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# **Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

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## **First session**

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### **Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons: nuclear non-proliferation**

#### **Working paper submitted by the United States of America**

1. President Obama, in Prague in 2009, laid down a broad and ambitious agenda to prevent the spread of nuclear weapons. In addition to nuclear disarmament and peaceful uses of nuclear energy, the agenda covers three principal non-proliferation objectives: (a) strengthen the Treaty on the Non-Proliferation of Nuclear Weapons as a basis for cooperation; (b) provide sufficient resources and authority to the International Atomic Energy Agency (IAEA) to carry out its inspection responsibilities; and (c) confront the threat of nuclear terrorism.

2. The United States of America is playing a leading role in advancing all three of these non-proliferation objectives, as well as in supporting well-crafted nuclear-weapon-free zones that are vigorously enforced and developed in accordance with the guidelines adopted by the United Nations Disarmament Commission. However, success will come only through the cooperation and active participation of all States, in particular the States parties to the Treaty, which remains the cornerstone of the international nuclear non-proliferation regime. The United States has undertaken a number of measures since the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to strengthen the non-proliferation pillar of the Treaty, including steps to implement the consensus Action Plan. Much has been accomplished since 2010, but much remains to be done.

#### **Strengthening the Treaty and the International Atomic Energy Agency**

3. Articles I, II and III comprise the non-proliferation obligations of all Treaty parties by prohibiting the transfer or acquisition of nuclear weapons or other nuclear explosive devices, under any circumstances, and by requiring that non-nuclear-weapon States accept IAEA verification that nuclear material in peaceful nuclear activities is not being used for purposes proscribed by the Treaty.



**Non-transfer of nuclear weapons or material for nuclear weapons purposes**

4. The United States meets our article I and III obligations in several ways, including by ensuring that our nuclear weapons are securely under the control of the United States, by not transferring these weapons or control over these weapons to any other State and by ensuring that technology, equipment and nuclear material provided to other States is used only for peaceful purposes and is conveyed responsibly, including the application of IAEA safeguards.

**Safeguards of the International Atomic Energy Agency**

5. Article III requires non-nuclear-weapon States to conclude with IAEA a comprehensive safeguards agreement to verify that declared nuclear material is not diverted to prohibited purposes. We note that 14 Treaty parties have not yet done so, and we strongly urge these States to take the steps necessary to bring such agreements into force.

6. IAEA has made clear that it cannot provide credible assurances in the absence of undeclared nuclear activities in a State without the additional authorities contained in the Model Protocol Additional to the Agreements between State(s) and the International Atomic Energy Agency for the Application of Safeguards (INFCIRC/540). A State that has an Additional Protocol in force provides IAEA with additional information and access, strengthening the Agency's ability to determine whether the State has undeclared nuclear activities or material. The 2010 Review Conference called on all parties to bring an Additional Protocol into force as quickly as possible. As of March 2012, 115 States have done so, 14 since the 2010 Review Conference, sending a clear sign that the Protocol has become a widely accepted norm for safeguards. The United States believes that a comprehensive safeguards agreement, together with an Additional Protocol, should be considered the international standard for IAEA safeguards, and we encourage the remaining States to bring a Protocol into force as soon as possible. The United States joins IAEA and others in offering assistance to States in the effective implementation of these safeguards instruments.

7. While not required to do so by article III of the Treaty, the United States brought into force a "voluntary offer" safeguards agreement (INFCIRC/288) in 1980, and in 2009 the United States brought into force an Additional Protocol to that agreement. Under the voluntary offer agreement the United States has made more than 290 nuclear facilities eligible for the application of IAEA safeguards, including its nuclear power and research reactors, nuclear fuel fabrication plants, uranium conversion facilities, plutonium reprocessing plants, uranium enrichment plants and other types of facilities. IAEA has the right to select any of these facilities for safeguards. Under the Additional Protocol to our safeguards agreement, last year the United States declared more than 370 activities to IAEA. These included activities in the areas of fuel-cycle research and development, uranium mining and concentration and the manufacturing of items required in our nuclear activities. The United States also is submitting quarterly reports on exports, as well as hosting complementary access visits by IAEA inspectors. These agreements demonstrate the willingness of the United States to accept the same obligations on our civil nuclear facilities that non-nuclear-weapon States are required to accept under the corresponding agreements and provide IAEA with experience in inspecting such facilities.

