

A Collaborative Approach

8. Over the last year, the United States has taken every opportunity to build on the concepts in these Working Papers and solicit feedback on how best to operationalize this dialogue. In its bilateral engagements, the United States has heard from a variety of potential partners about how they believe such a dialogue could achieve practical results. At this year's NATO Conference on Weapons of Mass Destruction in Reykjavik and in unofficial meetings convened by various think tanks, the United States also encouraged participants to contribute their ideas on possible dialogue topics and formats. Additionally, the United States hosted a topical plenary discussion on this concept at the Conference on Disarmament (CD), and took part in an academic colloquium on nuclear disarmament, hosted by the Dutch Mission to the United Nations in Geneva, which led to fruitful discussions among academics, civil society, and diplomats on their ideas relating to the substantive concepts underlying the current and potential future international security environment.

9. Throughout these engagements, the United States has sought input on how to make this initiative a success, so that it can begin to chart a path forward for disarmament in a challenging environment. It is the hope of the United States that the 2020 NPT Review Cycle will be remembered as one in which the world decided to pursue a more promising path toward nuclear disarmament and the fulfilment of the Treaty's disarmament provisions.

Goals

10. Following this constructive engagement and after reviewing thoughtful suggestions, the United States proposes to launch a structured dialogue on Creating an Environment for Nuclear Disarmament (CEND). The United States envisions two main goals for this dialogue. The first is to make concrete progress in identifying and addressing the factors in the international security environment that inhibit prospects for further progress in disarmament. This outcome may help to re-establish more favorable conditions for global peace and security and decrease the chances of violent conflict, building trust and transparency between nuclear-armed nations. The second goal is to establish a more pragmatic approach to disarmament that can contribute to a successful outcome at 2020 RevCon. Other participants in this initiative will also have the opportunity to identify additional shared goals of the CEND process.

Operationalizing the Initiative

11. The first step in launching the CEND initiative will take place at the 2019 PrepCom, at which the United States will host a side event highlighting how this initiative will operate. The United States will invite States to be involved based in part on the need for political and geographic diversity. The number of direct participants will be limited in order to facilitate and manage focused deliberations, but those deliberations will be informed by the Group's broader interactions with the global community. Non-participants who want to provide their views are encouraged to work with participants within or outside of their regions to ensure that their inputs are included in the CEND process.

12. The first meeting of the Creating an Environment Working Group (CEWG) Plenary will take place this summer in Washington. The CEWG Plenary will identify a list of issues or questions relating to the international security environment affecting disarmament prospects, and establish subgroups to examine and address these factors. These factors may take any form and should derive from an honest and constructive accounting of key security challenges. For example, these factors could be structured around three broad areas: (1) measures to modify the security environment to reduce incentives for states to retain, acquire, or increase their holdings of nuclear weapons; (2) institutions and processes nuclear and non-nuclear weapons states can put in place to bolster nonproliferation efforts and build confidence in nuclear disarmament; or (3) interim measures to reduce the likelihood of war among nuclear-armed states.

13. The CEWG Plenary will also discuss approaches for engaging countries that are non-participants in the CEWG. Participating countries will be asked to continue to engage with countries outside the group, particularly within their respective regions, in order to solicit and reflect the broadest possible range of perspectives.

14. Following the CEWG Plenary meeting, subgroups will meet periodically for dialogue centered around their respective mandates and to prepare progress reports to the CEWG. They will also undertake intersessional work as needed to fulfill their mandates and programs of work. These formal meetings and intersessional work will form the core of the dialogues taking place around the CEND factors. The United States intends to identify one or more non-governmental organization(s) to help facilitate dialogue and provide logistical support.

15. At the 2020 RevCon, CEWG participants will provide updates on CEWG activities and share any initial conclusions. The CEND process is intended to extend beyond the RevCon, however, in sustained pursuit of NPT Parties' collective nuclear disarmament goals and will follow the programs of work and timelines established through consensus by the participants.

Conclusion

16. Given the deteriorating security environment, progress toward the disarmament goals articulated in the Preamble and Article VI of the NPT has slowed. The global discourse on disarmament has become stale and unfulfilling, avoiding genuine consideration of the most challenging barriers to progress. In promoting the CEND initiative, the United States seeks to move past this unproductive dialogue, to help build a more stable global security environment, open new avenues for real progress on disarmament, and collectively advance widely shared interests. The United States hopes that constructive engagement and open dialogue around this critical issue will help move the world forward on nuclear disarmament and help enable positive outcomes at the 2020 RevCon and beyond.

Creating an Environment for Nuclear Disarmament (CEND) Working Group Kick-off Plenary Meeting

[19 July 2019]

Representatives from 42 countries met at the U.S. Department of State in Washington, DC, from July 2-3 to deliberate on ways to address challenges in the security environment that would improve prospects for disarmament negotiations. The CEND Working Group (CEWG) kick-off plenary meeting marked the first official gathering of participants in the CEND initiative.

The 97 CEWG participants sought to identify ways to improve the international security environment in order to overcome obstacles to further progress on nuclear disarmament. Non-governmental expert facilitators from the Carnegie Endowment for International Peace, King's College London, and the Clingendael Institute guided breakout sessions focusing on three themes:

1. Reducing perceived incentives for states to retain, acquire, or increase their holdings of nuclear weapons;
2. Multilateral and other types of institutions and processes to bolster nonproliferation efforts and build confidence in, and further advance, nuclear disarmament; and
3. Interim measures to address risks associated with nuclear weapons and to reduce the likelihood of war among nuclear-armed states.

The format of these discussions was purposely informal – designed to go beyond the prepared statements typical in other multilateral disarmament forums and to produce more in-depth and interactive exchanges.

Through their constructive engagement in this forum, participants laid the foundations for further CEND dialogues that will explore the themes identified during these exchanges.

CEND Working Group Meeting in Wilton Park

[27 November 2019]

Sixty-two participants from thirty-one countries, including the United States, met at Wilton Park in the United Kingdom on November 20-22 for the Creating an Environment for Nuclear Disarmament (CEND) Working Group. Participants attended from nuclear-weapons States and non-nuclear-weapons States, as well as some not party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

At the meeting, participants continued their open and realistic dialogue on improving the security environment and advancing further progress on nuclear disarmament. Participants began to lay the groundwork for translating this dialogue into action by developing Concept Notes for each of the three CEND subgroups on:

- Reducing perceived incentives for states to retain, acquire, or increase their holdings of nuclear weapons and increasing incentives to reduce and eliminate nuclear weapons.
- Mechanisms to bolster nonproliferation efforts and build

confidence in and further advance nuclear disarmament.

- Interim measures to reduce the risks associated with nuclear weapons.

The participants plan to hold the next meeting of the CEND Working Group early next year.

CEND Concept Note for Subgroup 1

[27 November 2019]

Reducing Perceived Incentives for States to Retain, Acquire, or Increase their Holdings of Nuclear Weapons and Increasing Incentives to Reduce and Eliminate Nuclear Weapons

The factors that influence why some states believe nuclear weapons are necessary for national security purposes are many and varied, as are the concerns of states without nuclear weapons. Understanding why states start, finish, cancel, or reverse nuclear weapons programs, including stability and security factors can open the door to further conversations around recalibrating these incentives and can be instrumental in our shared goals in creating an environment for nuclear disarmament.

Subgroup 1, in close coordination with Subgroups 2 and 3, has the following areas of focus:

- Develop common understanding of threat perceptions of states in regional or global security contexts involving nuclear weapons more clearly and deeply, including historical case studies;
- Clarify how sustained implementation of existing arms control and disarmament commitments, nonproliferation and confidence building measures is vital to international security
- Identify and address the interrelation between nuclear and non-nuclear deterrence in all stages of nuclear weapons reduction and elimination,
- Develop common understanding of concerns over the humanitarian consequences of nuclear weapons;
- Assess differing purposes and perceptions and of declaratory policy; and
- Address the critical role of verification in achieving nuclear disarmament

Subgroup 1 will start on the following areas of work:

- Develop recommendations for improved dialogue allowing states to discuss threat perceptions in regional or global security contexts involving nuclear weapons, including through examining differing perceptions of the purposes of declaratory policy;
- Elaborate ideas for reducing incentives for nuclear weapons possession through improving the environment for nuclear disarmament;
- Review in general how arms control, nonproliferation, and security mechanisms address implementation and compliance issues;
- Identify concrete measures conducive to disarmament that can be taken until global zero is reached, including reductions and arms control
- Develop concepts and approaches for better addressing compliance and/or reducing vulnerabilities that enable noncompliance, by reviewing how arms control, nonproliferation, and security mechanisms address compliance issues; and
- Recommend approaches for future dialogue on nuclear deterrence and the humanitarian consequences of the use nuclear weapons

Leadership

The Netherlands and Morocco will serve as co-chairs of Subgroup 1.

