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

10 May 2019

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## Third session

New York, 29 April–10 May 2019

### Explanatory Note:

The 1995 NPT Review Conference adopted Decision 1 on “Strengthening the review process for the Treaty” (NPT/CONF.1995/32 (Part I)). The 2000 NPT Review Conference adopted a Final Document, which included “Improving the effectiveness of the strengthened review process for the Treaty” that *inter alia* stated, “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 NPT Review Conference is presented for the consideration of States Parties. It is 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 does 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 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.

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Chairman's Working Paper<sup>1</sup>

## **Recommendations by the Chair to the 2020 NPT 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 realisation of its objectives, and accordingly conveys to the 2020 Review Conference the following recommendations for consideration, without prejudice to the work of the Review Conference:

1. Reaffirm commitment to the Treaty, and its full and urgent implementation, and the continued validity of the commitments and undertakings of past review conferences, bearing in mind, *inter alia*, the 50<sup>th</sup> Anniversary of its entry into force, and the 25<sup>th</sup> 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 realisation of its objectives, as well as the reaffirmation of the previous commitments made within the NPT framework, including the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on action of the 2010 Review Conference.
5. Reaffirm the responsibility of all States parties to 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.

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<sup>1</sup> This Working Paper is being submitted to the Review Conference under his own authority.

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 on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (the 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 measureable 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 to reduce the risk of the use of nuclear weapons, either 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 on nuclear-weapon States to agree on a standard reporting form, and also call on all States parties to use a reporting form that ensures 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 on 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 (CTBT), recalling the responsibility of all States to promote that Treaty; call for the urgent signature and/or ratification of the CTBT by the remaining eight Annex 2 States necessary for the entry into force of the CTBT, highlighting the special responsibility of the nuclear-weapon States in this regard; reaffirm, pending the entry into force of the CTBT, the need to maintain moratoria on nuclear test explosions and to refrain from any action that could defeat the objective and purpose of the CTBT; and

calls 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, of 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 by many States parties for the Treaty on the Prohibition of Nuclear Weapons and its complementarity to the NPT.

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 to the aforementioned Protocols; and taking into account the Fourth Conference of Nuclear-Weapon-Free Zones and Mongolia in April 2020.

## **II. Nuclear Non-Proliferation**

25. Reaffirm 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.

26. Reaffirm that the 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 the IAEA in this regard.

27. Urge States party to the Treaty that have yet to bring into force comprehensive safeguards agreements with the 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 to bring into force additional protocols as soon as possible.

28. Encourage the 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 the 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 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 the 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 and to support and implement decisions adopted by the IAEA's 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 safeguards implementation 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's Nuclear Security Series publications.

35. Reaffirm the central role of the 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 the IAEA to implement its nuclear security activities and to enable the IAEA to provide the support needed by States.

36. Welcome that the IAEA organized 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 Convention on the Physical Protection of Nuclear Material (CPPNM) 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 CPPNM and encourage all parties to assist with preparations for such conference, which is due to take place 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 implement fully 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, production and use of 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 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 the IAEA, to expand the extent that 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 (A/RES/70/1), as well as the objectives of the Paris Agreement on Climate Change under the United Nations Framework Convention on Climate Change. Call on the United Nations development system to work closely with the IAEA to maximize the potential role of nuclear science and technology for development.

44. Commend the IAEA's contribution 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 environment, industrial applications and cultural heritage. Note with appreciation the IAEA's preparedness to respond to emergencies such as zoonotic disease outbreaks 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 the IAEA, as well as among States parties, in that regard.

46. Acknowledge the central role of the IAEA Technical Cooperation Programme (TCP) in enhancing the application of nuclear science and technology in many States parties, in particular, in developing countries, and recognizes the Technical Cooperation Fund (TCF) as the most important mechanism for the implementation of the IAEA TCP. 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 to meet the objectives set out in the IAEA's Statute.

47. Stress that the IAEA TCP, as the main vehicles for the transfer of nuclear technology for peaceful purposes, should continue to be formulated and implemented in accordance with the IAEA's Statute and the guiding principles, as contained in INFCIRC/267, and in accordance with relevant directives of IAEA Policy-making Organs.

48. Welcome the completion of major construction under both 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.

49. Acknowledge that the IAEA Peaceful Uses Initiative (PUI) has become instrumental in mobilizing extrabudgetary contributions to support technical cooperation and other unfunded projects of the IAEA aimed at promoting broad development goals in Member States. Welcome the contributions made by countries to the PUI 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 building their national capacities in the operation of nuclear power plants and those embarking on new nuclear power programmes.

51. Note developments on 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 on the establishment of the IAEA Low Enriched Uranium Bank in Kazakhstan. Note also that the creation of mechanisms for assurance of nuclear fuel supply should not affect State 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 the IAEA in promoting international cooperation on nuclear safety-related matters, including through the establishment of nuclear safety standards. Welcome the work of the 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 had 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 to transport radioactive materials consistent with relevant international standards of safety, security and the environment 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 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. Regional Issues**

58. Continue efforts towards the full implementation and the realisation 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 Joint Comprehensive Plan of Action as endorsed by United Nations Security Council resolution 2231. Stress the need for all parties concerned to maintain their constructive engagement so as to ensure that progress was 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 denuclearisation of the Korean Peninsula. Stress that all States must fully implement the relevant United Nations 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 United Nations 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 NPT Review Conference.

64. Without supplanting substantive discussion, allocate time for discussion at the 2020 NPT 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, *inter alia* 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 NPT Review and Extension Conference and "Improving the effectiveness of the strengthened review process for the Treaty" agreed at the 2000 NPT 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 weapon.

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 United Nations Security Council Resolution 1325, to actively support gender diversity in their NPT delegations and through support for sponsorship programmes. Recognise 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-weapons-free world.

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