**Compilation of amendments received from States on the revised draft submitted by the President dated 30 June 2017**

**A/CONF.229/2017/CRP.1/Rev.1**

**ARGENTINA**

**Article 5**

Each State Party undertakes to accept the verification procedures carried out by the Comprehensive Nuclear Test Ban Treaty Organization in order to verify compliance under Article 1 regarding the prohibition of any nuclear weapons test explosions.

**BRAZIL**

**Article 10**

**Costs**

1. The costs of the Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Treaty participating therein, 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 11]** of this Treaty shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

**[2bis: The costs related to the implementation of verification measures required under Article 4 shall be borne by the States Parties to which they apply.]**

**COSTA RICA**

New draft article 11 (Amendments), paragraph 5:   
  
5.        The amendment shall enter into force for each State Party that deposits its instrument of ratification or acceptance of the amendment ninety days following the deposit of such instruments of ratification or acceptance by a majority of the number of States Parties at the time of adoption of the amendment. Thereafter, it shall enter into force for any other State Party ninety days following the deposit of its instrument of ratification or acceptance of the amendment.

**ECUADOR**

We are proposing two alternative paragraphs, either one would be a new number 3 under article 1.

**Article 1…**

3. Each State Party shall not allow the transit of its territory by land or internal waterways or through its airports or seaports of nuclear weapons or other nuclear explosive devices.

Each State Party undertakes not to permit visits to its ports and airfields by foreign ships and aircraft carrying nuclear weapons or other nuclear explosive devices, transit of its airspace by foreign aircraft carrying such weapons or explosive devices, and navigation through its territorial sea or archipelagic waters by foreign ships carrying such weapons or explosive devices without prejudice to freedom of the high seas, rights of innocent passage, archipelagic sea lanes passage or transit passage of ships and aircraft.

**Article 18**

**Duration**

This Treaty shall be of unlimited duration and cannot be the object of denunciation or withdrawal.

**FIJI**

The intention is to strengthen the text by ensuring that the burden rests on the polluters in the so called 'polluter pay principle'

Given that the Pacific was the ground of more than 300 tests which caused unnecessary burden and inconvenience in many ways as had been raised numerous times earlier, the Pacific (unlike other parts of the world) feels that due consideration should be given to the victims and the environment and the text should specify clearly the burden which vests on the nuclear powers . This received enormous support from other delegates. Vietnam being the ground of real use also raised similar sentiments likewise Egypt, Ecuador and other delegates in the room.

**Article 7**

**Victims assistance and environment remediation**

* We would like to see deletion of the phrase **"in a position to do so."** as has already been mentioned by several delegations.

We would like to add that ideally, specific victim assistance measures would be enumerated also.

On paragraph 2, we would like to add the following addition to the existing text on environment remediation. Our changes are shown in bold:

Environmental remediation:

[*Note: Rationale for this intervention: Art. 7(2) currently merely establishes a right for states to seek and receive assistance for environmental remediation. It does not create any obligation to remediate it.]*

While we would prefer to see specific measure enumerated, we would like to recommend the following language.  The changes to the current text are in bold:

**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 to ensure**environmental remediation of areas so contaminated.

We also propose new language relevant to addressing the particular position of some affected states who did not have control over what happened to them as also supported by a number of delegation:

The following new language could be added to Article 7 to recognize that user states have a moral duty to help affected states parties meet their obligations:

*We suggest the following new text as paragraph 3:*

**"3. States Parties shall strongly encourage States that have used or tested nuclear weapons or other nuclear explosive devices to provide assistance for remediation of contamination that they have caused."**

**IRAN**

# Article 1

**General obligations**

1. Each State Party undertakes never under any circumstances to:
2. Develop, produce, manufacture, otherwise acquire, possess**, retain** or stockpile nuclear weapons or other nuclear explosive devices**, or transfer, directly or indirectly, such weapons or explosive devices to anyone**;
3. ~~Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly~~; *Delete subparas (a) and (b) and incorporate the element of TRANSFER in subpara (a). They imply there are two categories of membership in the treaty with different general obligations.*
4. ~~Receive the transfer or control over nuclear weapons or other nuclear explosive devices directly, or indirectly~~;
5. Use **or threaten to use** nuclear weapons;
6. Carry out any nuclear weapon test **including test** explosion or any other nuclear explosion**, subcritical testing and computer simulations**;

*The original language of subpara (f) in the text only bans nuclear test explosions and provides a loophole with which NWS with adequate technology could continue to improve their arsenals with subcritical testing and computer simulations.*

1. Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty;
2. ~~Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Treaty.~~*Delete. It suggests that there are two categories of membership in the treaty with different general obligations. The retention of subpara (g) is enough.*
3. ~~Each State Party undertakes to prohibit and prevent in its territory or at any place under its jurisdiction or control:~~*Delete*
4. **permit** Any stationing, installation or deployment **or transit** of any nuclear weapons or other nuclear explosive devices **in its territory or at any place under its jurisdiction or control**;
5. **permit** Any nuclear weapon test **including test** explosion or any other nuclear explosion**, subcritical testing and computer simulations** **in its territory or at any place under its jurisdiction or control**.

**2.** **Each State Party undertakes to destroy all nuclear weapons and nuclear weapons production facilities it owns or possesses.**

*Article 1 sets out the scope of the treaty and serves as the reference for the provisions in other Articles. Article 4 specifies an obligation for destruction of nuclear weapons while there is no specific reference to such obligation in the scope of the treaty. Therefore, in order to avoid any misinterpretation and creation of potential loophole in the treaty,**the obligation to destroy nuclear weapons and their production facilities should be included in the scope of the treaty namely Article 1, as a basis for measures in Article 4.*

**Article 6: National implementation**

1. Each State Party shall, in accordance with its constitutional processes, ~~adopt the necessary~~ **take appropriate** 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 7: Victim assistance and environmental remediation**

1. Each State Party in a position to do so shall, with respect to individuals affected by the use or testing of nuclear weapons in areas under its jurisdiction or control, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, 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 have the right to~~ **may** request and ~~to~~ receive assistance toward the environmental remediation of areas so contaminated.

**Article 8: International cooperation**

1. Each State Party shall cooperate with other States Parties**, upon request,** to facilitate the implementation of the obligations of this Treaty.

2. In fulfilling its obligations under this Treaty**,** each State Party ~~has the right to~~ **may** seek and receive assistance.

3. Assistance under Article 7 may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, nongovernmental organizations or institutions, the International Committee of the Red Cross, or on a bilateral basis.

**Article 9: 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 and on the further ~~elaboration of effective~~ measures for nuclear disarmament, including:

(a) The implementation and status of this Treaty;

(b) Matters arising from the **affirmative** declarations submitted under Article 2 of this Treaty;

(c) Matters pertaining to the implementation of Article 4;

(d) ~~Proposals for~~ effective measures relating to ~~nuclear disarmament, including provisions for~~ the verified, time-bound and irreversible elimination of nuclear weapon programmes **and nuclear weapon production facilities**, including additional protocols to this **Treaty** ~~submitted pursuant to Article 5~~;

(e) Matters relating to assistance in accordance with Articles 7 and 8;

(f) Matters relating to costs in accordance with Article 10;

(g) Proposals for amendments submitted in accordance with Article 11;

~~(h) The settlement of disputes in accordance with Article 12;~~

(i) Proposals and measures to promote universality in accordance with Article 13;

(j) Any other matters relating to the implementation of the Treaty;

~~(k) The performance of any other function consistent with 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. Extraordinary meetings of States Parties shall be convened, as may be deemed necessary, by the Secretary-General of the United Nations ~~at the request of States Parties, or~~ at the written request of any State Party provided that this request is supported by at least one-third of the States Parties.

3. After a period of six years following the entry into force of this Treaty, the Meetings of States Parties shall convene a conference to review progress in achieving the purposes of this Treaty ~~and other related matters~~. The Secretary-General of the United Nations shall convene further review conferences at intervals of six years with the same objective ~~of reviewing progress in achieving the purposes of the Treaty~~, if the States Parties so decide.