Next Steps

The next step for Subgroup 1 is to develop a program of work, which is expected to include deliverables that would be completed within roughly two years. Considering the complexity of the topic, the subgroup may also consider longer-term deliverables. Subgroup 1 will aim to coordinate its timeline with the other Subgroups, to the extent practical.

*The CEND Working Group is not constrained by traditional formats, protocols, or procedures. Participants are encouraged to engage in an open and broad-ranging dialogue. This concept note is intended as a dynamic guide for future discussion and work. It does not necessarily reflect the views of all participants.

CEND Concept Note for Subgroup 2

[27 November 2019]

Mechanisms to Bolster Nonproliferation Efforts and Build Confidence in and Further Advance Nuclear Disarmament

Strong, well-functioning nuclear nonproliferation and disarmament mechanisms- to include, but not limited to, international treaties, multilateral instruments, arms control regimes, and other processes- are essential to any effort to improve the international security environment. While there are disagreements over the causes, some of these mechanisms may be functioning well, while others are not operating as effectively as intended. This CEND subgroup aims to take stock of existing nonproliferation and disarmament mechanisms in various formats and fora and identify potential ways to improve their effectiveness. As with the other subgroups, Subgroup 2 does not seek to replace or marginalize existing mechanisms or institutions.

This subgroup will review the functioning and effectiveness of existing nuclear nonproliferation and disarmament mechanisms. Lessons learned on what has and has not worked in these fora will be catalogued and examined. Participants may also consider mechanisms and institutions in other areas for best practices that could be applied or adapted to improve nonproliferation and disarmament mechanisms. In addition, Subgroup 2 will examine previous and ongoing efforts to develop or implement recommendations to strengthen nonproliferation and disarmament mechanisms. The Subgroup will analyze whether measures proposed by these efforts were successfully implemented, and, if not, why not. These reviews will lead to the development of proposals for practical measures for improving and strengthening various instruments and institutions as well as recommendations for the implementation of these measures. The Subgroup will draw on the expertise of academia, NGOs, and civil society to inform its work.

Subgroup 2, in close coordination with Subgroups 1 and 3, has the following areas of focus:

- Maintain and strengthen existing institutions and nuclear disarmament architecture;
- Examine ways to promote progress with existing commitments by NPT States Parties. States Parties to the NPT also reaffirm the NPT as the “cornerstone” of the global nonproliferation and disarmament architecture; and
- Develop practical measures, achievable in the near term, which are intended to improve the security environment through strengthening nonproliferation and disarmament institutions, and building trust and confidence.

Subgroup 2 will start on the following areas of work:

- Identify best practices, working methods, procedures, and other functional details of nuclear nonproliferation and disarmament institutions
- Examine previous efforts, as well as current and potential opportunities, to strengthen and improve nuclear nonproliferation and disarmament mechanisms to include multilateral, regional, and subregional fora
- Develop a set of proposals for practical measures to maintain, strengthen, and improve the functioning of existing nonproliferation and disarmament mechanisms and recommendations on how to implement these practical

measures

- Explore other factors, to include security and political challenges, that have an impact on the effectiveness of multilateral mechanisms

- Identify opportunities to build capacity in international institutions, such as through encouraging next generation, civil society, and diversity of participation

Leadership

The Republic of Korea and United States will serve as co-chairs of Subgroup 2.

Timeline

The concept note is intended as a guide for future discussion and work. It is dynamic and not negotiated. The next step for Subgroup 2 is to develop a program of work, which is expected to include deliverables that would be completed within roughly two years. Considering the complexity of the topic, the subgroup may also consider longer-term deliverables. Subgroup 2 will aim to coordinate its timeline with the other Subgroups, to the extent practical.

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CEND Concept Note for Subgroup 3

[27 November 2019]

Interim Measures to Reduce the Risks Associated with Nuclear Weapons

As states aim to achieve a world free of nuclear weapons, it will be necessary to pursue interim measures to enhance security and reduce all risks associated with nuclear weapons and the likelihood of nuclear weapons use. Such measures could greatly contribute to an improved overall international security environment and enable and support further progress towards nuclear disarmament. The CEND initiative is not the first initiative to consider nuclear risk reduction measures. However, the wide range of policy positions among participating states and the inclusive and informal nature of the dialogue at CEND Working Group meetings will allow for a different type of discussion than has occurred elsewhere.

The work of Subgroup 3 will focus on exploring nuclear risk reduction measures and analyzing the practicality of the identified measures. Identifying factors that could possibly contribute to the risk of nuclear weapons use will allow the subgroup to focus on risk reduction measures that would address those factors. In addition, much work has already been done in examining possible options for risk reduction. In order to not duplicate existing work, the subgroup will examine other efforts and where possible draw on their results to inform the work of Subgroup 3. Participants at the first CEND Working Group meeting acknowledged the existing body of work on risk reduction but noted there has been a lack of dialogue, particularly between states with and without nuclear weapons, on why some commonly identified measures may be possible and some others may not be. Subgroup 3 will work to develop a well-considered review of the viability and desirability of identified risk reduction measures. This could contribute substantially to discussions in other relevant fora.

Subgroup 3, in close coordination with Subgroups 1 and 2, has the following areas of focus:

- Identify ways and operative measures to reduce the risk associated with nuclear weapons, including through conflict prevention and management in all its aspects;

- Build trust through confidence and security confidence building measures (CSBMs) in the area of risk reduction; and

- Build confidence by improving communication, dialogue, transparency and understanding among states possessing nuclear weapons as well as among states possessing nuclear weapons and those that do not.

Subgroup 3 will start by focusing on the following:

- Review ongoing and previous efforts and initiatives on nuclear risk reduction and examine their resulting outputs, drawing also from experiences in the conventional field (e.g. Vienna Document);

- Identify risk factors associated with nuclear weapons and consider a menu of concrete and actionable options for risk reduction measures in accordance with its stated goals and objectives (see above). These measures could be unilateral, bilateral, and/or multilateral; and

- Conduct a dialogue on the viability and desirability of this menu of options to increase understanding between nuclear and non-nuclear weapon armed states on what risk reduction measures can and cannot contribute to an improved security environment and under which conditions.

Leadership

Finland and Germany will serve as co-chairs of subgroup 3.

Timeline

The nest step for subgroup 3 is to develop a program of work, which is expected to include deliverables that would be completed within roughly two years. Considering the complexity of the topic, the subgroup may also consider longer-term deliverables. Subgroup 3 will aim to coordinate its timeline with the other Subgroups, to the extent practical.

*The CEND Working Group is not constrained by traditional formats, protocols, or procedures. Participants are encouraged to engage in an open and broad-ranging dialogue. This concept note is intended as a dynamic guide for future discussion and work. It does not necessarily reflect the views of all participants

Section 3: Nuclear Disarmament Verification

Final report of the Group of Governmental Experts to consider the role of verification in advancing nuclear disarmament

A/74/90
[15 May 2019]

[Eds . . .]

III. Identification of possible points of convergence

A. Towards a concept on the role of verification in advancing nuclear disarmament

27. The Group noted that it had a unique opportunity as its mandate was the first to be focused on the role of verification in advancing nuclear disarmament. The Group observed that the issue has become a focus of increased international attention and activity.

28. The Group noted the impracticability of setting out prescriptions for a nuclear disarmament verification regime in the absence of treaty negotiations, but a number of Experts suggested the utility of considering aspects which may be relevant in verification arrangements for future treaties in order to achieve and maintain a world without nuclear weapons.

29. The Group stressed that while verification is not an end in itself, it is essential throughout the nuclear disarmament process.

30. The Group noted that nuclear disarmament verification must be balanced against legitimate sovereignty-, security-, safety- and proliferation-related concerns of the parties to the agreement.

31. The Group recognized the benefit of parties to limited membership nuclear disarmament treaties considering ways which are appropriate in order to inform non-State parties on the well-functioning of the verification in those specific treaties.

32. The Group agreed that the scope and particulars of a relevant verification regime would be determined by the specific nuclear disarmament treaty. The Group agreed that verification, consisting

of legal, technical and political aspects, may be pursued in different ways.

33. The Group underlined that effective verification serves the primary purpose of providing assurance of compliance with obligations in a treaty or treaties on nuclear disarmament.

B. Principles on verification in advancing nuclear disarmament

34. The Group noted that the Member-State response to the Secretary-General's report on nuclear disarmament verification (A/72/304) contained much discussion of principles. The Group recognized at its first session that it could add value by elaborating certain principles for the role of verification in advancing nuclear disarmament. In elaborating these principles, it was recognized that they were indicative and not exhaustive.

35. The Group reaffirmed that the fundamental principles for verification of disarmament had been established in the final document of the first special session devoted to disarmament (1978) (A/S-10/4) and in the United Nations Disarmament Commission principles of verification (1988) and would serve as the foundation for its work.

36. The Group furthermore noted the report of the Group of Governmental Experts on verification in all its aspects (A/61/1028), as well as General Assembly resolution 62/21.

37. There were several working papers on principles related to nuclear disarmament verification. The Group subsequently engaged in discussion on these papers. [See "Nuclear disarmament verification principles", submitted by Mr. Moktefi (Algeria) (GE-NDV/2018/8); "Nuclear disarmament verification principles", submitted by Mr. Coppen (Netherlands) and Mr. Le Floc'h (France) (GE-NDV/2018/15); "Basic principles of nuclear disarmament verification", submitted by Mr. Wang (China) (GE-NDV/2018/17); and "Structural elements: framework, principles, scope and scenarios", submitted by Ambassador Biontino (Germany) (GE-NDV/2018/14).]

38. In view of the above, the Group suggested the following principles:

• Nuclear disarmament verification should conform with international law and the principles laid out in the final document of the first special session devoted to disarmament (1978) and in the United Nations Disarmament Commission principles of verification (1988).

• Nuclear disarmament verification measures should be decided by the parties to specific treaties, and all the parties to such treaties should have equal rights to establish and take part in verification activities.

• Nuclear disarmament verification must conform to applicable international legal non-proliferation obligations, national safety and security requirements, and the need to protect otherwise sensitive information.

• Nuclear disarmament verification must be effective in ensuring compliance by the parties with obligations under the relevant treaty, while also being mindful of the need for efficiency in the application of financial, human and other resources.

• Nuclear disarmament verification provisions in the context of a specific treaty should be clear as to obligations of the parties concerned.

• A future nuclear disarmament verification regime must be non-discriminatory to the parties of the treaty.

• Verification arrangements, satisfactory to all parties involved, should correspond to the purposes, scope and nature of the agreement(s) reached on nuclear disarmament.

IV. Conclusions and recommendations

A. Conclusions

39. In considering the role of verification in advancing nuclear disarmament, the Group concluded that:

• Advancing nuclear disarmament is an ongoing undertaking, and there is need for a continued international examination of the issue in all its aspects, including verification.

• Verification is essential in the process of nuclear disarmament and to achieving a world without nuclear weapons.

• The role of verification in advancing nuclear disarmament will be determined on a case-by-case basis in the context of the negotiations of legally-binding agreements in the area of nuclear disarmament.

• A credible verification regime in which all States have confidence will be essential for maintaining a world without nuclear weapons.

• Confidence-building measures may complement nuclear disarmament verification arrangements between the implementing parties of a specific treaty.

• Engagement in nuclear disarmament verification must be strictly in line with applicable international legal non-proliferation obligations as well as other legal requirements.

• All States could contribute to aspects of nuclear disarmament verification and no State is restricted from developing verification techniques and methodologies.

B. Recommendations

40. The Group recommended:

• States Members of the United Nations, as well as relevant parts of the international disarmament machinery, in accordance with their respective mandates, consider this report;

• To consider further work related to the role of verification in advancing nuclear disarmament, taking into account the report of the Group of Governmental Experts.

Phase III Programme of Work: International Partnership for Nuclear Disarmament Verification (IPNDV)

[NTI]

International Partnership for Nuclear Disarmament Verification (IPNDV)

Phase III Programme of Work

Phase III of the International Partnership for Nuclear Disarmament Verification (IPNDV) will execute a multi-year program of work further developing, testing, evaluating, and refining concepts and practical verification approaches to support future nuclear disarmament. During the course of Phase III, the Partnership will complement other nuclear disarmament verification (NDV) initiatives, such as the Quad Nuclear Verification Partnership and US-UK verification initiatives, future UN groups (like the Group of Governmental Experts on Nuclear Disarmament Verification), and the Creating an Environment for Nuclear Disarmament (CEND) initiative. The Partnership will support the work of the 2025 NPT Review Process and other international fora. Partners will take stock of progress and plans in mid-2022 to review and refine their work as needed.

Objectives

During Phase III, Partners will build on current working methods and engage in further hands-on activities, including scenario-based discussions, practical exercises and technology demonstrations to support the following broad objectives:

1. Use a scenario-based approach based on a full, representative national case study of a notional nuclear weapon possessing state (Country X), and its nuclear enterprise to demonstrate how concepts and other elements of the overall verification "tool kit" developed in Phases I and II can be implemented

2. Continue deeper exploration of issues related to the design of verification, such as irreversibility, transparency and the non-production of nuclear weapons, among others, to build confidence

over time

3. Address gap areas identified through Phases I and II, such as the detection of the presence or absence of nuclear-weapon materials, information barrier concepts and technologies; and

4. Conduct outreach activities to engage senior political leaders, and the nuclear disarmament verification expert community and maintain focus on nuclear disarmament verification.

Basic Structure

Phase III introduces two Task Groups (A and B) and a "Technology Track," described in more detail below. The Task Groups are interdependent, working on a shared set of tasks, with each group influencing and feeding into the work of the other. The specific focus of the Task Groups will evolve over time as the scenarios, models and practical activities generate questions and drive the work. Tasks may be worked on over more than one session during a meeting depending on complexity and time required but broken into small enough pieces to allow for conclusions to be reached. Phase III will see more use within group sessions of problem solving, mini-table top exercises and, given the constraints related to the COVID-19 virus, interactive working methods like the IPNDV Portal and video conferencing.

The Partnership requires active and engaged participation by technical experts to

develop credible, valuable outcomes. Because input from technology experts is highly sought after from other groups, but hard to integrate sporadically, better alignment between technology and process discussions will result in better end products. To address this issue, dedicated project groups for specific issues may be organized as the Task Groups and Technology Track see fit. These project groups would provide an efficient approach for solving questions, and may draw expertise from more than one group.

Scenario-based work

Phase III will continue the Partnership's move from "paper to practice" focusing on work to "develop, test, evaluate and evolve" concepts, procedures and technologies applicable to future NDV. The Task Groups will initially focus on a scenario developed by a dedicated task force describing a notional nuclear weapon possessing state ("Country X") and elements of a nuclear disarmament verification regime to test possible verification measures against the scenario. This includes specific elements of the nuclear enterprise of Country X. This scenario development work will be the basis for collective work by the Partnership in the early stages of Phase III and will provide a platform for both technical and process development. Participants will also explore how changing verification variables may affect outcomes through testing and exercises. The intent is not to write detailed facility-specific arrangements, but to identify, test, and evaluate concepts and approaches.

Coordination of the Task Groups and the Technology Track, as well as any ad hoc task groups to ensure overall focus on the Partnership's core objectives will be done by a Coordinating Group. This group is composed of the Secretariat and Task Group and Technology Track leads. The Coordination Group will engage as required to make progress. The Secretariat will continue to oversee logistics and the practical organization of the Partnership.