8. With the number of safeguards agreements, Additional Protocols and facilities under safeguards increasing, President Obama has made clear that IAEA needs additional resources to carry out its mission and essential functions. For several years, the United States has reached out to fellow IAEA member States to seek their support for increases to the IAEA regular budget. Most recently, in September 2011, the General Conference of IAEA approved the Board's recommendation of a nominal 3.2 per cent increase for 2012 — a 2.1 per cent increase in real terms — which provided increases in most areas of the Agency's work, including safeguards.

9. The United States has also increased its voluntary contributions to IAEA safeguards. Because the IAEA regular budget leaves unfunded many core activities related to safeguards, the United States, in 1977, established the Programme of Technical Assistance to IAEA Safeguards to provide technical assistance to strengthen safeguards. Since then, 19 other States and the European Commission have developed support programmes that provide technical assistance to the Department of Safeguards of IAEA. In recent years, the Programme has sponsored many tasks designed to assist the Agency in developing programmes in environmental sampling, containment and surveillance systems, remote monitoring, information technology and other areas. These efforts allow IAEA to field more modern technologies to improve the effectiveness and efficiency of its safeguards system.

10. The United States is also a leading partner in IAEA efforts to replace a key part of the Agency's Safeguards Analytical Laboratory — the Nuclear Material Laboratory. The new laboratory is necessary to maintain the Agency's independent verification under the Treaty. The United States and other States are working to ensure that IAEA receives all of the resources necessary to complete the new laboratory by the end of 2014, when the existing Nuclear Material Laboratory will cease operations. Support from the United States includes more than \$14 million in extrabudgetary contributions and technical expertise to assist IAEA with planning and coordination for the new laboratory.

11. Article III links safeguards to export controls. Specifically, it requires that all nuclear materials and specially designed equipment be subject to the safeguards required by the Treaty. Under its Atomic Energy Act, as amended, and the Nuclear Non-Proliferation Act of 1978, the United States maintains a rigorous and comprehensive system of export controls for nuclear and nuclear-related dual-use items and technology. Export controls are not intended to deny States equipment and technology for legitimate peaceful purposes, but rather to facilitate commerce for such purposes by providing important assurances to exporters and the international community that such equipment and technology will be used for peaceful purposes in a transparent manner. This system of export controls helps fulfil articles I and III of the Treaty and Security Council resolution 1540 (2004).

### **Challenges to the nuclear non-proliferation regime**

12. President Obama spoke emphatically in Prague in 2009 about the need for compliance with the Treaty: "Rules must be binding. Violations must be punished. Words must mean something. The world must stand together to prevent the spread of these weapons." As agreed in the 2010 Action Plan, it is vitally important that Treaty parties support the resolution of all cases of non-compliance with IAEA safeguards and other non-proliferation requirements. With very few exceptions,

non-nuclear-weapon States parties to the Treaty have demonstrated their commitment to the Treaty by complying with its provisions and working with partners to strengthen Treaty implementation. Unfortunately, however, challenges to full compliance with the nuclear non-proliferation regime remain.

13. We remain concerned by the persistent failure of the Islamic Republic of Iran to comply with its non-proliferation obligations, including IAEA safeguards obligations and Security Council resolutions, and welcome the constructive and useful discussions between the P5+1 (the five permanent members of the Security Council plus Germany) and the Islamic Republic of Iran in Istanbul, Turkey, on 14 April 2012. We seek a sustained process of serious dialogue, where the P5+1 and the Islamic Republic of Iran can take urgent practical steps that build confidence and lead to compliance of the Islamic Republic of Iran with all its international obligations. We will be guided in these efforts by the step-by-step approach and the principle of reciprocity. The Treaty forms a key basis, together with the resolutions of the Security Council and the IAEA Board of Governors, for what must be serious engagement on the nuclear programme of the Islamic Republic of Iran to ensure all the obligations under the Treaty are met by the country while fully respecting its right to the peaceful use of nuclear energy in conformity with articles I, II and III of the Treaty. We are concerned that the Islamic Republic of Iran has not agreed to grant IAEA access to all relevant sites and information, and stress the need and urgency for it and the IAEA to reach an agreement on a structured approach, based on IAEA verification practices, to resolve all outstanding issues.

14. The case of the Syrian Arab Republic also remains unsettled. The Director-General of IAEA reported in May 2011 that the facility destroyed in 2007 at Dair Alzour in the Syrian Arab Republic was “very likely” an undeclared nuclear reactor. Consequently, in June 2011, the Board of Governors of IAEA found the Syrian Arab Republic in non-compliance with its safeguards agreement and, in accordance with its Statute, referred the matter to the Security Council. As with the Islamic Republic of Iran, it is critically important that the Syrian Arab Republic fully cooperate with IAEA and return to full compliance with its safeguards agreement.

