



**STOCKHOLM INTERNATIONAL
PEACE RESEARCH INSTITUTE**

2015 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT):

UN Headquarters: 27 April – 22 May 2015

New York: 7 May 2015

The 2015 NPT Review Conference opened at UN headquarters on 27 April and will continue till 22 May 2015.

On Thursday, 7th May, all three Main Committees continued their work, along with Subsidiary Body 2. The sessions of the Subsidiary Bodies (SB) are ‘closed’ to civil society and observers.

Consultations and briefings continued on the humanitarian consequences of nuclear weapons, the Middle East, nuclear verification and the possible outcome(s) of the Review Conference. The two most contentious issues – the humanitarian impact of nuclear weapons and the implementation of the 1995 Resolution on the Middle East to set up a zone free of nuclear and other weapons of mass destruction – continued to dominate.

Due to work commitments on Wednesday, the report on Day 8 proceedings could not be completed and appears below.

6 May 2015

Statements in **Main Committee I** were made on **Wednesday, 6th** May by: Ireland, Thailand, Niger, Egypt, Indonesia, Bangladesh,

Syria, Netherlands, Slovakia, Turkey, Joint statement on nuclear disarmament and non-proliferation education by Japan, Qatar, Kuwait, Algeria, Non-Aligned Movement by Iran, Egypt, USA, Austria, Brazil, China and the Russian Federation. In **Main Committee II** by: Costa Rica, Ireland, Algeria, New Zealand, Turkey, Yemen and Slovenia. And, in **Main Committee III** by: the United Arab Emirates, Kuwait, Greece, Yemen, Argentina, USA, Japan, Switzerland, France, Singapore, Iran, Norway, United Kingdom, New Zealand and the Republic of Korea.

In Main Committee I, **Ireland** recalled that the political environment that prevailed at the time the NPT was negotiated meant that the Treaty was established as a provisionally incomplete instrument which, while countering the proliferation of nuclear weapons, would allow the existing weapon States a small measure of time and space to disarm their arsenals as soon as they could. The Treaty provided a basis for complete nuclear disarmament through Article VI. This was to manifest itself in good faith negotiations on “effective measures” for an end to the arms race and nuclear disarmament. The reason for the disarmament provisions was that the horror of the nuclear explosions in Hiroshima and Nagasaki was fresh in the mind of the negotiators. The decision to extend the Treaty indefinitely in 1995 must be seen as a collective recognition that States Parties had failed to achieve the disarmament objectives within the original 25 years the Treaty was designed to last. Every five years since the indefinite extension, States Parties have gathered at Review Conferences to look forward as well as back. Now, the non-nuclear weapons States want to be ambitious and constructive at this Review Conference, and want substantive and clear discussions on how to move forward with negotiations provided for in the Treaty and what are the “effective measures” to be pursued.

Looking back at what has been achieved with regard to nuclear disarmament under the NPT since 1995, the record appears to be

the following: the thirteen practical steps for systematic and progressive efforts to implement Article VI, which were agreed at the 2000 Review Conference remain almost completely unimplemented; in 2005, the Review Conference could not achieve an agreed outcome. In 2010, the Review Conference agreed, without a vote, 64 actions under the Treaty's three pillars. This Review Conference is examining the extent to which the 22 action points, which included concrete steps for the total elimination of nuclear weapons, have been implemented. Once States Parties collectively have made that assessment, then they must decide what to do next to achieve the total elimination of nuclear weapons. There exists an obligation under Article VI of the Treaty: there is no opt-out clause; nor is there conditionality, and furthermore the obligation to engage in good faith negotiations has been interpreted by the ICJ as a requirement to bring those negotiations to a conclusion.

Ireland fully acknowledged the very considerable reductions in nuclear arsenals that have taken place and that the number of nuclear weapons is now at its lowest level since the height of the Cold War. However, almost half a century after it entered into force, not one weapon from within the five nuclear stockpiles recognised by the NPT has been eliminated on foot of multilateral negotiations envisaged under Article VI. In fact, there are no arrangements for nuclear disarmament set out in the Treaty. Where are the "effective measures" leading to nuclear disarmament which each State Party to this Treaty undertook to pursue back in 1968? In light of the credible research that has emerged on risk and near accidents in several jurisdictions, it is no longer sufficient to rely on some kind of grace and favour reductions negotiated bilaterally by the nuclear-weapon States.