Methods of Work

The IPNDV will hold three meetings per year (in line with the notional timeline below), with other smaller meetings scheduled as needed. Meeting schedules should be flexible enough to allow for practical work to continue to be undertaken in parallel, as will be required for dedicated and larger scale activities. Partners hosting meetings should continue to utilize the IPNDV Meeting Planning Guide to assist in organizing meetings.

Employing more hands-on activities, Partners can use the Country X Scenario to test against, for example, the following types of variables:

• Content and timing of declarations (initial and otherwise)

• Unit of account for a notional Treaty regime (Does it change depending on the site, i.e., a strategic nuclear delivery vehicle deployment site or a weapons storage facility?), and how that affects

what is done at a particular site

• Timing, frequency, and content of notifications

• Types of on-site inspections, including timing and frequency

• Potential technologies for monitoring and on-site inspections

• Identification of and deployment strategies for monitoring and inspection

equipment

a. Identification of validated tools, and processes of validation

b. Authentication and certification processes

c. Use of information barriers

• Safety and security frameworks

• Rights and obligations that affect the conduct of inspections and inspector access

• Identification of diversion pathways

• How to resolve ambiguities and manage "stressful situations"

Using this model, the Task Groups may address issues such as:

• Mapping a timeline of required inspection steps against the 14 step process

• Defining necessary inspection infrastructure

• Systems approaches, including with statistical methods (holding everything at risk)

• What changes in monitoring a dismantlement process when following multiple warheads vs. one warhead through the process?

• What elements of a nuclear disarmament verification regime increase confidence?

• How is compliance assessed by parties to a verification agreement?

• Assuring the presence/absence of declared and undeclared items (state-wide and location-specific)

• Means to deter cheating

• Integrating technology into verification approaches

• Methods for technology authentication and certification

• Complementarity of different technologies

• How varying stockpile numbers (e.g. going from 1000->500, 100->10, 10->1/0) affects outcomes.

The Partnership may, with support from the academic and NGO community, explore development of a virtual digital environment to explore and change variables to assess consequences and test verification approaches. Such a product could serve as a tool for the academic and NGO community, and could be used to engage more broadly with relevant groups and countries outside the IPNDV.

Section 4: Other Initiatives

Report of the High-level Fissile Material Cut-off Treaty Expert Preparatory Group

CD/2152

[18 January 2019]

[Eds . . .]

IV. Conclusion and recommendations

93. The work of this Preparatory Group was not intended to duplicate that carried out by the 2014–15 Group of Governmental Experts, but rather to build on its findings by recommending substantial elements of a future treaty. In an effort to help expedite eventual negotiations, experts enumerated options for how potential treaty elements could be captured in a treaty and considerations that will need to be brought to bear by negotiators. Accordingly, the members of the Preparatory Group are confident that the content of

this report will supplement document A/70/81 and be a useful resource for negotiators of a future treaty.

94. Experts made substantive headway, notably with regard to the significant analysis of possibilities for the treaty's legal and institutional arrangements. However, it was also clear from the Preparatory Group's deliberations that further work is needed to elaborate the various verification regime models to determine how they might work in practice. Similarly, additional work could usefully be done to assess the resource implications of the possible verification and institutional models. Such work would need to be informed by political considerations and would itself benefit from input from those technical bodies already dealing with related issues. While such work was deemed by experts as worthwhile, they also considered that it should not be regarded as a prerequisite to the immediate commencement of treaty negotiations.

95. In addition, from the outset it was agreed by experts that the Preparatory Group's report would reflect proposed options for treaty elements, rather than attempt to narrow the range of options. Not only did this approach honour the Preparatory Group's mandate, experts agreed it also provided space for constructive deliberations about the implications of all element options, without prejudice to national positions. In this context, experts are confident that the work of the Preparatory Group served to further the understanding of the strategic issues relevant to an FMCT that go to the heart of national security concerns of States. The Preparatory Group displayed a commitment to genuine dialogue among its unique membership, and the inclusivity of this process is a model for other multilateral nuclear non-proliferation and disarmament forums.

96. In addition to the specific recommendations on substantial treaty elements contained in Parts II and III of this report, the Preparatory Group agrees, in accordance with General Assembly resolution 71/259, on the following recommendations:

• The negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices begin without delay in the Conference on Disarmament, and on the basis of CD/1299 and the mandate contained therein

• Further consideration to be given to what measures might facilitate the commencement of negotiations and enhance confidence

• Future treaty negotiators take into account the work of the Group of Governmental Experts and the Preparatory Group as appropriate in their deliberations

• Further expert work be carried out, including in the Conference on Disarmament, to (a) elaborate how the various approaches to verification would work in practice and (b) assess the resource implications associated with the use in a treaty of the various potential elements

• In conveying the work of the Preparatory Group to the Conference on Disarmament, the Secretary-General call upon it to consider and fully examine the Preparatory Group's report

• All States give due consideration to the Preparatory Group's report, which should be read in conjunction with document A/70/81

• The report should be made available to the wider international community including civil society, for example on the websites of the United Nations and the Conference on Disarmament

• Future negotiators should consider gender perspectives/balance, encouraging the participation of women from the technical, scientific and political fields, to ensure their equal contribution to peace and security.

97. Finally, the Preparatory Group agreed that this report represents a significant step forward. Although a diversity of views exist on the content of a future treaty and the options contained in this report, this diversity could be resolved during the process of negotiations. Taken together with the report of the GGE, this report is a contribution to the commencement of negotiations.

Kyoto Appeal. Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament.

[April 2019]

The year 2020 marks the fiftieth anniversary of the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons and the twenty-fifth anniversary of its indefinite extension, which was based on a package of three decisions and the resolution on the Middle East. The Non-Proliferation Treaty is the cornerstone of the global regime for nuclear non-proliferation, nuclear disarmament and international cooperation in the peaceful uses of nuclear energy, and is a fundamental part of the architecture for collective global peace and security, along with norms of the renunciation of aggression, peaceful settlement of disputes and an effective United Nations Security Council.

Looking forward to the 2020 Review Conference of the of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament, meeting in Nagasaki and Kyoto, is deeply concerned about the steadily deteriorating situation for nuclear disarmament, which is endangering international peace and stability.

The Group of Eminent Persons for Substantive Advancement of Nuclear Disarmament therefore urges the international community to reaffirm that:

1. The fundamental commitment remains of the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Non-Proliferation Treaty, and which constitutes one of the pillars of the Non-Proliferation Treaty regime, as elaborated by consensus in 1995, 2000 and 2010 in the final documents of the respective conferences.

The Group of Eminent Persons emphasizes that:

2. A solid foundation for a more stable, safer and prosperous world requires:

(a) Sustaining and preserving bilateral and multilateral nuclear arms control treaties and agreements, including monitoring and verification modalities;

(b) Fulfilling all obligations and commitments under nuclear arms control and disarmament treaties and agreements, and utilizing existing mechanisms to resolve concerns about non-compliance and potentially destabilizing nuclear arms modernization;

(c) Rebuilding civility and respect in discourse and restoring practices of cooperation on nuclear arms control and threat reduction; and

(d) Respecting the contribution of civil society in nurturing mutual understanding and cooperation among conflicting parties, as well as in cultivating innovative ideas to help States to implement nuclear disarmament measures.

The Group of Eminent Persons recommends that, during the proceedings of the 2020 Review Conference:

3. Nuclear-weapon States further explain and share information regarding their nuclear doctrines, deterrence policies, risk reduction measures and security assurances among themselves through the so-called "P-5 process" and in parallel with non-nuclear-weapon States.

The Group of Eminent Persons further recommends that:

4. All States, including non-signatory States to the Non-Proliferation Treaty, contribute to and develop, as needed, forums and processes to address nuclear threat reduction, confidence- and security- building measures and nuclear disarmament verification.

5. To promote confidence and reassurance among themselves, and thereby enhance global security, all States possessing nuclear weapons must:

(a) Explain and discuss their respective security concerns

regarding the force postures of other States possessing nuclear weapons;

(b) Further explain and clarify whether and how their nuclear policies and force postures are consistent with applicable international law, especially international humanitarian law;

(c) Implement measures to ensure the safety and security of their nuclear weapons, weapon-usable nuclear materials and related infrastructure, to the extent possible given their respective international legally-binding nuclear non-proliferation obligations; and

(d) Agree on and implement measures to increase transparency, and predictability and confidence in the non-use of nuclear weapons, and also to reinvigorate nuclear arms control to advance universal nuclear disarmament.

6. All States should explore mechanisms/measures which hold States accountable and liable for any damages to third party States and populations resulting from any transport, deployment or use of nuclear weapons.

7. Nuclear-weapon and non-nuclear-weapon States should promote the realization of legally binding security assurances to non-nuclear-weapon States parties to the Non-Proliferation Treaty and to nuclear-weapon-free zone treaties.

8. Despite the deep differences on the Treaty on the Prohibition of Nuclear Weapons, all States should engage with each other to advance nuclear disarmament.

9. All States should take measures to demonstrate how peace and security can be maintained with reduced reliance on, or without, nuclear weapons.

10. All States should assess how emerging technologies may complicate strategic stability and increase dangers of nuclear-weapons use, and adopt measures to prevent this; civil society should contribute to these efforts.

11. All States should continue to support the Comprehensive Nuclear-Test-Ban Treaty and the Comprehensive Nuclear-Test-Ban Treaty Organization, and the remaining eight Annex 2 States should sign and ratify the Comprehensive Nuclear-Test-Ban Treaty, as applicable, in particular the four Non-Proliferation Treaty States parties signatories to the Comprehensive Nuclear-Test-Ban Treaty whose ratifications are pending.

12. The Group of Eminent Persons welcomes the convening of the conference on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction, to be held at United Nations Headquarters in New York in November 2019, and encourages all concerned States to participate.

13. All States should support the disarmament agenda of the Secretary-General of the United Nations, *Securing Our Common Future: An Agenda for Disarmament*, which highlights the need for a common vision and path to achieve the total elimination of nuclear weapons.

Joint Statement from Civil Society on NPT Review Conference

[11 March 2020]

As the world mobilises in response to the deadly COVID-19 pandemic, we cannot afford to lose sight of the other global challenges that threaten all of us, including the worsening planetary climate emergency and the ongoing threat of catastrophic nuclear war. These are all, in the words of former UN Secretary- General Kofi Annan, "problems without passports".

The scale of the global crisis caused by this pandemic is due to multiple political failures. Time and again, governments and other actors have ignored and dismissed the warnings made by scientists throughout the world about transnational threats and the steps necessary to prevent and/or mitigate the effects. In the case of COVID-19, those warnings were ignored for too long and now it is too late.

We're not only at a pivotal point in the struggle against the fast-moving coronavirus; we are also at a tipping point in the long-running effort to reduce the threat of nuclear war and eliminate nuclear weapons.

Tensions between the world's nuclear-armed states are rising; the risk of nuclear use is growing; billions of dollars are being spent to replace and upgrade nuclear weapons; and key agreements that have kept nuclear competition in check are in serious jeopardy.

One of the many lessons to be learned from this global crisis is that science must not be ignored under the guise of "national security" policies that put profit before people and privilege the most powerful.

As we approach the solemn 75th anniversary of the atomic bombings by the United States of the cities of Hiroshima and Nagasaki, and mark the 25th anniversary of the package of decisions that led to the indefinite extension of the nuclear Non-Proliferation Treaty (NPT), we are also facing postponement of the 2020 NPT Review Conference. It is in this context that the civil society organisations endorsing this statement put forward the following three key messages to NPT states parties:

1. Global support for the NPT is strong, but its long-term viability cannot be taken for granted.

It is encouraging to see that all countries have expressed support for the NPT, including in recent UN Security Council meetings. However, the Treaty is only as strong as its implementation. The longer that consensus-based NPT Review Conference decisions remain unimplemented, the less weight the Treaty and its obligations will have. For the long-term viability of the NPT, all countries must fully implement their obligations. The body of previous NPT Review Conference commitments and action steps still apply. This includes the benchmarks agreed to at the historic 1995 Review and Extension Conference and further commitments made at the 2000 and 2010 Review Conferences. These remain largely unfulfilled, and some are at risk of being reversed or lost entirely, such as the New Strategic Arms Reduction Treaty.

2. The grave state of global affairs and the rising risk of nuclear conflict and arms racing requires new and bolder leadership from responsible states.

Implementing past action plans must be the floor and not the ceiling for taking forward the NPT's provisions. The risk of nuclear weapon use is all too high and is growing, particularly as offensive cyber operations and artificial intelligence introduce unprecedented uncertainty into the global security environment. It is this environment that demands bolder action from all states to reduce nuclear risks by eliminating nuclear weapons; action that is rooted in "deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons". Many countries have demonstrated their commitment to nuclear disarmament by joining the Treaty on the Prohibition of Nuclear Weapons (TPNW). The TPNW is a major contribution to the common goal of eliminating the threat of nuclear war and eliminating nuclear weapons.

3. Those that resist change also say the "environment" is not right for further progress, but responsible actors everywhere are rising to the challenge.

The world cannot wait until the environment is "right" for disarmament. It is true that success in conflict prevention and resolution, control of non-nuclear military capabilities, protection of human rights, climate and environmental protection, and other important endeavors would help to facilitate nuclear disarmament. But taking action for disarmament by negotiating agreements or through unilateral steps helps create an environment for achievement of a world free of nuclear weapons while building a climate of mutual trust that will positively contribute to solving the world's other pressing problems.

The postponement of the 2020 NPT Review Conference offers an unprecedented opportunity to change the current course, move beyond bitter politicisation, and focus efforts to bring about the end of nuclear weapons.

The 90 undersigned organisations call on NPT states parties and the international community to utilise this additional time wisely. The current situation requires new and bolder leadership from responsible states to work together to build majority support for a plan of action to advance NPT Article VI goals and create much needed momentum for further progress on disarmament, and to

save humanity from the scourge of nuclear war.

More in-depth analysis and recommendations for NPT states parties' consideration over the next few months is provided following the list of endorsing organizations, to help in preparation for the Review Conference and to advance nuclear disarmament and non-proliferation.

Joint Ministerial Statement. Capturing Technology. Rethinking Arms Control

[6 November 2020]

We, the Foreign Ministers of the Czech Republic, the Republic of Finland, the Federal Republic of Germany, the Kingdom of the Netherlands and the Kingdom of Sweden, convened today at the occasion of the conference "2020. Capturing Technology. Rethinking Arms Control" to promote new and effective approaches to arms control that can contribute to international security and stability in the 21st century.

We are concerned by the unravelling of international arms control arrangements which have over the past decades been cornerstones of international and European security. We are mindful of the speed of technological developments in key areas such as artificial intelligence, biotech, cyber, missile technology and quantum computing, that add new dimensions and complexities to world security and future conflict scenarios.

While we recognize the great potential for human progress and economic growth inherent in the application of new technologies, as well as potential benefits for the verification of arms control arrangements, we are also aware of the mounting risks for international peace and stability created by the potential misuse of new technologies. We note with concern the growing risk of a destabilizing arms race between major military powers, which is exacerbated by the new military capabilities based on new technologies.

In the framework of the Global Strategy for the European Union's Foreign and Security Policy, we affirm that the European Union, acting as a community of values and as a security community for all EU citizens, must lay the foundations for peace and stability for future generations.

The European Union must equally defend its own founding values – human dignity, freedom, democracy, equality, the rule of law and respect for human rights – as well as multilateralism and the rules based international order.