15. Turning to the Democratic People’s Republic of Korea, we note with serious concern its launch of 13 April 2012, in violation of Security Council resolutions 1718 (2006) and 1874 (2009). Such actions, in clear contravention of its international obligations and commitments, call into serious question the commitment of the Democratic People’s Republic of Korea to denuclearization. The country’s continued development of its nuclear programme, including uranium enrichment, is a clear violation of Security Council resolutions 1718 (2006) and 1874 (2009) and its commitments under the Joint Statement of the Fourth Round of the Six-Party Talks released in 2005. These activities must cease immediately. We strongly urge the Democratic People’s Republic of Korea to abandon all nuclear weapons and existing nuclear programmes and return, at an early date, to the Treaty and IAEA safeguards. We reaffirm our support for a diplomatic resolution of the country’s nuclear issue. We call on the Democratic People’s Republic of Korea to refrain from further provocative actions, including any nuclear tests, and take concrete and demonstrable steps to fulfil its international obligations and commitments.

## **Confronting the threat of nuclear terrorism**

### **International conventions**

16. Two international conventions are especially important in confronting the threat of nuclear terrorism: the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material and its amendment. The United States is a party to the Convention on the Physical Protection of Nuclear Material and has signed the amendment, which was adopted in 2005; the United States has also signed the International Convention for the Suppression of Acts of Nuclear Terrorism. The Senate provided advice and consent to ratification of both the International Convention for the Suppression of Acts of Nuclear Terrorism and the amendment to the Convention on the Physical Protection of Nuclear Material in 2008, and the Treaties are now awaiting implementing legislation.

### **Securing fissile material**

17. In April 2010, President Obama hosted in Washington, D.C., a gathering of 50 global leaders at the Nuclear Security Summit. The leaders agreed on the seriousness of the threat of nuclear terrorism and on the necessity of working together to reduce this threat. The Summit highlighted the key role of IAEA in supporting the efforts of its member States in protecting their nuclear materials, and the Summit reinforced the existing international legal architecture that governs nuclear security, such as the amended Convention on the Physical Protection of Nuclear Material, the International Convention for the Suppression of Acts of Nuclear Terrorism, and Security Council resolution 1540 (2004). The Nuclear Security Summit process has been an integral part of the Obama Administration's strategy for leading a worldwide effort to secure vulnerable nuclear material.

18. The second Nuclear Security Summit was held on 26 and 27 March in Seoul. Fifty-three heads of State and Government, as well as representatives of the European Union, IAEA, INTERPOL and the United Nations, were in attendance. The Seoul Summit participants agreed to a detailed communiqué that builds on the objectives and measures set out in the communiqué of the Washington, D.C., Summit and advances important nuclear security goals. These goals include minimizing the amount of potentially vulnerable highly enriched uranium by sustaining the supply of medical isotopes used to treat cancer and heart disease without the use of highly enriched uranium; securing radioactive sources; promoting the security of nuclear materials while in transit; establishing and coordinating Centres of Excellence; thwarting illicit trafficking of nuclear and other radioactive materials; and drafting national legislation to implement nuclear security agreements.

19. Thirty-two countries made more than 70 commitments on specific actions to enhance nuclear security at the Washington, D.C., Summit, many of which were completed before the Seoul Summit. Of particular note, pledges to remove all highly enriched uranium from Ukraine and Mexico were highlighted at the Washington, D.C., Summit. In Seoul, countries provided progress reports outlining their accomplishments since the Washington, D.C., Summit. Additional announcements at the Seoul Summit include the trilateral work between Kazakhstan, the Russian Federation and the United States at Degelen Mountain, the removal of

all plutonium from Sweden and an agreement to convert molybdenum-99 production to low-enriched uranium targets in the Netherlands and Belgium. The next Nuclear Security Summit will be held in 2014 in the Netherlands.

#### **Security Council resolution 1540 (2004)**

20. Resolution 1540 (2004) was adopted by the Security Council under Chapter VII of the Charter of the United Nations, making its provisions binding on all Member States. Resolution 1540 (2004) is designed to prevent the spread of weapons of mass destruction, their delivery systems or related materials, particularly to non-State actors. The resolution requires States to undertake a number of steps to strengthen their non-proliferation and chemical, biological and nuclear security capabilities, including measures to strengthen export controls over materials that could be used to produce weapons of mass destruction. The resolution also created a committee to oversee efforts by United Nations Member States to implement the resolution. In 2011, the Security Council unanimously extended the 1540 Committee's mandate for 10 years.

