

2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Possible elements of consensus

Working paper submitted by the members of the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

1. The Group of the Non-Aligned States Parties to the Treaty considers the final document of the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be of utmost importance, as it will contribute to the promotion of the full, effective and non-discriminatory implementation of the Treaty.
2. The Group of the Non-Aligned States Parties to the Treaty, as the biggest group with overwhelming majority of membership, has exercised constructive engagement, including by submitting a comprehensive list of proposals on the three pillars. Throughout the meetings, the Group of the Non-Aligned States Parties to the Treaty has also been continually voicing our position and providing concrete language to help the Chairs to arrive at the consensus document.
3. Despite our constructive engagement, the Group of the Non-Aligned States Parties to the Treaty regrets that our comments and inputs have not been taken into careful consideration, nor have they been thoroughly reflected in the draft reports of the Main Committees or later in the consolidated draft outcome report.
4. While reaffirming the validity and relevance of all proposals of the Group of the Non-Aligned States Parties to the Treaty, in the spirit of maintaining our constructive engagement, the Group of the Non-Aligned States Parties to the Treaty would like to provide some main points of priority that we hope could be reflected in the final outcome document.
5. The Group of the Non-Aligned States Parties to the Treaty hopes that our proposals will be taken into careful consideration and would like to express our readiness to engage in discussions and negotiations in a constructive, transparent and inclusive manner, involving all States parties, to achieve consensus.

Principles

6. The Group of the Non-Aligned States Parties to the Treaty would like to emphasize the continued validity of our principled position and the views that the Treaty is:



- An essential foundation for the pursuit of nuclear disarmament;
- The key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons.

7. We also underscore that the realization of the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes constitutes one of the fundamental objectives of the Treaty.

8. The Group of the Non-Aligned States Parties to the Treaty stresses, once more, the fundamental importance of the full, effective and non-discriminatory implementation of the obligations under the Treaty, in particular on nuclear disarmament.

9. In this context, the Group of the Non-Aligned States Parties to the Treaty calls for a balanced outcome document that would promote the full implementation of all commitments and the unequivocal undertakings assumed by the nuclear-weapon States, at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

Elements that should be included in the outcome document

Pillar 1: Nuclear disarmament

10. Factual reflection on the lack of progress in the implementation of nuclear disarmament obligations by the nuclear-weapon States.

11. Factual reflection related to the development of nuclear disarmament through the entry into force of the Treaty on the Prohibition of Nuclear Weapons and the adoption of a declaration and an action plan at its first Meeting of States Parties, held from 21 to 23 June 2022.

12. Reflection on the catastrophic humanitarian consequences of nuclear weapons, and findings and evidence regarding the humanitarian impact of nuclear weapons.

13. Intentional, action-oriented, and sufficiently elaborate language that will demonstrate the commitment of nuclear-weapon States to accelerated progress towards nuclear disarmament in accordance with article VI of the Non-Proliferation Treaty in a manner that represents progression from action 5.

14. Accountability of the nuclear-weapon States, through benchmarks, through concrete, measurable and timebound actions on nuclear disarmament with established deadlines, and through their reporting on their implementation of this obligation to the Review Conferences until the goal of total elimination is achieved, in a structured manner that allows non-nuclear-weapon States to engage constructively on their reports.

15. These reports must be accurate, up to date and complete and contain comparable information, including, inter alia, the number, types and status of nuclear warheads, the number and types of delivery vehicles, the amount of fissile material produced for military purposes, and measures taken to exclude the role and significance of nuclear weapons.

16. Prompt and full implementation of the 13 practical steps from the 2000 Review Conference for, inter alia, the systematic and progressive efforts to implement article VI and expand the action plan on nuclear disarmament adopted by the 2010 Review Conference, in particular the commitments made by the nuclear-weapon

States under action 5 to accelerate concrete progress on the steps leading to nuclear disarmament.

17. The application of the principles of transparency, verifiability and irreversibility by nuclear-weapon States in all measures relating to nuclear disarmament.

18. To call for the complete exclusion of the use and the threat of use of nuclear weapons from all the military and security policies, concepts and doctrines, including the “Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization”, which not only set out rationales for the use or threat of use of nuclear weapons, but also maintain unjustifiable concepts of security based on promoting and developing military alliances that pursue nuclear deterrence policies.

19. To underscore the necessity of the full and non-discriminatory implementation of articles I and II of the Treaty by all States parties, in particular nuclear-weapon States, to prevent the proliferation of nuclear weapons and other nuclear explosive devices, including through nuclear weapon-sharing with other States under any kind of security and military arrangements or alliances.

20. Maintaining commitment towards 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.

21. Reaffirmation of the advisory opinion of 8 July 1996 of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons that “there is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons” and that “the threat or 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 humanitarian law”.