To these ends, the undersigned Foreign Ministers will work together to strengthen the role of the EU in promoting arms control for a new technological age by

- renewing commitment to the goal of an effective global arms control architecture firmly anchored in international law, including human rights law and international humanitarian law, and multilateral decision-making,
- enhancing our common understanding of the existing and potential risks as well as the benefits of the military use of new technologies,
- advancing the development of effective arms control solutions that aim to mitigate the possible risks of the military use of new technologies while also utilising their potential to enhance the effectiveness of existing arms control arrangements, inter alia by providing more effective tools for verification,
- reconfirming the responsibility of states to ensure that all development, deployment and use of new weapon systems is in line with international humanitarian law,
- proposing a strategic EU process on the responsible military use of new technologies including artificial intelligence and on guidance to defence related innovation,
- developing effective global multi-stakeholder formats involving academia and industry to ensure the principles of responsible innovation are respected by research, development and commerce and building on the work of the European Union's Global Tech Panel,
- considering improved measures preventing proliferation of sensitive new technologies to illegitimate non-state actors such as terrorists,
- harnessing the full potential of European diplomacy in taking forward multilateral arms control discussions focusing on the military use of new technologies,
- supporting independent research including by the European Non Proliferation Consortium analyzing the risks and opportunities of the military use of new technologies for international security and stability and developing new and effective arms control solutions.

NPDI Recommendations for consideration by the tenth Review Conference of the Parties to the Treaty on the Non Proliferation of Nuclear

[NPT/CONF.2020/WP.10, 10 September 2021]

1. As expressed in the ministerial statement issued in Nagoya, Japan, on 23 November 2019, the Non-Proliferation and Disarmament Initiative is committed to actively contributing to the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. To this end, the Initiative has submitted working papers for the meetings of the current Non-Proliferation Treaty review cycle on transparency, the Comprehensive Nuclear-Test-Ban Treaty, a fissile material cut-off treaty, de-alerting, the Democratic People's Republic of Korea, disarmament and non-proliferation education, safeguards, the peaceful uses of nuclear energy, withdrawal from the Non-Proliferation Treaty and strengthening the Non-Proliferation Treaty review process.

2. The recommendations below are largely based on those working papers.

3. A diversity of views and geographical regions are represented within the Initiative. The recommendations in the present paper reflect the common commitment of the members of the Non-Proliferation and Disarmament Initiative to the Non-Proliferation Treaty, which is the cornerstone of the global nuclear non-proliferation and disarmament regime and the basis for cooperation in the peaceful uses of nuclear energy and technology. The Initiative considers the three pillars of the Treaty to be interdependent and mutually reinforcing. The recommendations are aimed at contributing to forward-looking, balanced and substantive outcomes to the tenth Review Conference.

Recommendations

4. Emphasizing that commitments and agreements made by States parties during previous review conferences remain valid and that efforts of States parties should build upon those commitments and agreements, the Non-Proliferation and Disarmament Initiative makes the following recommendations.

Pillar I. Disarmament

1. Implementation of article VI of the Non-Proliferation Treaty

5. The Conference attach particular importance to the implementation of article VI of the Non-Proliferation Treaty. In this regard, the implementation of action 5 of the 2010 action plan could contribute towards accelerated concrete progress on nuclear disarmament in a way that promotes international stability, peace and undiminished and increased security

6. In line with existing commitments, as reflected in the Final Document of the 2000 Review Conference and the 2010 action plan, the Conference call upon nuclear-weapon States, inter alia, to:

- Discuss, rapidly agree and implement concrete measures of progress and targets to ensure further reductions in the global stockpile of all types of nuclear weapons, regardless of their type or location, leading to their total elimination and the achievement and maintenance of a world free of nuclear weapons;
- Reaffirm, with concrete actions, the undertaking not to

increase nuclear weapon arsenals;

• Discuss and agree how to implement and devise tangible measures to reduce the risks posed by nuclear weapons with a view to their total elimination;

• Engage in activities which increase confidence and transparency;

• Review their nuclear doctrines with the aim of increasing predictability, crisis stability and avoidance of miscalculations. The review should emphasize concrete steps to further reduce the operational status, role and significance of nuclear weapons and be made publicly available in order to facilitate dialogue with non-nuclear-weapon States;

• Support efforts and initiatives that promote the participation of civil society, including research centres and academia, in raising public awareness on the urgency and importance of nuclear non-proliferation and disarmament;

7. The nuclear-weapon States are called upon to report on the above to the Non-Proliferation Treaty Preparatory Committee in 2024. The 2025 Review Conference will take stock and consider the next steps for the full implementation of article VI of the Treaty;

8. In addition, the Conference welcome the extension of the new Strategic Arms Reduction Treaty (New START Treaty) and encourage continued dialogue among nuclear-weapon States aimed at the expansion of such arrangements to contribute to strategic stability. The Conference also welcome the statements made by some permanent members of the Security Council on the principle that a nuclear war cannot be won and should not be fought, and encourage a joint Permanent Five statement on such issue.

2. Transparency

9. The Conference welcome the Non-Proliferation Treaty implementation reports submitted by States parties and reiterate that the principle of transparency, together with those of irreversibility and verifiability, is indispensable for nuclear disarmament and underpins the other two principles;

10. The Conference stress that increased transparency, through the enhancement of the reporting mechanism, the submission of national implementation reports and the discussion of those reports, helps to build confidence and trust and establishes common ground that can facilitate nuclear disarmament, including through further reductions in nuclear weapons towards their total elimination;

11. The Conference emphasize that transparency is important in reviewing the comprehensive implementation of the Non-Proliferation Treaty. In the absence of a specific accountability mechanism for nuclear disarmament obligations under the Treaty, robust reporting can provide greater transparency and accountability within the Treaty review process;

12. The Conference resolve that all States parties report during a Non-Proliferation Treaty review cycle with accurate, up-to-date and complete information on their fulfilment of obligations and commitments under the Treaty. Nuclear-weapon States and those with significant peaceful nuclear capabilities should report at least twice in a Treaty review cycle. The Conference notes, in this regard, that standardized reporting templates have been developed by various States parties for broader use;

13. The Conference further call upon nuclear-weapon States to improve the transparency of information related to their nuclear weapons, without prejudice to the national security of those States. This information includes the number, type and status of nuclear warheads, the number and types of delivery vehicles, the amount of fissile material produced for military purposes, measures taken for risk reduction and measures taken to reduce the role and significance of nuclear weapons;

14. The Conference agree that future preparatory committees and review conferences, starting with the 2025 review cycle, will allocate time to discuss the reports by all States parties and that at least one preparatory committee session in the review cycle will allocate time specifically to discuss the reports of nuclear-weapon States;

15. The Conference also encourage nuclear-weapon States to use all available opportunities and channels to further explain and share information regarding topics covered in their respective reports;

16. The Conference call upon nuclear-weapon States to continue efforts to agree on a standard reporting form in accordance with action 21 of the 2010 action plan. This reporting form would build on the "common framework" developed by nuclear-weapon States and take into account various reporting aids developed by States parties.

3. Fissile material cut-off treaty

17. The Conference acknowledge that the long-awaited commencement of negotiations on a fissile material cut-off treaty could make a substantial and concrete contribution towards nuclear non-proliferation in all its aspects, the implementation of article VI of the Non-Proliferation Treaty and, ultimately, a nuclear-weapon-free world. The Conference confirm that the early commencement of fissile material cut-off treaty negotiations is a shared priority for all States parties to the Treaty and, more generally, for the international community;

18. The Conference recognize the work that has been undertaken with the aim of facilitating future negotiations on a fissile material cut-off treaty, including the consensus report of the high-level fissile material cut-off treaty expert preparatory group released in July 2018 and efforts within the Conference on Disarmament;

19. The Conference reiterate the calls to the Conference on Disarmament to start negotiations on a fissile material cut-off treaty without delay or preconditions, and call upon States parties to undertake further work to facilitate the successful conclusion of such a treaty, either in advance of or in parallel to negotiations.

4. Comprehensive Nuclear-Test-Ban Treaty

20. The Conference call for the prompt entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States that have yet to ratify the Treaty to do so without delay, particularly the remaining eight States listed in its annex 2;

21. The Conference reiterate that ratification by nuclear-weapon States that have yet to do so would provide further impetus towards the entry into force of the Comprehensive Nuclear-Test-Ban Treaty and strengthen confidence;

22. The Conference also reiterate that nuclear-weapon States have a particular responsibility to encourage ratification of the Comprehensive Nuclear-Test-Ban Treaty, and call upon them to take actions in this regard;

23. The Conference resolve that all States parties uphold and maintain a moratorium on nuclear-weapon test explosions and any other nuclear explosions, pending the entry into force of the Treaty, as well as refrain from acts that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty;

24. The Conference encourage all States parties to assist the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in its work in preparing for the entry into force of the Treaty. This includes the early completion, provisional operation and maintenance of the International Monitoring System, which serves as an effective, reliable, participatory and non-discriminatory element of the global verification and compliance regime of the Treaty.