21. In support of Security Council resolution 1540 (2004), the United States voluntarily contributed \$3 million to the United Nations Trust Fund for Global and Regional Disarmament Activities to support global 1540 implementation activities. In September 2011 the 1540 Committee and its Expert Group visited the United States and were briefed on the country's efforts to implement resolution 1540 (2004), which included a review of the country's laws and regulations governing the transfer of weapons of mass destruction and their delivery systems, control of their materials, and measures to prevent their proliferation. The visit enabled the United States to share its strategy for its approach to implementation, to share expertise in regulating these areas and to respond to questions from the Committee. The United States sees its implementation of the resolution as essential for the maintenance of international peace and security, and will continue to work for full implementation of the resolution.

#### **Global Initiative to Combat Nuclear Terrorism**

22. Currently, 85 countries and 4 official observers (the European Union, IAEA, INTERPOL and the United Nations Office on Drugs and Crime) participate as partners in the Global Initiative to Combat Nuclear Terrorism, which is co-Chaired by the United States and the Russian Federation. The Initiative aims to improve global capacity to prevent, detect and respond to nuclear terrorism through multilateral activities that reinforce the policies, procedures and interoperability of partner States. Partners in the Initiative commit to a set of core nuclear security principles that call for improving accounting, control and protection of nuclear and radiological materials and facilities; developing capabilities to detect and halt illicit trafficking of such materials; preventing terrorists/other non-State actors from acquiring nuclear materials; strengthening legal frameworks to counter nuclear-terrorism-related activity; sharing information; and developing a capability to respond to and mitigate acts of nuclear terrorism. The Implementation and Assessment Group, currently Chaired by Spain, works to ensure that activities of the Initiative are coordinated with and complement existing international efforts.

**Group of Eight Global Partnership**

23. The Global Partnership against the Spread of Weapons and Materials of Mass Destruction was initiated at the 2002 Group of Eight (G-8) Summit in Kananaskis, Canada, as a cooperative effort to prevent terrorists or States that support terrorists from acquiring weapons of mass destruction. The Partnership was to operate for only 10 years, but at the 2011 G-8 Summit in Deauville, France, the leaders decided to extend the effort for another 10 years. The United States plans to provide \$10 billion for the Partnership from 2012 to 2022, subject to annual Congressional appropriations.

24. The Partnership initially focused on cooperative threat reduction projects in the Russian Federation. Thanks to these efforts, more than 180 Soviet nuclear submarines have been dismantled, thousands of tons of chemical weapons destroyed and thousands of radioactive sources secured. The Partnership is now evolving into a global initiative that includes 24 partners and has an agenda of global chemical, biological, radiological and nuclear threat reduction. As Chair of the Partnership in 2012, the United States is focusing on the areas enunciated at the 2011 G-8 Summit, specifically nuclear and radiological security, biosecurity, scientist engagement and facilitating the implementation of Security Council resolution 1540 (2004).

**Nuclear-weapon-free zones**

25. Article VII of the Treaty recognizes the right of countries to establish nuclear-weapon-free zones in their regions. In protocols to treaties establishing such zones, nuclear-weapon States agree to respect those denuclearized zones and not to attack or threaten to attack States that are party to the nuclear-weapon-free zone treaties.

26. The United States believes that nuclear-weapon-free zones provide valuable regional reinforcement to the global non-proliferation regime. They can contribute to regional and international peace, security and stability when they are properly crafted and rigorously implemented under appropriate conditions. This includes, inter alia, that the initiative for creating the zone comes from States in the region concerned, that all States whose participation is deemed important participate in the zone and that there is adequate verification of compliance with the zone's provisions.

27. The United States is party to Additional Protocols I and II of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. The United States also is a signatory to the relevant Protocols to the South Pacific Nuclear Free Zone Treaty and the African Nuclear-Weapon-Free Zone Treaty, and has submitted these Protocols to the United States Senate for its advice and consent to ratification. In addition, consistent with the commitment made by Secretary of State Clinton at the 2010 Review Conference, the issues related to the Protocol of the South-East Asia Nuclear-Weapon-Free Zone have been resolved, and the United States looks forward to signing the Protocol in the near future. The United States also remains prepared to continue consulting with parties to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia.