2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

New York, 27 April-22 May 2015

Draft Chairman’s working paper: Main Committee III

Decisions and recommendations of previous Conferences

1. The Conference notes that the States parties reiterated their commitment to the effective implementation of the Treaty, the decisions and the resolution on the Middle East adopted by the 1995 Review and Extension Conference, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions of the 2010 Review Conference.

2. The Conference reaffirms that nothing in the Treaty shall 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 articles I, II and III of the Treaty. The Conference recognizes that this right constitutes one of the fundamental objectives of the Treaty. In this connection, the Conference confirms 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.

3. The Conference reaffirms that all States parties to the Treaty 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 in conformity with all the provisions of the Treaty. States parties to the Treaty in a position to do so should also cooperate in contributing alone or together with other States parties or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for the needs of the developing areas of the world.

4. The Conference urges that in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment be given to the non-nuclear weapons States parties to the Treaty, taking the needs of developing countries, in particular, into account.

5. The Conference calls upon all 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. Transfers of nuclear technology and international cooperation among States parties in conformity with articles I, II
and III of the Treaty are to be encouraged. They would be facilitated by eliminating undue constraints that might impede such cooperation.

6. The Conference underlines the role of the International Atomic Energy Agency (IAEA) in assisting developing States parties in the peaceful uses of nuclear energy through the development of effective and efficient programmes aimed at improving their scientific, technological and regulatory capabilities.

Explanatory note: peaceful uses of nuclear energy, nuclear power, technical cooperation, multilateral approaches to the nuclear fuel cycle will be discussed in MCIII meetings as scheduled.

Nuclear safety and related issues

7. The Conference stresses the importance of nuclear safety and nuclear security for the peaceful uses of nuclear energy. While nuclear safety and nuclear security are national responsibilities, IAEA should play the key role in the development of safety standards, nuclear security guidance and relevant conventions based on best practices.

8. The Conference recognizes that the primary responsibility for nuclear safety rests with individual States, reaffirms the central role of IAEA in nuclear safety-related matters, including through the establishment of nuclear safety standards, owing to its mandatory functions and longstanding expertise; and stresses that any possible review of nuclear safety standards at the global level must be carried out within IAEA in an inclusive, gradual and transparent manner, with the guidance and participation of and in consultation with all Member States, that shall incorporate the views of all Member States.

9. The Conference recognizes that the primary responsibility for nuclear security rests with individual States and that IAEA has the mandate, the authority and the central role in the area of nuclear security; and reaffirms that any process to develop multilateral norms, guidelines or rules on nuclear security should be pursued within the framework of IAEA, should be driven by Member States, should be negotiated multilaterally in a gradual, inclusive and transparent manner incorporating the views of all Member States and should not encroach upon the mandate, competence and central role of IAEA in the area of nuclear security.

10. The Conference emphasizes that 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.

11. The Conference notes that a demonstrated global record of safety is a key element for the peaceful uses of nuclear energy and that continuous efforts are required to ensure that the technical and human requirements of safety are maintained at the optimal level. Although safety is a national responsibility, international cooperation on all safety-related matters is important.

12. The Conference encourages the efforts of IAEA, as well as of other relevant forums, in the promotion of safety in all its aspects, and encourages all States parties
to take the appropriate national, regional and international steps to enhance and foster a safety culture. The Conference encourages the continuous improvement of nuclear, radiation, transport and waste safety and appropriate subsequent actions, by recognizing the role that further analyses of the lessons learned from past experience have to play in reinforcing national, regional and international nuclear safety frameworks that serve for the peaceful uses of nuclear science and technology.

13. The Conference acknowledges the primary responsibility of individual States for maintaining the safety and security of their nuclear installations, and the crucial importance of an adequate national technical, human and regulatory infrastructure in nuclear safety, radiological protection and spent fuel and radioactive waste management, as well as an independent and effective regulatory body.

14. The Conference encourages efforts to assist States in meeting IAEA standards of nuclear safety, bilaterally and through the IAEA. In this regard, the Conference recalls that special efforts should be made and sustained to increase awareness in those fields, through the participation of States parties, in particular those from developing countries, in training, workshops, seminars and capacity-building in a non-discriminatory manner. The Conference underlines the fundamental importance of sustainable programmes, through national, regional and international efforts, for education and training in nuclear radiation, transport, waste safety and nuclear security, while focusing on building institutional capacity and technical and managerial capabilities in States parties.