5. Nuclear risk reduction

25. The Conference recognize that efforts towards nuclear risk reduction, as an interim measure pending the total elimination of nuclear weapons, should contribute to preserving and promoting international peace and security and to building the trust and confidence conducive to cooperation. Risk reduction does not legitimize the continued existence of nuclear weapons nor does it provide a substitute for tangible progress in fulfilling nuclear disarmament obligations under the Treaty. The Conference emphasize that nuclear risk reduction should complement and be coupled with sustained efforts towards nuclear disarmament;

26. The Conference welcome the work on nuclear risk reduction by international bodies, such as the Disarmament Commission, the efforts of the Conference on Disarmament and institutions such as the United Nations Institute for Disarmament Research.

27. The Conference, in addition, acknowledge the increased attention given to nuclear risk reduction during the current Non-Proliferation Treaty review cycle, as expressed by the work of think tanks, academics and States parties and their groups, such as the

Non-Proliferation and Disarmament Initiative, the Creating an Environment for Nuclear Disarmament initiative and the Stockholm Initiative on Nuclear Disarmament stepping stones;

28. The Conference encourage further work in this area towards the elaboration of practical nuclear risk reduction measures, recognizing, inter alia, the relevance of the following:

– Sustained efforts to enhance transparency on nuclear arsenals;

– Pursuit of early conflict prevention and resolution in relation to nuclear threats;

– Intensified dialogue, both among nuclear-weapon States and between nuclear-weapon States and non-nuclear-weapon States, on risk perceptions, nuclear doctrines, and forces postures;

– Declaratory restraint and efforts to reduce perceived ambiguity and entanglement between nuclear and conventional weapons;

– Negative security assurances;

– De-alerting and reductions in the operational status of nuclear weapons systems;

– Notification and data exchange agreements;

– Minimizing vulnerabilities related to potentially disruptive new technologies and cybercapacities;

– Enhanced military-to-military contacts and the establishment of crisis-proof communication lines and risk-reduction centres;

– Prevention of unintended or accidental use;

– Further investigation of operational uncertainties, pathways to nuclear use, sharing of best practices and de-escalation pathways.

6. Nuclear disarmament verification

29. The Conference emphasize the importance of nuclear disarmament verification as an effective step towards the implementation of article VI of the Non-Proliferation Treaty, reflecting that such verification is essential to ensure full compliance and to build the trust and confidence between parties to nuclear arms control and disarmament agreements. Nuclear disarmament verification further enables States to take appropriate and timely action in case of non-compliance. The Conference reaffirm that nuclear disarmament verification is essential for nuclear disarmament.

30. The Conference welcome the work undertaken by the Group of Governmental Experts established under General Assembly resolution 71/67 to consider the role of verification in advancing nuclear disarmament, and the adoption by the Assembly of resolution 74/50, by which it established a group of governmental experts to further consider nuclear disarmament verification issues;

31. The Conference further note the contributions of activities and initiatives on this matter, such as those carried out in the framework of the International Partnership for Nuclear Disarmament Verification;

32. Therefore, on the basis of commitments made by the States parties in the Final Document of the 2000 Review Conference and in the 2010 Review Conference action plan, the Conference encourage further conceptual and practical work on nuclear disarmament verification. In this regard, the Conference highlight the importance of maximum inclusivity, of partnerships between nuclear-armed States and non-nuclear-weapon States in nuclear disarmament verification and of capacity-building and confidence-building measures, including transparency.

7. Humanitarian impact of nuclear weapons

33. The Conference reiterate its deep concern about 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 States that nuclear weapons never be used again and that the recognition of the catastrophic humanitarian impact of nuclear weapons underpins our efforts to achieve nuclear disarmament, as stipulated in the preamble of the Treaty;

34. 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 the *hibakusha* (those who have suffered the use of nuclear weapons) into multiple languages;

35. The Conference emphasize that the discussion on this issue must be inclusive and universal and reaffirm the importance of further deepening our understanding of the humanitarian consequences of nuclear weapons using fact-based scientific studies;

36. The Conference be mindful that no national or international response capacity exists that would adequately respond to the human suffering and humanitarian harm that would result from a nuclear weapon explosion in a populated area, and that such capacity most likely will never exist;

37. The Conference invite the world's political leaders, young people and others to visit and have interactions with communities that have been affected by nuclear weapons, including Hiroshima and Nagasaki, to personally witness the humanitarian consequences of nuclear weapons.

8. Disarmament and non-proliferation education

38. The Conference underscore the importance of disarmament and non-proliferation education as a useful and effective means to advance the goals of the Treaty in support of achieving a world without nuclear weapons. The Conference recognize that it is vital to seek the most effective ways to raise public awareness of disarmament and non-proliferation among all people, regardless of age, gender and nationality;

39. The Conference consider that disarmament and non-proliferation education should be apolitical and aim to foster and nurture critical thinking, skills and knowledge that would enable people to engage actively in the advancement of nuclear disarmament and non-proliferation;

40. The Conference acknowledge that disarmament and non-proliferation education require collective efforts that include all parts of society, including educational institutions, academia, think tanks and research institutes, the scientific community and centres of excellence, as well as all levels of government, international organizations, civil society, the private sector and the media;

41. The Conference call upon States parties to take concrete measures to promote nuclear disarmament and non-proliferation education, including promoting and facilitating meaningful dialogue and redoubling efforts to implement the relevant recommendations contained in the report of the Secretary-General (A/57/124), as called for in action 22 of the 2010 Review Conference action plan, and bearing in mind developments in information technology and in advancing gender equality;

42. The Conference encourage regular exchanges on this issue, including the sharing of good practices, and invite States parties to share such experiences.

Pillar II. Nuclear non-proliferation

9. Safeguards

43. The Initiative recommends that:

44. The Conference recognize the essential role of the International Atomic Energy Agency (IAEA) in verifying the non-diversion of declared nuclear material, as well as the absence of undeclared nuclear material and activities, and consider the IAEA comprehensive safeguards agreement, in combination with an additional protocol, to be the current international verification standard under article III of the Non-Proliferation Treaty;

45. The Conference welcome the fact that 175 States have brought into force comprehensive safeguards agreements with IAEA, that, since May 1997, the IAEA Board of Governors has approved additional protocols (see INFCIRC/540 (Corrected)) to the comprehensive safeguards agreements for 152 States and that additional protocols are currently being implemented in 136 States. The Conference further welcome the increasing number of additional protocols in force, as these contribute to global nuclear non-proliferation objectives and strengthen the effectiveness and

efficiency of IAEA safeguards;

46. The Conference note that IAEA provides increased assurances regarding both the non-diversion of nuclear material placed under safeguards and the absence of undeclared nuclear material and activities for States with both a comprehensive safeguards agreement and an additional protocol in force. The Conference urge remaining States that have not yet amended their small quantities protocol to accelerate efforts in this respect or to apply the comprehensive safeguards agreement in full;

47. The Conference, bearing in mind the importance to non-proliferation and disarmament of universalizing the safeguards regime, urge States that have not yet done so to conclude and ratify both a comprehensive safeguards agreement and an additional protocol without delay and to implement them provisionally pending their entry into force;

48. The Conference emphasize that the safeguards system provided under article III of the Non-Proliferation Treaty should evolve when necessary to maintain its effectiveness as a tool for the prevention of diversion of nuclear energy from peaceful uses;

49. The Conference further emphasize that only the combination of a comprehensive safeguards agreement and an additional protocol is adequate for effectively implementing safeguards and therefore achieving the objective set out under article III of the Non-Proliferation Treaty;

50. The Conference call upon States parties to discuss ways in which they can support IAEA efforts to increase the number of additional protocols in force, for example, through outreach and by providing assistance or engaging in capacity-building activities, where possible. States parties should consider how regional structures and organizations can play a role in this regard;

51. The Conference welcome the continued evolution of both effective and efficient safeguards and support progress made by IAEA to effectively develop and implement State-level safeguards approaches;

52. The Conference emphasize that, while using nuclear material for peaceful purposes, States parties are required to comply with their non-proliferation obligations under article III of the Non-Proliferation Treaty to prevent the diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices.