4. States not party to this Treaty, as well as the United Nations, 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.

**5. Every effort should be made to reach agreement on substantive matters by means of consensus. If agreement is not reached, 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. Rule 27 of the NPT REVCON**

**Article 10: Costs**

1. The costs of the Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Treaty participating therein **as observer**, in accordance with the United Nations scale of assessment adjusted appropriately.

~~2. The costs incurred by the Secretary-General of the United Nations under Articles 2, 4 and 11 of this Treaty shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.~~

**Article 11: Amendments**

1. At any time after the entry into force of this Treaty any State Party may propose amendments to this 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 an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than ninety days after its circulation that they support further consideration of the proposal, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not party to this Treaty, as well as the United Nations, 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 an Amendment Conference as observers.

~~3. At the Meetings of States Parties or Review Conferences, in accordance with its rules of procedure, consideration may also be given to any proposal by any State Party for amendments to this Treaty.~~

4. An Amendment Conference~~, a Meeting of States Parties or 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.

5. The amendment shall enter into force for each State Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of the States Parties. Thereafter, it shall enter into force for any other State Party upon the deposit of its instrument of ratification of the amendment.

**Article 12: 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 ~~expeditious~~ 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**~~, including recourse to the Meetings of States Parties and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court~~.

~~2. The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including 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.~~

**Article 13: Universality**

Each State Party shall encourage States not party to this Treaty to ratify, accept, approve or accede to this Treaty, with the goal of attracting the adherence of all States to this Treaty.

**Article 14: Signature**

This Treaty shall be open for signature to all States **in New York, at the United Nations headquarters, from 20 September 2017 to 30 December 2018**.

**Article 15: Ratification, acceptance, approval or accession**

This Treaty shall be subject to ratification, acceptance or approval by signatory States. This Treaty shall be open for accession.

**Article 16: Entry into force**

1. This Treaty shall enter into force ninety 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 fortieth instrument of ratification, acceptance, approval or accession, this Treaty shall enter into force ninety days after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

**Article 17: Reservations**

The Articles **1, 2, 3 and 4** of this Treaty shall not be subject to reservations.

**Article 18: 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 the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. 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.

~~3. Such withdrawal shall only take effect three months after the date of the receipt of the notification of withdrawal by the Depositary. If, however, on the expiry of that three-month period, the withdrawing State Party is engaged in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article 1 of Additional Protocol I to these Conventions, the State Party shall continue to be bound by the obligations of this Treaty and of any additional protocols until the end of the armed conflict or occupation.~~

**Article 19: Relations with other agreements**

The implementation of this Treaty shall not prejudice **nuclear disarmament and non-proliferation** obligations undertaken by States Parties with regard to existing or future international **or regional** agreements, to which they are parties, where those obligations are consistent with this Treaty.

**Article 19Bis: Peaceful uses of nuclear energy**

**Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination** **and to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, as well as their activities for detection, protection and decontamination purposes.**

**Article 20: Depositary**

The Secretary-General of the United Nations is hereby designated as the Depositary of this Treaty.

**Article 21: Authentic texts**

The Arabic, Chinese, English, French, Russian and Spanish texts of this Treaty shall be equally authentic.

**IRELAND**

In Article 11, we welcome the detailed provisions added in the revised text, which we understand are in line with standard treaty provisions regarding amendments. The possibility of an Amendment Conference is also common in treaty practice and might be relevant in case of amendment proposals that would alter the scope or content of core provisions of the Treaty. While understanding the utility of such an option, my delegation would also flag the financial implications of an Amendment Conference, in terms of costs to be borne by States Parties.

In paragraph 4, we welcome that the majority required for the adoption of an amendment is that of two thirds of the total number of States Parties, as opposed to those present and voting.

In paragraph 5, we would welcome clarification of the point of reference for the calculation of the majority required for the entry into force of an amendment –States Parties at the time of adoption of the amendment or at the time of submission of the instrument of ratification- as recommended by the UN Office for Legal Affairs.

In Article 14, we welcome that the Signature has now been made open-ended; this will facilitate accession in two steps and have the added benefit of signatory states being bound by the object and purpose of the Treaty.