All States Parties undertook to negotiate effective measures leading to nuclear disarmament. Not only have those negotiations not been held nor brought to a conclusion as enjoined to do by the

International Court of Justice: 45 years on, these have not even started. If these don't start, how can they conclude? And if they don't start, how can a world without nuclear weapons be achieved?

Egypt stated that the NPT was originally created with 25 years duration, during which nuclear-weapon States were expected to eliminate their nuclear arsenals and realize the objectives stipulated in Article VI. The nuclear-weapon State status was thus seen under the Treaty as a transitional status. The indefinite extension of the NPT in 1995 did not mean, in any way, allowing the nuclear-weapon States to continue to possess these weapons indefinitely. Any such assumption would be contrary to the spirit and letter of the object and purpose of the NPT.

Egypt noted that the “13 Practical Steps” to be implemented by the nuclear-weapon States adopted at the 2000 Review Conference leading to nuclear disarmament remained unimplemented. The Plan of Action adopted at the 2010 Review Conference, identified specific actions that nuclear-weapon States had to undertake in order to promote nuclear disarmament, including Actions 5, 20 and 21, along with other relevant Action Points, also remained to be implemented. The outcome of the 2010 Action Plan turned out to be very limited. The role of nuclear weapons in military and security doctrines of nuclear weapon States had remained largely the same, with several States reaffirming their belief that nuclear weapons were the ultimate guarantee of their security. The continuous efforts to pursue billions of dollars to modernize stockpiles of nuclear weapons signalled long-term reliance on nuclear weapons. Egypt reiterated that all the obligations under the Treaty including the “cessation of the nuclear arms race” and nuclear disarmament represented an integral package of commitments, the implementation of which, along with relevant decisions adopted at Review Conferences, would collectively contribute to its effectiveness and the realization of its objectives,

while its lack of implementation would undermine the object and purpose of the NPT. Nuclear disarmament and nuclear non-proliferation were mutually reinforcing elements where each of such objectives would be of limited value if implemented without the other.

Egypt strongly endorsed the negotiation of a Nuclear Weapons Convention which would aim at the realization of the total and irreversible elimination of nuclear weapons within a specified framework of time, under effective multilateral verification and control. The 2010 Plan of Action mentioned the Convention as a viable route to nuclear disarmament and the 2015 Review Conference needed to build on this. If necessary, a first step towards that objective could be the negotiation of a Treaty banning the manufacture, possession, transfer and use or threat of use of nuclear weapons. The New Agenda Coalition in its paper introduced four options that addressed possible effective measures for nuclear disarmament to implement article VI of the treaty, and 'with a view to facilitating a meaningful exchange as well as decision-making at the 2015 Review Conference.

The statement of the Non-Aligned Movement (NAM) was delivered by Iran. The NAM presented recommendations on security assurances:

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1. Reaffirmation that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons as well as the risk of their unauthorized, unintentional or accidental use. Pending the total elimination of nuclear weapons, the provision of effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances by all five nuclear-weapon States to all the non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, is the legitimate right of all non-nuclear

- weapons States parties to the Treaty. The provision of such assurances is a commitment, the early fulfilment of which is necessary to strengthen the nuclear non-proliferation regime;
2. Reaffirmation that military and security policies, concepts and doctrines that allow the use or threat of use of nuclear weapons contravene the existing insufficient negative security assurances provided through unilateral statements made by each of the nuclear-weapon States;
 3. Reaffirmation that any use or threat of use of nuclear weapons would be a crime against humanity and a violation of the principles of the UN Charter and international law, in particular, international humanitarian law. To reiterate that the mere possession of nuclear weapons is inconsistent with the principles of international humanitarian law;
 4. Call on the nuclear-weapon States to refrain, under all circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty, including, inter alia, by the complete exclusion of the use or threat of use of nuclear weapons from all their military and security concepts, doctrines and policies;
 5. Dissatisfaction that the lack of required political will and efforts by the nuclear-weapon States to fully address the legitimate interest of non-nuclear weapon States by providing them with effective, unconditional, non-discriminatory, irrevocable, universal and legally binding security assurances which could strengthen the nuclear disarmament and non-proliferation regime. To call on the 2015 Review Conference, in addition to nuclear disarmament being its highest priority, to fully address this legitimate right as a matter of priority;
 6. Strongly support the urgent commencement of negotiations on effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, by all nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty, pending the

realization of the goal of total elimination of nuclear weapons.