22. Reflection of the International Court of Justice advisory opinion on the legality of the threat or use of nuclear weapons issued at The Hague on 8 July 1996 and its finding that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

23. Substantive reference to the further establishment of nuclear-weapon-free zones, in particular in the Middle East, and, in this context, reaffirm the importance, validity and urgent implementation of the 1995 resolution on the Middle East until all its objectives are achieved.

24. To reiterate the commitment of the States parties to the full, effective and immediate implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as the 2010 Review Conference action plan, and to take concrete steps in this regard.

25. Reference to the work of the Conference on Disarmament shall take into account the necessity of the comprehensive and balanced treatment of issues under the agenda of the Conference on Disarmament.

26. Support the immediate commencement of negotiations on banning the production of fissile materials for nuclear weapons and other nuclear explosive devices, including all practical measures to eliminate the past production and existing stockpiles of fissile materials for nuclear weapons and other nuclear explosive devices, in a transparent, irreversible and verifiable manner, taking into account both nuclear disarmament and nuclear non-proliferation objectives.

27. Appropriate treatment of negative security assurance vis-à-vis the treatment of the treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and, in this regard, support the commencement of negotiations on effective, universal, non-discriminatory, unconditional legally binding arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons by all nuclear-weapon States, with a view to elaborating recommendations dealing with all aspects of this issue, including an internationally legally binding instrument, and recognizes the need to fully honour and uphold all existing security assurances given unilaterally and multilaterally.

28. Reference to nuclear risk reduction measures can only be framed as part of other interim measures and should not be a substitute for or prerequisite to nuclear disarmament, nor should it legitimize the continued existence of nuclear weapons; risk reduction should not be reflected in a manner that would undermine the obligations and commitments of nuclear-weapon States towards nuclear disarmament in all its aspects and should include negative security assurance to non-nuclear-weapon States.

29. Support the immediate commencement of negotiations on a comprehensive convention on nuclear weapons in the Conference on Disarmament as soon as possible.

30. Recognition of the Non-Aligned Movement's principled positions reaffirmed by the Heads of State and Government at the 18th Summit of the Heads of State and Government of the Non-Aligned Movement, held in Baku in 2019, on nuclear disarmament, which remains its highest priority, and on the non-proliferation of nuclear weapons in all its aspects, and stress the importance of ensuring that efforts aimed at nuclear non-proliferation are parallel to simultaneous efforts aimed at nuclear disarmament and expressed concern at the threat to humanity posed by the continued existence of nuclear weapons and of their possible use or threat of use.

31. Reflection that nuclear-weapon States should end plans to modernize and to expand their nuclear weapons arsenal, in compliance with their commitments, in particular under action 1 of the Final Document of the 2010 Review Conference in which all States parties commit to pursuing policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

Pillar 2: Nuclear non-proliferation

32. Safeguards are accepted for the exclusive purpose of verification of the fulfilment of obligations assumed under the Non-Proliferation Treaty with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices; accordingly, they shall be implemented without affecting the inalienable rights under article IV of the Treaty and shall not in any way hamper the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities. Balanced reflection of the need to maintain a robust non-proliferation regime that does not impose additional obligations to non-nuclear-weapon States.

33. References to safeguards and nuclear security issues in a manner that preserve the delicate balance negotiated by the International Atomic Energy Agency (IAEA) policymaking organs.

34. The Group recalls that the 2000 and 2010 Review Conferences reaffirmed the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

35. The Group of Non-Aligned States Parties to the Treaty demands that Israel, the only country in the region that has neither joined the Treaty nor declared its intention to do so, renounce possession of nuclear weapons, accede to the Treaty as a non-nuclear-weapon State without any precondition or further delay, promptly place all its nuclear facilities under IAEA full-scope safeguards, in accordance with Security Council resolution 487 (1981), and conduct all its nuclear-related activities in full conformity with the non-proliferation regime, in order to realize the goal of universal adherence to the Treaty, in particular in the Middle East.

36. To reiterate the commitment of all States parties to the Treaty to prohibit the transfer of all nuclear-related equipment, information, material and facilities and resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under IAEA comprehensive safeguards.

37. Concerns at some States parties that have set conditions that limit the export of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy to developing States parties, such as concluding and bringing into force an additional protocol. Any such conditions contravene article IV of the Treaty, which is explicit in that regard, leaving no room for reinterpretation or setting conditions for the peaceful uses of nuclear energy by non-nuclear-weapon States.

- Do not support the reference to the Nuclear Suppliers Group in the report that would constitute implicit support for cooperation between the Nuclear Suppliers Group and non-states Parties. This would run counter to paragraph 12 of decision II of the 1995 Review and Extension Conference, entitled “Principles and objectives for non-proliferation and disarmament”.
- Do not support any language that would lead, directly or indirectly, to the development and expansion of the guidelines on export controls on dual-use items.

38. To reaffirm that any interpretation that is used as a pretext to prevent the transfer of nuclear technology for peaceful purposes is inconsistent with the object and purpose of the Treaty, and, therefore, a strong call for the fulfilment of the obligations under article IV, paragraph 2 of the Treaty with regard to exports, to other States parties, of nuclear material, equipment and technology for peaceful purposes.

39. To emphasize that non-proliferation control arrangements should be transparent and open to participation by all States and should ensure and facilitate, to the fullest extent possible, the access by developing countries parties to the Treaty to nuclear material, equipment or technology for peaceful purposes in accordance with the provisions of the Treaty.

40. Reference to the need for nuclear-weapon States to take all measures necessary to bring about the entry into force of the relevant protocols to treaties establishing nuclear-weapon-free zones without reservations or unilateral interpretative declarations that are incompatible with the object and purpose of such treaties.

- Accede to the protocols of treaties establishing nuclear-weapon-free zones and to encourage them to review any related reservations.

Pillar 3: Peaceful uses of nuclear energy

41. Reflection of a call upon States parties to waive any measures aimed at hampering, fully or partly, the fullest exercise of the inalienable rights under article IV of the Treaty, which would seriously jeopardize the delicate balance between the rights and obligations of the States parties, in contravention of the

Treaty's object and purpose, and would widen the gap between developed and developing countries in the use of nuclear energy for peaceful purposes.

42. Reflection of the importance of peaceful uses of nuclear applications for meeting global challenges, including attaining the Sustainable Development Goals, addressing climate change, and post-pandemic recovery.

43. In terms of any reflection on the matter of high enriched uranium minimization, we must maintain language from the 2010 action plan, in particular action 61, namely that "States concerned, on a voluntary basis, to further minimize highly enriched uranium in civilian stocks and use, where technically and economically feasible", and not add further obligations or requirements.

44. The IAEA technical cooperation programme, as the main vehicle for the transfer of nuclear technology for peaceful purposes, should continue to be formulated and implemented in accordance with the statute of IAEA and the agreed guiding principles as contained in INFCIRC/267 and the decisions of IAEA policymaking organs, as well as under preferential and concessional terms; to underline that the current guidelines and criteria for the selection of technical cooperation projects are robust and effective, and that no additional criteria should be imposed for fulfilling the above-mentioned objectives; and IAEA resources for technical cooperation activities should be sufficient, assured and predictable, in line with action 54 of the 2010 action plan. Emphasis on international cooperation and capacity-building, including supporting the IAEA technical cooperation programme and ensuring that the allocation of technical cooperation resources is sufficient, assured and predictable.

45. References to nuclear safety and security in a manner that preserves the delicate balance negotiated by the IAEA policymaking organs, and rejecting conditionality and unilateral coercive measures.

46. Reference to the agreed language of the resolution of the IAEA General Conference: to ensure that measures to strengthen nuclear security do not hamper international cooperation in the field of peaceful nuclear activities, the production, transfer and use of nuclear and other radioactive material, the exchange of nuclear material for peaceful purposes and the promotion of peaceful uses of nuclear energy, and do not undermine the established priorities of the technical cooperation programme.

47. Do not support any other non-agreed language in determining the relationship between nuclear security and nuclear safety and the peaceful uses.

48. To express concern that certain unilateral, politically motivated restrictions and/or limitations seriously hamper the exercise by developing States parties of their inalienable rights to develop research, production and use of nuclear energy for peaceful purposes, including to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

49. The inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities – operational or under construction – poses a great danger to human lives and the environment, and constitutes a grave violation of international law, the principles and purposes of the Charter of the United Nations and the resolutions of IAEA; to recognize the need for a comprehensive multilaterally negotiated legally binding instrument prohibiting attacks and the threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy; and, pending the conclusion of such an instrument, to strongly urge all States to refrain from attacks or the threat of attacks on such facilities.

50. Reflection that supplier arrangements should continue to be transparent and ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful uses by States parties in conformity with the Treaty.

51. Reflection that States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes.

Elements that should not be included in any way in the outcome document

52. Underlining the role of developed countries and the IAEA technical cooperation programme in the transfer of nuclear technology, international cooperation and capacity-building for peaceful purposes.

53. Measures and initiatives aimed at strengthening nuclear safety and nuclear security must not be used as a pretext or leverage to violate, deny or restrict the inalienable right of States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

54. The inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities should be condemned and prohibited.

55. Rejecting any unilateral interpretation of all provisions of the Treaty.

56. Any conditionality for nuclear disarmament or the reinterpretation of agreed obligations and commitments, especially the unequivocal obligation and undertaking of the nuclear-weapon States to nuclear disarmament.

57. Any formulations that imply new conditions and questioning and that attempt to undermine the full exercise of the inalienable right of all States to the peaceful use of nuclear energy.

58. Any language that could impose new burdens for non-nuclear-weapon States.

59. Any reference to terminology that is not agreed under the Treaty's framework as "arms control".