15. The Conference underscores the need to facilitate the effective participation of all interested States in the IAEA Safety Standards Committees given their importance.

16. The Conference welcomes the efforts made by the IAEA, including the Fukushima Ministerial Conference on Nuclear Safety, in working towards publishing the Fukushima Report and taking into account the findings by the Government of Japan, UNSCEAR\(^1\), and other relevant international organizations and fora, to share the lessons learned from the accident at the Fukushima Daiichi Nuclear Power Station in March 2011.

17. The Conference recognizes that the IAEA's Action Plan on Nuclear Safety has served as a significant benchmark in guiding a comprehensive and coordinated national, regional and international approach to strengthening nuclear safety; and reaffirms the importance of robust implementation of the Action Plan. The Conference also emphasizes the importance of States continuing to take active steps to fulfil the actions contained in the IAEA Action Plan on Nuclear Safety as a matter of priority and to identify a scope for further enhancing nuclear safety.

18. The Conference encourages all States that have 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, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

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\(^1\) The 2013 report of the United Nations Scientific Committee on the Effects on Atomic Radiation on "Levels and effects of radiation exposure due to the nuclear accident after the 2011 great east-Japan earthquake and tsunami"

20. The Conference encourages States concerned to further minimize highly enriched uranium stocks and to further minimize their use, including by converting radioisotope production to low-enriched uranium fuel and targets or by using other non-highly enriched uranium technologies, taking into account the need for an assured and reliable supply of medical isotopes.

21. The Conference recognizes the importance of applying best practices and basic principles, as developed by IAEA, in mining and processing, including those related to environmental management of uranium mining.

22. The Conference encourages States parties to promote the sharing of best practices in the area of nuclear safety and nuclear security, including through dialogue with the nuclear industry and the private sector, as appropriate.

23. The Conference welcomes the attention to problems of safety and contamination related to the discontinuation of nuclear operations formerly associated with nuclear weapons programmes, including where appropriate, safe resettlement of any displaced human populations and the restoration of economic productivity to affected areas.

24. The Conference encourages all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in these affected areas, while noting the efforts that have been made to date in this regard.

Safe transport of radioactive materials

25. The Conference recognizes that, historically, the safety record of civilian transport, including maritime transport, of radioactive materials has been excellent, and stresses the importance of international cooperation to maintain and enhance the safety of international transport.

26. The Conference reaffirms maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments.

27. The Conference endorses the IAEA standards for the safe transport of radioactive material and affirms that it is in the interest of all States parties that the transportation of radioactive materials continues to be conducted consistent with safety, security and environmental protection standards and guidelines. The Conference takes note of the concerns of small island developing States and other coastal States with regard to the transportation of radioactive materials by sea and, in this regard, welcomes continuing efforts to improve communication between shipping and coastal States for the purpose of addressing concerns regarding transport safety, security and emergency preparedness.
28. The Conference welcomes the IAEA guidelines on best practices for voluntary and confidential Government-to-Government communications on the transport of MOX Fuel, high level radioactive waste and, as appropriate, irradiated nuclear fuel by sea.

**Armed attacks against nuclear installations devoted to peaceful purposes**

29. The Conference considers that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety, have dangerous political, economic and environmental implications and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.

**Nuclear liability and emergency response**

30. The Conference recalls the Paris Convention on Third Party Liability in the Field of Nuclear Energy, the Vienna Convention on Civil Liability for Nuclear Damage, the Brussels Convention supplementary to the Paris Convention, the Joint Protocol Related to the Application of the Vienna Convention and the Paris Convention, stresses the importance of earliest possible entry into force of the 2004 Protocols amending the Paris and Brussels Conventions and welcomes the entry into force of the Convention on Supplementary Compensation for Nuclear Damage establishing a worldwide nuclear liability regime based on the principles of nuclear liability law, without prejudice to other liability regimes.

31. The Conference calls upon States parties to put in force a civil nuclear liability regime by becoming party to relevant international instruments and adopting suitable national legislation based upon the principles established by the main pertinent international instruments.

32. The Conference notes that the IAEA plays a key role, which must be supported by States, in coordinating international cooperation with regard to preparedness and response to nuclear emergencies. The Conference encourages States to make use of the various services and activities offered by IAEA to improve preparedness and response to nuclear emergencies.