In Article 18, my Delegation would have a preference to see Withdrawal being made much harder and very much as a last resort and we had proposed a 12 month period of notice.

To further strengthen this provision had suggested that “States Parties should address the notice of withdrawal with the issuing State as a matter of urgency, with the aim of trying to resolve the concerns raised before the formal withdrawal process is triggered.”

We had also suggested an additional provision that “the withdrawal should not violate the UN Charter and its objectives of peace and security.”

However, if the majority is satisfied with the existing provision, my Delegation is happy to go along with it.

Lastly, Madam President, Ireland strongly supports the language in Article 19, which we see as perfectly in line with the role, object and purpose of this treaty within the broader framework of nuclear disarmament.

**IRELAND/NEW ZEALAND/MALAYSIA**

**Article 9**

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 General Assembly shall apply.

**LIECHTENSTEIN**

**Article 9**

-       Keep the structure in Article 9.1., including the listing of elements. This represents a careful compromise as it addresses the considerable divergence of views on the scope of the MoSP, by adding precision and clarity on the elements that should be discussed within the MoSP. It will also enable the first MoSP to become operational swiftly

-       LI is ready to streamline the listing though and ready to consider deletion of bullets (c), (j), (k)

-       LI requests the inclusion of a function of the MoSP in reviewing compliance with the treaty obligations

-       LI can support the proposals of Mex on 9.1 and 9.1.d)

-       On 9.2. LI takes note of the proposal of Iran to delete “at the request of SP” as it does not make sense in the way it is drafted. It could read however “, if so decided by the MoSP, or …”

-       On 9.3. LI supports to change in the first line “the MoSP shall convene…” to “the SG of the UN shall convene” to bring it in line with all other provisions. LI can support the Cuban proposal at the end of the para to bring it in line with 9.2. by using “unless otherwise agreed by the SP”.

-       On decision making we can go along with including a provision that the first MoSP shall adopt its RoP, but it should be clear that the RoP also apply to review conferences.

**Proposal Article 9.2.bis)** an extraordinary meeting of states parties shall be convened by the SG of the UN following a notification of withdrawal in accordance with article 18, within 30 days from the date of the date of notification.

**Article 11:** As a further option you could also look at the CRPD article 47.3 to avoid technical complications in the case of amendments where there should not be multiple regimes.

**MALAYSIA**

**Article 11 Amendments (the proposal for the text are geared towards removing the need for amendment conferences)**

1. At any time after the entry into force of this Treaty any State Party may propose amendments to this 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 an Amendment Conference should be convened to consider~~ the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than ninety days after its circulation that they support further consideration of the proposal~~, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited,~~ **the proposal shall be considered at the next Meeting of State Parties or Review Conference.**

~~2. States not party to this Treaty, as well as the United Nations, 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 an Amendment Conference as observers.~~

***(para 2 can be deleted as if there is no more amendment conference, all the entities above would already be allowed to attend the MSP or REVCON based on Article 9)***

3. At the Meetings of States Parties or Review Conferences, in accordance with its rules of procedure, consideration may also be given to any proposal by any State Party for amendments to this Treaty.

***(para 3 – flexible on whether or not to retain it)***

4. ~~An Amendment Conference, a~~ **The** Meeting of States Parties or 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.

5. The amendment shall enter into force for each State Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of the States Parties. Thereafter, it shall enter into force for any other State Party upon the deposit of its instrument of ratification of the amendment.

***5 alt. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.***

***(para 5 is flexible. The issue to ensure that the correct legal procedures are reflected).***

**MEXICO**

**ARTICLE 9**

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 and on further measures for nuclear disarmament, including:

1 (d) Measures for the verified, timebound and irreversible elimination of nuclear weapon programmes, including additional protocols to this Treaty;

**ARTICLE 18**

1. This Treaty shall be of unlimited duration.

2. ~~Each State 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 jeopardized the supreme interests of its country. 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.~~ At any time after 10 years from the date on which this Treaty has entered into force for a Party, that Party may withdraw from the Treaty by giving written notification to the Depositary.