10. Nuclear safety

53. The Conference reaffirm that the use of nuclear technology must be accompanied, at all its stages, by commitments to and ongoing implementation of the highest standards of safety, as well as effective safeguards consistent with the national legislation and respective international obligations of States;

54. The Conference emphasize the importance of the development, implementation and continuous improvement of appropriate legal and regulatory infrastructure as well as efforts and investments in education, training and human resource development to strengthen nuclear safety;

55. The Conference underline the central role of IAEA in enhancing global nuclear safety, encourage all States parties to become party to the Convention on Nuclear Safety and to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and urge contracting parties to fulfil their obligations under the Convention and the Joint Convention.

11. Negative security assurances and nuclear-weapon-free zones

Negative security assurances

56. The Conference recognize that reaffirming and strengthening negative security assurances would help to improve the overall security environment and strengthen confidence in the non-proliferation regime;

57. The Conference also recognize that the only absolute guarantee against the use or threat of use of nuclear weapons is their total elimination. Negative security assurances are not to be seen as ends in themselves but as interim steps towards the shared goal of a world without nuclear weapons;

58. The Conference take note of the relevant work undertaken by the Conference on Disarmament. The Conference, in accordance with the commitments made by States parties in previous review conferences, note that various aspects of negative security assurances merit further consideration, recognizing the legitimate interests of non-nuclear-weapons States in receiving unequivocal and legally binding security assurances.

Nuclear-weapon-free zones

59. The Conference reaffirm the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament and non-proliferation;

60. The Conference encourage nuclear-weapon States to take all measures necessary to bring into force the pending protocols to the nuclear-weapon-free zone treaties;

61. The Conference call upon all nuclear-weapon States to review 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, with an aim to their withdrawal;

62. The Conference note the conference process on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction and encourage countries of the Middle East to continue dialogue in this regard, as agreed in the 1995 resolution on the Middle East and at the 2010 Review Conference;

63. The Conference support efforts to enhance the institutionalization, cooperation and consultations among the existing nuclear-weapon-free zones, including Mongolia.

12. Democratic People's Republic of Korea

64. The Conference reaffirm the commitment of the States parties to the international community's goal of the complete, verifiable and irreversible dismantlement of all weapons of mass destruction and ballistic missiles of all ranges of the Democratic People's Republic of Korea, as well as its related programmes and facilities, in accordance with Security Council resolutions;

65. The Conference call upon all members of the international community to fully implement relevant Security Council resolutions and strongly urge the Democratic People's Republic of Korea to return to compliance with its IAEA safeguards agreement and the Non-Proliferation Treaty.

Pillar III. Peaceful uses

13. Peaceful uses

66. The Conference reaffirm article IV of the Treaty, which stipulates that nothing in the Treaty shall be interpreted as affecting the inalienable right of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty;

67. The Conference acknowledge the progress made on the peaceful uses and applications of nuclear technology and their potential to help to fulfil a wide variety of basic human development needs worldwide;

68. The Conference further acknowledge the role of peaceful uses and applications of nuclear technology in supporting States parties in the implementation of the 2030 Agenda for Sustainable Development and specific Sustainable Development Goals, including in the areas of human and animal health, nutrition, food and agriculture, water resource management, environment, industry, materials and energy;

69. The Conference encourage States parties to support the expansion of the benefits of the peaceful uses of nuclear technology to their fullest potential, including where possible or desirable through incorporation into national development plans;

70. The Conference acknowledge that IAEA has an important role in assisting States parties in the safe and secure application and uses of nuclear technology and in assisting States parties with climate change adaption and mitigation through the peaceful use of

both power and non-power nuclear applications;

71. The Conference encourage IAEA, its member States and development partners to work together to advance the recognition of nuclear science and technology as a tool for development within the development framework;

72. The Conference acknowledge the importance of communicating effectively and raising public awareness of the benefits of the peaceful uses of nuclear technology;

73. The Conference encourage IAEA and its member States to further promote those benefits and to share knowledge and technology in the field of peaceful uses of nuclear energy;

74. The Conference acknowledge the importance of bilateral, regional and multilateral cooperation in strengthening and enlarging the contribution of nuclear technology to peace, health and prosperity;

75. The Conference further acknowledge the need for all stakeholders to work together to bridge the gaps in nuclear science and technology among IAEA member States, taking into account and emphasizing the importance of the specific needs of developing countries, including those of least developed countries;

76. The Conference recognize that regions face different challenges that may be best addressed through regional cooperative arrangements, such as those among States parties in Asia and the Pacific, Arab States, Latin America and the Caribbean and Africa, which can be effective in providing assistance and facilitating technology transfer, complementing and enhancing the technical cooperation activities of IAEA in individual countries and promoting South-South and triangular cooperation;

77. The Conference encourage States parties that have not yet done so to consider joining international legal instruments on civil liability for nuclear damage and adopting suitable national legislation in this regard.

14. Nuclear security

78. The Conference acknowledge achievements and remain committed to sustaining and strengthening the effective and comprehensive nuclear security of all nuclear and other radioactive material and facilities;

79. The Conference acknowledge existing and emerging nuclear security threats and States parties commit to addressing such threats;

80. The Conference reaffirm the importance of the physical protection of nuclear and other radioactive material, technology and facilities as a key element of nuclear security, and underline the need to take measures to identify and address new and evolving challenges and risks, including cyberattacks;

81. The Conference emphasize the central role of IAEA in strengthening nuclear security globally and facilitating and coordinating international cooperation in this regard;

82. The Conference encourage States parties to support the IAEA work in assisting countries in establishing and improving effective and sustainable national nuclear security regimes, including through guidance development, advisory services and capacity-building and, accordingly, its central role in facilitating and coordinating international cooperation to strengthen nuclear security, as well as its role in facilitating, as appropriate, regional activities;

83. The Conference welcome the fact that, since the previous Review Conference, several States parties have become parties to the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, which entered into force in 2016. The Conference urge all parties to those conventions to fully and effectively implement their obligations thereunder and further encourage all States parties that have not yet done so to become parties to those conventions as soon as possible;

84. The Conference call upon all States parties to achieve and maintain the highest standard of nuclear security and welcome international and regional cooperation to enhance nuclear security, including through training and capacity-building opportunities, such as those provided by national and regional centres of excellence and Nuclear Security Training and Support Centres;

85. The Conference highlight the ministerial-level IAEA International Conference on Nuclear Security held in 2020 as a milestone event, for the sharing of knowledge and experience and promoting cooperation for and political commitment to nuclear security.

15. Strengthening the review process

86. The Conference reaffirm the purpose of the review process as set out in the relevant decisions of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the 2000 Review Conference;

87. The Conference acknowledge that the review process for the Treaty has generally served States parties well, and recognize that there is scope to improve the overall effectiveness, transparency, inclusivity, efficiency and responsiveness of the review process;

88. The Conference emphasize that actions to strengthen the review process are no substitute for making progress on substantive outcomes and that the goal of reviewing the Non-Proliferation Treaty working methods should be to facilitate substantive, transparent and inclusive dialogue, thereby contributing to efficient work within review conferences and, ultimately, the effective implementation of the Treaty;

89. The Conference decide to establish a working group on further strengthening the review process of the Treaty, open to all States parties;

90. The Conference also decide that the working group will: meet in 2021 for two sessions of one week each in Geneva and New York, to discuss and, where appropriate, decide on improvements to the Non-Proliferation Treaty review process that would increase its effectiveness, efficiency, transparency and accountability throughout the review cycle; and operate according to the rules of procedure of the tenth Review Conference, which will be applied mutatis mutandis.