China stated that an important element of the NPT was security assurances to non-nuclear-weapon States as they promoted the nuclear disarmament process and prevented nuclear weapons proliferation. China believed that having given up developing or acquiring nuclear weapons, non-nuclear-weapon States had contributed to the prevention of nuclear weapons proliferation and nuclear disarmament in the interest of world peace and stability. Hence, they ought to get security assurances from nuclear-weapon States as this would not only be conducive to maintaining the international nuclear non-proliferation regime but also enhance mutual trust among nuclear-weapon States and non-nuclear-weapon States and build a favourable international environment for nuclear disarmament.

China stated that the fundamental solution to address the issue of security assurances was the complete prohibition and thorough destruction of nuclear weapons. Pending the realization of that goal, all nuclear-weapon States should undertake not to be the first to use nuclear weapons at any time or under any circumstances, and undertake unconditionally not to use or threat to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones, and to conclude international legal instruments without delay in this regard in the Conference on Disarmament. The nuclear-weapon States should also diminish the role of nuclear weapons in their national security policy and refrain from listing any States as targets of nuclear strikes, and not target the nuclear weapons under their control at any country. All these measures would be conducive to progress on security assurances for non-nuclear-weapon States.

The **Russian Federation** responded to the accusations made in the statements of Ukraine and other countries of Russian violation of the 1994 Budapest Memorandum and of undermining the NPT. These States claimed that Russia by its actions had allegedly questioned the reliability of so called negative security assurances to non-nuclear-weapon States.

Russia stated that it had fully complied with its obligation undertaken on 5 December 1994, not to attack nor threaten to attack non-nuclear-weapon States. Thus, the implementation of the NPT related provisions of the Budapest Memorandum had confirmed the viability of negative assurances even in a critical situation, in spite of the fact that the Memorandum, as opposed to conventional negative assurances, was a political rather than legally binding instrument.

Russia stated that with regard to the other obligations under the Memorandum that had no relation to the NPT but had to be mentioned due to the allegations made; Russia had committed to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine.

In **Main Committee III, Switzerland** made a statement on nuclear safety. It recalled that the right of all Parties to the Treaty to use nuclear energy for peaceful purposes was one of the corner stones of the NPT. However, the peaceful use of nuclear energy went hand in hand with the responsibility for nuclear safety. The final document of the 2010 Review Conference was agreed before the Fukushima accident happened. The Fukushima accident had reminded that a nuclear accident did not respect national borders and its effects may have a global impact. This is why Switzerland had taken the initiative to amend the Convention on Nuclear Safety (CNS). The Swiss proposal was intended to strengthen the CNS by requesting that nuclear power plants shall be designed and constructed with the objectives of preventing accidents and, should

an accident occur, mitigating its effects, including long term off-site contaminations. The proposal also extended this requirement to existing nuclear power plants.

The Diplomatic Conference of the Contracting Parties of the CNS held on 9 February 2015 adopted the “Vienna Declaration” on nuclear safety. This political document contained important elements of the Swiss proposal to strengthen nuclear safety of new and existing nuclear power plants. In addition, it improved the reporting process in the framework of the CNS. More than four years after the Fukushima accident, there cannot be business as usual. The Diplomatic Conference of the CNS nevertheless demonstrated the extent to which political awareness of the issue of nuclear safety still needed to be heightened internationally.