3. Such withdrawal shall only take effect ~~three months~~ 12 months after the date of the receipt of the notification of withdrawal by the Depositary. If, however, on the expiry of that ~~three-month~~  12 months period, the withdrawing State Party is engaged in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article 1 of Additional Protocol I to these Conventions, the State Party shall continue to be bound by the obligations of this Treaty and of any additional protocols until the end of the armed conflict or occupation.

**NETHERLANDS**

**Preamble**

PP2

* Delet the first “any” and replace it with “the”.
* Add after “circumstances” the following phrase “and to take measures to safeguard the security of peoples,”

PP10

* Bring this para in line with with the advisory opinion of the ICJ.
* So along the lines we would continue to advocate to change the para as follows: replace “considers” “with notes”. Replace “any” with “the”, and insert “generally: before “to the rules”.

PP15

* Insert “in the framework of Article VI of the NPT” before “towards”; replace “contribution” with “step”
* Recognizing that a legally binding prohibition of nuclear weapons constitutes an important step in the framework of Article VI of the NPT towards the achievement and maintenance of a world free of nuclear weapons, including the irreversible, verifiable and transparent elimination of nuclear weapons, and determined to act towards that end.

New PP

* Reference to the NPT is not sufficiently strong. The NPT has more than “a vital role” to play. There should be no doubt that the NPT will remain central to our non-proliferation and disarmament regime and that a Ban Treaty complements it and not sets up a competing or parallel mechanism.
* To this end we suggest to add a new paragraph 18bis, which would read:

*Reaffirming their commitment to the nuclear disarmament and non-proliferation regime and to the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons.*

**Article 1**

Because the draft instrument does not contain any definitions or the necessary clarifications, the text is not fully clear on which activities it aims to prohibit. This can cause complications and conflicts down the line which could negatively affect the authority of this prohibition. It would probably be problematic for states to commit to undefined obligations, when they cannot foresee the legal consequences thereof. Moreover, some of these prohibitions will, without proper clarification, be hard or even impossible to implement and enforce. This may further erode the authority of the core prohibitions.

NL is concerned that article 1 (f) is too broad in its scope and might have unintended consequences. Some of the proposals by delegations to add more prohibitions – such as transit and computer testing – are also problematic in this context, as we are not convinced they could actually be be verified.

Our concerns regarding the overlap between the activities prohibited by this treaty and those in the CTBT remain the same. We are of the view that this may interfere with our common effort to promote the entry into force of the CTBT, and that it could create a competing norm. We therefore support the proposal to add “in accordance with the CTBT”.

Article 1 is not compatible with our commitments as a member of NATO, should Article 1 not narrow its scope. We therefore propose the following text proposal to be added as a paragraph 1.3 in order to bring the text in line with security policies that combine a role for nuclear weapons with the goal of complete nuclear disarmament. In addition, the paragraph would strengthen the ties between this instrument and the NPT.

The text of this paragraph would read: “The obligations in paragraphs 1 of this article may be held in abeyance for a State Party to this Convention provided this is in conformity with their rights and obligations under the NPT. Any State Party wishing to do so must deposit a declaration to this end at the time of signature, ratification, acceptance, approval of or accession to the Convention and shall withdraw such declarations as further progress is made on the full and effective implementation of Article VI of the NPT, but no later than the point at which the complete, verifiable, and irreversible elimination of nuclear weapons has been achieved.”

This proposal should be seen as a set of paragraphs that anchor the treaty more firmly into the NPT. Most notably our proposal with regards to Article 19 (see below).

**Article 2**

Article 2 requires member states to declare whether they have owned or possessed nuclear weapons or nuclear explosive devices. It also requires them to declare whether all source or fissionable material on their territory or under their jurisdiction/control are used for peaceful purposes. However, the IAEA itself acknowledges that it is not able to draw conclusions regarding the absence of undeclared nuclear-related activities for states that have not concluded an Additional Protocol. This means that the draft text does not contain adequate safeguards standards for the verification of the declarations in Article 2.

