

15 May 2009

English only

Third session
New York, 4-15 May 2009

Draft Recommendations to the Review Conference

The Preparatory Committee has considered principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality. The States parties reaffirm the need to maintain a balance between the three mutually reinforcing pillars of the Treaty: nuclear disarmament, nuclear non-proliferation, and the peaceful uses of nuclear energy. The Preparatory Committee conveys to the 2010 Review Conference the following non-binding elements for its consideration in evaluating the implementation of undertakings of the States parties under the Treaty. It has also identified areas in which, and the means through which, further progress could be sought in the future. These elements build upon the three Decisions and the Resolution on the Middle East adopted at the 1995 Review and Extension Conference, the Final Document adopted at the 2000 Review Conference, and subsequent deliberations and discussion within the NPT review process. The Preparatory Committee believes that these elements, which were drawn from statements and working papers by States parties, identify a practical framework in which the Review Conference could achieve a consensus. These elements are conveyed without regard to their priority, without prejudice to other initiatives that States parties may wish to offer, and without any intention to represent a comprehensive summary of all initiatives proposed in Preparatory Committee sessions.

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1. Universality

- a. Reaffirm the existence of fundamental principles of nuclear disarmament, non-proliferation, and peaceful uses of nuclear energy that are universal in scope. Reaffirm that the Treaty is an expression of these principles. Recognize the fundamental importance of full compliance with all the provisions of the Treaty and the relevant IAEA safeguards agreements, and of consequences for breaches of Treaty obligations if and when they may occur. Emphasize that responses to concerns over compliance with any obligation under the Treaty should be pursued by diplomatic means, in accordance with the UN Charter.
- b. Declare that the Treaty remains the cornerstone of the global nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, and that its full and effective implementation is vital to international peace and security. Reaffirm that the Treaty fosters the development of the peaceful uses of nuclear energy.

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c. Reaffirm the commitment shared by States parties to achieving universal membership. Call upon all states that are not parties to join the Treaty promptly as non-nuclear-weapon States and without conditions. Engage non-parties with a view to achieving this goal.

2. Action plan for the three pillars of the Treaty.

2.1 Nuclear disarmament, including specific practical measures.

a. Reaffirm the obligations of States parties under Article VI relating to nuclear disarmament, and to general and complete disarmament under strict and effective international control. Indicate support for ongoing and future efforts in these fields. Recognize the importance of practical nuclear disarmament by all nuclear-weapon States.

b. Reaffirm and update commitments relating to disarmament made at the 1995 Review and Extension Conference and at the 2000 Review Conference. Reaffirm the need for early fulfilment of the following practical disarmament measures and goals, consistent with those agreed at the 2000 Review Conference for the systematic and progressive efforts to implement article VI: early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and, pending its achievement, maintaining the moratoria on nuclear test explosions; commencing negotiations at the Conference on Disarmament on a verifiable treaty on fissile materials, building upon the positive momentum of efforts by its 2009 Presidents to adopt a programme of work; implementing declared moratoria on the further production of fissile material for weapons pending conclusion of the treaty; and pursuing deep reductions in nuclear arsenals. Apply the principles of irreversibility, verifiability, and transparency of disarmament activities.

c. Reaffirm the benefits of practical steps by the nuclear-weapon States for nuclear disarmament, undertaken in a way that promotes international stability and based on the principle of undiminished security for all, including: reducing the operational status of nuclear forces; reducing non-strategic nuclear weapons pending their elimination; and reducing reliance on nuclear weapons in security policies.

d. Affirm the importance of effective assurances that nuclear-weapon States will not use or threaten to use nuclear weapons against non-nuclear-weapon States parties. Examine ways and means to achieve additional assurances that are legally binding.

e. Commence open-ended discussions to identify possibilities available to establish an international legal framework for the achievement of global nuclear disarmament. Engage non-parties to the Treaty with the aim of attaining a world free of nuclear weapons.