Despite a number of major accidents, there has not been international engagement in the area of nuclear safety, as seen in other areas, for instance in the area of nuclear security, in which significant initiatives had been taken. Switzerland believed that the discussion of the final report on Fukushima by the IAEA due to begin next June in the Board of Governors should provide the opportunity for setting out future ways of strengthening international engagement in favour of nuclear safety. In addition, adherence of all States which had not yet done so to the existing instruments governing nuclear safety, including the CNS, and to implement the key points of the 2011 IAEA Action Plan on Nuclear Safety, especially the ones related to the peer-review missions and the transparency requested from the national regulatory authorities, were of utmost importance. The Final Document of this Review Conference should reflect the strong commitment of all States Parties to the NPT for nuclear safety as a fundamental condition for the responsible use of nuclear energy for peaceful purposes.

On Thursday, 7th **May**, statements were made in **Main Committee I** by: Germany, France, Cuba, United Kingdom, Iran, Sri Lanka, Sweden, Algeria, New Agenda Coalition, Egypt, Austria, Mexico, Australia, Japan, France, the Non-Proliferation and Disarmament Initiative (NPDI) and Iran. In Main Committee II by: Sweden, United States, Japan, China, United Kingdom, Norway, France, Netherlands, Canada, Switzerland, Argentina, Cuba, Iran, Egypt, Saudi Arabia and South Africa. And, in Main Committee III by: Egypt, Japan, Iran, Russian Federation, Portugal, Indonesia, United States, United Arab Emirates, France, Indonesia, Cuba, Australia, Sri Lanka, United Kingdom, Belgium and the Netherlands.

The **New Agenda Coalition (NAC)** stated in **Main Committee I** that its uppermost focus this year was on the elaboration of the legal approaches capable of implementing the “effective measures” called for in Article VI of the NPT. That this core provision had yet to be fully implemented was acknowledged by all States – both non-nuclear weapon and nuclear-weapon States – with the vast majority also recognising that uneven implementation of the Treaty, and of the grand bargain contained therein, directly undermined the Treaty’s credibility.

It was the view of the NAC, and of very many other States Parties to the NPT, that this Review Conference must set in motion the process for rectifying this imbalance – namely, the process for elaborating the legally “effective measures” needed to achieve and maintain a world free of nuclear weapons. In prioritising this outcome, the importance of implementation of the 2010 Action Plan or of the outcomes of other NPT Review Conferences are not diluted. A frank assessment of the extent of implementation of all these outcomes would also have a direct bearing on confidence that further commitments made at this Review Conference would indeed be implemented.

It was clear that implementation of the 2010 Action Plan – let alone earlier commitments – was, at best, underwhelming. That said, the NAC was, however, able to applaud one of the most significant and positive developments to occur during this review cycle. This referred to the fact that the overwhelming majority of States had considered and endorsed statements, and participated in Conferences, reflecting on the risks and catastrophic humanitarian consequences of any nuclear weapon detonation. 159 States had affirmed that it was in the interest of the very survival of humanity that nuclear weapons were never used again, under any circumstances and reaffirmed that the only way to guarantee that nuclear weapons would never be used again was through their total elimination. They have also emphasised that the humanitarian imperative must underpin all approaches to nuclear disarmament, particularly at this Review Conference. For these States – which include all members of the New Agenda Coalition – support for the humanitarian initiative was one of the policies pursued in fulfilment of Action 1.

NAC noted the positive steps that had been taken by the nuclear-weapon States. These included the participation of the US and the UK in the Third Conference on the Humanitarian Impact of Nuclear Weapons in Vienna in December 2014, the ongoing implementation by Russia and the US of the New Start Treaty, and the ratification by four of the nuclear-weapon States of the Protocol to the Central Asian Nuclear Weapon Free Zone - with the United States having submitted it to the Senate for its advice and consent to ratify. The NAC also noted the launch by the US of the International Partnership for Nuclear Disarmament Verification.

Overall, however, there was little to celebrate, most conspicuously with respect to Action 5 of the 2010 Action Plan. To highlight just a few concerns:

- There had been no adequate movement towards an overall reduction in the global stockpile of all types of nuclear weapons – rather reductions were slowing while at the same time the nuclear weapon States were spending billions of dollars to modernize their stockpiles of nuclear weapons.
 - There was no evidence that the role and significance of nuclear weapons in all military and security concepts, doctrines and policies had diminished. To the contrary, efforts appeared focused, instead, on developments that entrenched nuclear weapons in the doctrines and military budgets of all nuclear-weapon States and their alliance partners for the indefinite future.
 - There was no evidence that the nuclear-weapon States were considering the legitimate interest of non-nuclear-weapon States in reducing the operational status of nuclear weapons systems.
 - The reports submitted by the nuclear-weapon States to the Preparatory Committee in 2014, while apparently based on a “common framework”, did not reference or reflect a “standard reporting form” as required by Action 21 and fell short of the expectations of non-nuclear-weapon States with respect to the information contained therein.
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The NAC was firmly of the view that this Review Conference represented a turning point. States Parties faced a fairly anaemic record of implementation of Article VI, of the 2010 Action Plan and of other undertakings made at earlier Review Conferences. NAC also had noted the continued doctrinal and budgetary commitment of the nuclear-weapon States and their alliance partners to nuclear deterrence, even in the face of the growing international awareness and concern about the risks and catastrophic consequences of a nuclear weapon detonation.

NAC affirmed the legal obligation to put in place the effective measures required by Article VI of the Treaty. This Review Conference must move forward, setting in motion a process for elaborating the measures which, under international law, established the rules and prohibitions necessary for the achievement of verifiable and irreversible nuclear disarmament and of a nuclear-weapon free world.

The United Arab Emirates (UAE), in Main Committee III, recognized the right of every State party to the NPT to the peaceful use of nuclear energy and as a means of addressing climate change and energy security concerns. It emphasized the importance of increased accessibility and broader application of nuclear technology in fields such as human health, agriculture, water management and industrial applications.

The UAE stated that nuclear power programmes should be developed in a fully transparent way, abiding by the highest standards of nuclear safety, security and non-proliferation. It stressed the importance of a robust international cooperation to facilitate transfer of peaceful nuclear technology and material and to strengthen nuclear safety and security. The IAEA played a central role in this international framework to support Member States in the development of peaceful uses in a safe and responsible manner.

The UAE noted that it continued to make significant progress in the development of its peaceful nuclear power programme. In 2012, the UAE started the construction of the first reactor followed by the second unit in 2013. Four nuclear power reactors were under construction today in advanced stages. The UAE placed great emphasis on nuclear safety and commended the IAEA's ongoing efforts in the area of nuclear safety. The UAE was committed to implementing the IAEA Nuclear Safety Action Plan and fully supported the recently concluded Vienna Declaration on

nuclear safety. The UAE also supported on-going evaluation and updating of IAEA safety standards to take into consideration lessons learned. The UAE supported industry efforts to continually evaluate and improve nuclear safety and it welcomed IAEA peer review services as important tools.

The UAE noted the importance of the international instruments in the area of nuclear safety, security, non-proliferation and liability. It encouraged all States that had not yet done so to become party to these instruments. The Convention on Nuclear Safety was important especially for States with significant nuclear facilities. The UAE called upon Iran to join the CNS, as Iran was the only country with significant nuclear activities which was not party to this very important convention.

The UAE recognized the threat posed by the existence of any unsecured nuclear material and facilities as well as the threat of nuclear terrorism. The UAE supported the IAEA role in the area of nuclear security and welcomed the Nuclear Security Summit Series outcomes since inception in 2010 with the most recent Summit in The Hague in 2014.

In the area of civil liability for nuclear damage, the UAE recognized the importance of establishing a national liability framework, and the development of a harmonized international liability regime. It welcomed the recent entry into force of the Convention on Supplementary Compensation for Nuclear Damage.

The UAE continued to support multilateral approaches to the nuclear fuel cycle and welcomed progress to date on the establishment of an IAEA LEU Bank to which the UAE had contributed \$10 million. The UAE encouraged further developments of multilateral approaches and services on the front- and back-ends of the nuclear fuel cycle.

As an increased number of States had expressed interest in developing peaceful uses of nuclear energy, the Review Conference should continue to address issues related to the promotion of responsible development of peaceful uses of nuclear energy, strengthening nuclear safety and the development of sustainable arrangements of assistance to newcomer countries in the nuclear energy field.

Looking Ahead

On Friday, Main Committees I and II will meet, as well as Subsidiary Bodies 2 and 3. Preliminary draft reports of Main Committees I and II are expected on Friday afternoon.

Tariq Rauf