**Article 3**

More generally, we noted yesterday how this treaty is supposed to be leading to the elimination of nuclear weapons. This means creating the conditions for complete nuclear disarmament. At this point the safeguards standards in Article 3 do not contribute to this goal. In the view of NL the Additional Protocol should be the minimum standard for all States Parties.

**Article 4**

We also indicated that we have serious doubts on the feasibility of Article 4 and its potential for encouraging or facilitating disarmament by nuclear weapons possessors.

Article 4.1 prescribes a certain procedure to follow for any nuclear-weapon possessor that joins the treaty, without any kind of input from such states. This means the provision assumes that nuclear-weapon possessors would join the treaty and commit to a disarmament process that is largely out of their control. This seems unrealistic, as was mentioned by some in earlier discussions already.

The provision requires states shall immediately remove nuclear weapons from operational status. It seems unlikely that disarming weapons possessors will agree with such a sudden move.

The same goes for the 60-day limit for the time-bound plan for the verified reduction of its weapons programme. It is unlikely that, especially in the case of larger arsenals, this is a remotely attainable deadline. Again, as mentioned by others in last week’s debate, it is even more unlikely that nuclear-weapon states would commit to an arbitrary time-period or too rigid time-tables.

The safeguards standards required by Article 4.3 are unclear. After disarming, former nuclear weapons possessors should be held to the same – or even higher – safeguards standards as non-nuclear-weapon states. We suggest adapting Article 3 and deleting Article 4.4.

Article 4.4 seems superfluous. Disarming states will most probably designate a competent international authority to verify the disarmament proces. There are ongoing discussions regarding the issue how to verify nuclear disarmament, and who could verify it. There is no added value in Article 4.4 pre-empting this discussion. We suggest deleting it.

Article 4.5 provides for the option of nuclear weapon possessors to disarm and then join the treaty. It is unclear however how this process would be verified. Article 4.5 tasks the IAEA with the verification, yet the IAEA at this point does not have the capacity to verify the disarmament of larger arsenals and military infrastructures.

Article 4.5 only stipulates that the nuclear weapons possessor cooperate with the IAEA for verification purposes. It does not even give the Agency any specific rights or mandate to conduct its verification activities. Neither does it stipulate what safeguards standards this party is held to after its disarmament would be hypothetically verified. But according to Article 3, this may well be item-specific safeguards or voluntary offer agreements.

These problems could be solved by adapting Article 3 and deleting Article 4.5.

The text should take into account the technical and political complications connected to the dismantlement of large nuclear arsenals. It should maximize the future flexibility for negotiating verifiable cooperative plans for disarmament with nuclear weapon possessors taking into account such considerations.

Pending this process, possessor states could be able to align themselves with the treaty, with the obligations in Article 1 held in abeyance. The treaty should not, as it does now, provide for the accession of former nuclear weapons possessors without guaranteeing that such disarmament can be verified.

The difficulties surrounding the verifiability of a nuclear weapons ban have been a concern for the Netherlands from the beginning. We are trying to find solutions for issues connected to nuclear disarmament verification in various other initiatives. If we cannot come up with an effective mechanisms here, this text could at least encourage States Party to support these initiatives.

**Article 5**

Regarding Article 5, we do not see the added value of this provision. In general, proposals regarding effective measures for disarmament should be discussed in the context of the NPT, within a legal framework that also binds nuclear-weapon states. Furthermore, we have concerns about the legal effects of the envisioned protocols in combination with Article 19, which declares the implementation of this treaty to prevail over any existing or future instruments where there is a conflict.

**Article 6**

The lack of clear definitions and the broad terms of Article 1 are problematic in relation to the obligation in Article 6.2. Criminalizing behaviour contrary to this treaty will require the prohibited behaviour in question to be clearly defined.

The legal implications and regulatory consequences of this provision could be very broad and potentially far-reaching. The lack of definitions in the treaty makes the individual criminalization of some of these activities complicated and, possibly, in contravention of constitutional, free trade-related, or other standards.

Unless assistance or development is defined, any nuclear-related research could fall under the prohibitions of the treaty, especially if it is done in connection to or cooperation with the (civil) nuclear infrastructure of nuclear-weapon states.