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2.2 Non-proliferation; promote and strengthen safeguards.

a. Reaffirm that the proliferation of nuclear weapons is a threat to international peace and security requiring a global response and underscore the urgent need for States parties to pursue strengthened ways and means to achieve the objectives of articles I, II, and III.

b. Affirm that export controls are best addressed and implemented in a transparent and non-discriminatory manner, and without hampering the development of nuclear energy for peaceful uses, in conformity with the Treaty. Recommend that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States Party to the Treaty. Recognize that national rules and regulations of States parties are necessary to ensure that the States parties are able to give effect to their

commitments with respect to the transfer of nuclear and nuclear dual-use items to all States taking into account articles I, II and III of the Treaty, and for States parties, also fully respecting article IV.

- c. Underscore the importance of the verifiable de-nuclearization of the Korean peninsula. Support diplomatic efforts to achieve this goal.
- d. Affirm the need for full cooperation with the International Atomic Energy Agency to resolve any outstanding verification issues if and when they may occur.
- e. Reaffirm that IAEA safeguards are a fundamental pillar of the nuclear non-proliferation regime, play an essential role in the implementation of the Treaty and contribute to create an environment conducive to achieving nuclear disarmament and cooperation in the peaceful uses of nuclear energy.
- f. Reaffirm that the International Atomic Energy Agency is the competent authority responsible for verifying compliance with its safeguards agreements undertaken in fulfilment of article III, paragraph 1, of the Treaty, and, in this context, reaffirm the importance of acceptance of the Agency's full-scope safeguards. Identify specific measures that would serve to promote the universalisation of the IAEA safeguards system. Welcome the efforts of the Agency to strengthen safeguards and to increase the Agency's ability to detect undeclared nuclear activities, as well as the steps taken to assist states in their application.
- d. Affirm the need for multilateral cooperation to prevent the establishment, perpetuation, or growth of clandestine nuclear supply networks, in accordance with international law.

2.3. Advance peaceful uses of nuclear energy.

- a. Reaffirm the inalienable right of States parties under article IV to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I, II and III of the Treaty. Note the contribution that growing applications of nuclear technology in health care, industry, agriculture, power generation, and environmental protection can make in advancing development worldwide.
- b. Commend the important role of the IAEA's Technical Cooperation Programme in facilitating the application of nuclear energy for peaceful purposes, especially in developing countries. Stress the need to support such cooperation with adequate financial and human resources in an assured and predictable manner.
- c. Stress the importance of extensive and transparent consultations in the consideration of multilateral approaches to the nuclear fuel cycle and assurances of the supply. Indicate that such proposals should be addressed in a multilateral, economically viable and non-discriminatory manner under the auspices of IAEA, without infringement of the rights of States parties under article IV the Treaty. Confirm that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies.
- d. Recognize the importance of bilateral and international cooperation programmes to assist countries considering the development of nuclear energy for the first time. Stress the need to develop the adequate infrastructures, with appropriate assistance in the field of human resources training.

3. Ways and means to strengthen nuclear safety and security.

a. Highlight the importance of strengthening nuclear safety, radiation protection, the safety of radioactive waste management, and the safe transport of nuclear and radioactive materials, including maritime transport. Underscore the need to maintain the highest standards of safety at civilian nuclear installations through national measures and international cooperation.

b. Emphasize that the acquisition of nuclear weapons or related materials by non-State actors would constitute a threat to international peace and security. Affirm the importance of the full implementation of Security Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008), as well as the International Convention for the Suppression of Acts of Nuclear Terrorism.

c. Stress the importance of combating nuclear terrorism and support the IAEA Nuclear Security Plan. Welcome the contributions of the IAEA in the promotion of the physical protection of nuclear material and safety in all its aspects. Endorse the IAEA's work in assisting States' efforts to prevent the illicit trafficking in nuclear and other radioactive material. Underscore the importance of regular contributions to the IAEA Nuclear Security Fund.

d. Call upon all states that have not yet done so, to accede to all relevant conventions on nuclear safety, on safety of spent fuel, on safety of radioactive waste management, and on physical protection of nuclear material and facilities. Also call upon all states to follow the guidelines in the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. Stress the importance of maintaining dialogue on facilitating the safe maritime transport of radioactive material.

4. Ways and means to implement regional non-proliferation and disarmament initiatives and to explore future initiatives.

a. Reaffirm that nuclear-weapon-free zones have made and continue to make an important contribution to the strengthening of the international nuclear non-proliferation regime in all its aspects, and to the achievement of nuclear disarmament and the ultimate objective of general and complete disarmament under effective international control. Support increased cooperation among the parties to all the zones. Consider calling for the consideration of the establishment of new zones in regions with nuclear facilities or materials. Recognize the importance of the establishment of regional zones free of weapons of mass destruction.

b. Recognize the establishment of the Central Asia Nuclear-Weapon-Free Zone and also recognize and affirm the nuclear-weapon-free status of Mongolia. Endorse and reaffirm the goal of achieving the early entry into force of the Pelindaba Treaty. Underline the importance of the 1999 Guidelines of the United Nations Disarmament Commission on the establishment of nuclear-weapon-free zones. Encourage zonal parties and the nuclear-weapon States to engage in dialogue to enable their adherence to the Protocols of all treaties establishing nuclear-weapon-free zones.

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5. Ways and means to implement the 1995 Resolution on the Middle East.

a. Recall that the Resolution on the Middle East was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty was indefinitely extended. Underscore the need for increased efforts to implement the Resolution.

b. Consider the proposal to convene a conference of all states concerned to address ways and means to implement the Resolution and undertake consultations with a view to facilitating the convening of such a conference. Establish a subsidiary body to Main Committee II of the 2010 Review Conference to consider concrete practical steps to promote the earliest implementation of the Resolution on the Middle East. Consider the appointment of a special coordinator to hold consultations with the countries in the region and

report on their outcome during the course of the review process. Call upon all States parties to issue periodic reports to each of the Preparatory Committees and the Review Conference on their efforts to implement the Resolution.

6. Measures to address the risks and implications of Treaty withdrawals.

- a. Acknowledge the right to withdraw from the Treaty, in accordance with article X.
- b. Consider the proposals presented in the Preparatory Committee that identified modalities under which States parties could collectively respond to notifications of withdrawal.

7. Initiatives to strengthen the review process, including possible institutional measures.

- a. Affirm the essential role of the strengthened review process in ensuring the effectiveness of the Treaty in improving international security environments, in enhancing transparency, in strengthening accountability in the implementation of all the provisions of the Treaty, and in promoting its universality. View the decisions and the resolution adopted in the 1995 Review and Extension Conference and the Final Document adopted at the 2000 Review Conference as embodying principles, objectives, or means to serve this goal.
- b. Affirm that the strengthened review process has become an indispensable, dynamic mechanism for evaluating the Treaty's operation and implementation. Recognize that several proposals advocating the need for certain institutional and procedural reforms have been submitted by States parties, including the need for securing the adequate financial support for and the cost-efficiency of the review process. Give due consideration and undertake a thorough evaluation of these proposals with a view to achieving a consensus on agreed measures to strengthen further the review process.
- c. Stress that enhancing transparency and accountability among all States parties in regard to their obligations under the Treaty should remain a constant endeavour of the States parties.

8. Ways and means to promote engagement with civil society in strengthening NPT norms and in promoting disarmament and non-proliferation education.

- a. Commend the contributions of the civil society and especially of Non-Governmental Organizations (NGO) to the strengthened review process of the Treaty and in the efforts to promote the vision of a world free of nuclear weapons by developing proposals on practical measures to achieve this vision. Note the proposals made during the Preparatory Committee sessions for the enhanced participation of NGOs in this process.
- b. Underscore the importance of disarmament and non-proliferation education as a useful and effective means to advance the goals of the Treaty in addressing both current and emerging challenges. Encourage States parties to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the UN study on disarmament and non-proliferation education.

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