For the Netherlands, this would moreover mean that any prohibitions in the treaty would have to be in line with the rules and regulations on the free movement of persons, goods, capital, and services of the EU. Additionally, they would have to conform with export control obligations.

In short, we do not consider the practical benefits of Article 6.2 to weigh up against these complications. We therefore suggest deleting it.

**Article 19**

The Ban Treaty should contribute towards disarmament, strengthen and complement NPT, not supersede it. Language in Article 19 not compatible with that envisioned object and purpose. Not compatible with claims that NPT is cornerstone and this is step towards implementation of article VI.

It would also potentially be counterproductive.

It takes away flexibility to negotiate future arrangements that could take us further on the path towards global zero, as the treaty establishes predominance over future agreements as well as over existing ones. Combined with the categorical rejection of all nuclear weapons and their use, this could prove problematic when discussing reductions, security assurances, fissile material cutoffs, or any form of verification initiative in which non-nuclear-weapon states are envisioned to play an active role.

There is no reason why this treaty, in order for it to be effective, should establish its dominance over all other agreements, past, present and future. Conversely, there is no reason why this treaty should not strengthen and reinforce existing structures – especially the NPT – as it has so often been proclaimed to do so.

The Netherlands therefore suggests to insert into Article 19, between the words “prejudice” and “obligations” the phrase “or in any way limit”, and strike the last part of the article, starting with “where those”. The new text would then read: “*The implementation of this Treaty shall not prejudice or in any way limit obligations undertaken by States Parties with regard to existing or future international agreements, to which they are parties.*”

Furthermore, in order to strengthen the link between this treaty and the NPT, we reiterate our suggestion to add a second paragraph to Article 19 that explicitly requires states party to this treaty to adhere to the NPT.

***Article 19 Relations with other agreements***

*The implementation of this Treaty shall not prejudice or in any way limit obligations undertaken by States Parties with regard to existing or future international agreements, to which they are parties.*

***Article 15 Ratification, acceptance, approval or accession***

*1. This treaty shall be subject to ratification, acceptance or approval by signatory States. This treaty shall be open for accession.*

***2. No State may establish its consent to be bound by this treaty unless it has previously established or establishes at the same time its consent to be bound by the NPT.***

**NEW ZEALAND**

**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. It shall give notice of such withdrawal to the Depositary which shall notify all other States Parties. The notice shall include a statement of the extraordinary events the withdrawing State Party regards as having jeopardized its supreme interests.

3. Such withdrawal shall only take effect twelve months after the date of receipt of the notification of withdrawal by the Depositary.

4. The withdrawal of a State Party from this Treaty shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

**Article X: Secretariat**

1. The [United Nations Secretary General] shall function as Secretariat of this Treaty to assist States Parties in its effective implementation.

2. The Secretariat shall undertake the following responsibilities:

(a) Facilitate the work of the Meeting of States Parties, including making arrangements and providing the necessary services for meetings under this Treaty; and

(b) Perform other duties as decided by the Meeting of States Parties.

**PHILIPPINES**

**THE PHILIPPINES’ PROPOSED EDITORIAL AMENDMENTS ON PREAMBLE**

The Philippines submits the following proposed editorial amendments in the Preamble with the aim of tightening the language and further strengthening it.

**PP2:**

Second line - delete the word “consequent” before “need” (consequences and consequent in the same sentence)

Last line - full stop after “again” and delete “under any circumstances” (the word “never” already connotes absoluteness)

**PP3**

Third line - replace “concern” with “threaten” before “the security of all humanity” to strengthen the language

**PP4**

Revise to active voice, to read:

“Cognizant that no State or international body could adequately and immediately address the humanitarian emergency or long-term consequences caused by a nuclear weapon detonation, and that such consequences transcend national borders, pose grave implications for human survival, ……”

**PP5**

Ethical “imperative” (singular)

**PP6 and PP7**

Merge and add “especially indigenous peoples” at the end of PP6

**PP9**

First line – replace “Basing themselves” with “Reaffirming also” and delete “on” to read: “Reaffirming also the principles of….”

**PP10**

First line – replace “Considering” with “Convinced”.

Delete “would be contrary to with “contradicts” the rules of international law….

**PP11**

First line – replace “Reaffirming” with “Convinced also” that any use of nuclear weapons

Replace “would also be abhorrent to” with “violates” the principles of humanity and the dictates of public conscience

**PP12**

PH proposes deletion since the paragraph is ambiguous and open to misinterpretation

**PP14**

First line – replace “Concerned” with “Gravely concerned”

Replace “slow pace” and replace with “over the lack of progress on nuclear disarmament….

Second line - Replace “and the waste of” with “and the continued allocation of huge financial resources for the production, maintenance and modernization of nuclear weapons which could otherwise be used for human and economic development.”

**PP15**

Insert “complete” before “irreversible”

**PP16**

Replace “effective” with “significant”

**PP17**

Replace “reaffirming” with “maintaining”

**PP18**

Delete “also” after “reaffirming….”

To read:

Reaffirming that this treaty reinforces the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons…. (relationship between the treaty and the NPT)

Full stop after “regime”.

**PP20**

Insert after zones “on the basis of unilateral declarations and arrangements” freely arrived at (to include Mongolia)

**PP21**

Delete “nothing in this Treaty” to read: “Emphasizing that this treaty does not affect the inalienable right…”

**PP22**

Full stop after “sustainable peace and security”. (we appreciate the reference to the role of both men and women and second sentence completely unnecessary because it suggests participation of women have been ineffective.. The second part of the sentence contradicts the first part which calls for equal participation for both…

**PP23**

Replace dissemination with “promotion”

**PP24**

Replace “furthering” with “advancing”

Replace “evidenced” with “demonstrated”

By “the compelling call” for the total elimination

**SOUTH AFRICA**

**South African proposal on Article 1**

**Article 1: ~~General obligations~~ Prohibitions**

1. ~~Each State Party undertakes never~~ It is prohibited, under any circumstances, to:

(a) Develop, 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 or control over nuclear weapons or other nuclear explosive devices directly, or indirectly;

(d) Use nuclear weapons;

(e) Carry out any nuclear weapon test explosion or any other nuclear explosion;

(f) Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention;

(g) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to prohibit and prevent in its territory or at any place under its jurisdiction or control:

(a) Any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices;

(b) Any nuclear weapon test explosion or any other nuclear explosion

**SWEDEN**

*PP10 Considering* that any use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of international humanitarian law,

**Article 1 General obligations**

1. , produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;

**Comment: As prior stated, develop cannot be verified without the Additional Protocol and therefore should be deleted.**

*in accordance with the CTBT*

**Comment: If not deleted a reference to the CTBT should be made as suggested by Switzerland as stated above.**

(f) Intentionally assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Treaty;

**Comment: Adding *intentionally* in order to closer define the prohibition.**

**New subparagraph to Article 1correlating to the mentioning of peaceful uses in the preamble (PP21)**

Nothing under this article shall impede the possibility of State Parties to engage, individually or in cooperation with other states, in peaceful nuclear activities, including for purposes of detection, protection, non-proliferation or civilian nuclear activities, subject to obligations under sub-paragraphs: a., b., c., d.. e, f. and g, in conformity with the NPT.

**Comment: Addition of the subparagraph to ensure that the prohibitions in OP1 do not affect the inalienable right in accordance with the NPT to engage in peaceful nuclear activities.**

**SWITZERLAND**

**With regard to Art. 18**

The strong preference of Switzerland is the deletion of paragraph 3 of the article. If however this deletion should prove impossible we propose the following amendment to article 18.3:

**Article 18 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 the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. 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.

3. Such withdrawal shall only take effect three months after the date of the receipt of the notification of withdrawal by the Depositary. If, however, on the expiry of that three-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 [same as in Art. 9d]] until it is no longer a Party to an armed conflict.

**Article 19**

The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing or future international agreements, to which they are parties~~, where those obligations are consistent with this Treaty~~.

*Additionally, we could go along with the deletion of the words [existing or future] as proposed by New Zealand.*