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1995 REVIEW AND EXTENSION CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

1. On 19 July 1995, the Director General received the following letter, addressed to him by the Alternate Resident Representative of Canada to the International Atomic Energy Agency:

"On behalf of the Delegation of Canada I should like to request you to issue, as an information circular of the IAEA, the attached text concerning the recent Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. I make this request in my capacity as Chair of the drafting group established by Main Committee II of the Conference "to draft the text concerning export control and related matters" (NPT/Conf.1995/MCII/I p.6).

"The broader-based drafting group held intensive sessions over the period 4-9 May and separate bilateral discussions were held individually with some 25-30 delegations 10-12 May. On the final day of the Conference informal agreement was reached on a draft text.

"My purpose in requesting that this draft text be circulated as an information circular is to ensure that interested delegations could be apprised of the product of the drafting group and the informal consultations. The text will certainly be relevant to the decision taken by the Conference concerning "Strengthening the Review Process for the Treaty".

"Most of the attached text was the product of the very broadly based working group and the text as a whole received the agreement of interested delegations in informal consultations. However, while bracketed text was introduced to the Conference Drafting Committee and the final text was introduced in the consultations led by the Chairman of the Conference on the final day, the informal text was never discussed in either of these forums. It therefore has no official status."

2. As requested in the letter of the Alternate Resident Representative of Canada, the material attached is being circulated for the information of Member States of the Agency.

ATTACHMENT

1. The Conference urges all States Parties to ensure that their nuclear-related exports to non-nuclear-weapon States not party to the Treaty do not assist any nuclear weapon programme.
2. The Conference notes that most non-nuclear-weapon States have undertaken international legally binding commitments under articles II and III, paragraph 1, of the Treaty not to acquire nuclear weapons or other nuclear explosive devices and to accept International Atomic Energy Agency (IAEA) safeguards on all their peaceful nuclear activities, both current and future, to verify that commitment. The Conference urges all non-nuclear-weapon States; which have not already done so to make such commitments, and notes that accession to the Treaty is the most effective way to achieve these objectives. The Conference affirms that new supply arrangements for the transfer to non-nuclear-weapon States of source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, should require, as a necessary precondition, such a commitment and acceptance of such full-scope safeguards. The Conference notes that most nuclear suppliers, in accordance with their commitments under Article III, paragraph 2, require these conditions to be met prior to transfers of relevant nuclear supplies. The Conference urges those suppliers which have not yet done so to require such conditions without delay.
3. The Conference reiterates that each State Party should not transfer any nuclear-related items to any recipient whatsoever unless the transfer is in full conformity with the objectives and purposes of the Treaty as stipulated, particularly in articles I, II, III and IV. The Conference reaffirms the sovereign right and obligation of each State Party in implementing its national export policy, consistent with Articles I, II, III and IV of the Treaty, not to transfer nuclear-related items to non-nuclear-weapon States, taking into account, inter alia arrangements mutually agreed between the States Parties concerned, if such exports will contribute to the proliferation of nuclear weapons or other nuclear explosive devices. The Conference further reaffirms that nothing in this 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 and H of this Treaty.
4. The Conference notes the role of national export and import control mechanisms in giving effect to States Parties' obligations under Articles I, II and III not to contribute to the proliferation of nuclear weapons. The Conference stresses that such controls be intended to provide, an environment of confidence for international cooperation in the peaceful uses of nuclear energy.
5. The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee. These States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Conference invites all States to consider applying these understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices.

6. The Conference notes with appreciation the decision of some States Parties to provide the IAEA comprehensive information about the export and import of nuclear related materials and equipment. The Conference recognizes that such transparency of international transfers enhances confidence among States Parties that international nuclear trade and exchange serve exclusively to promote peaceful objectives, and that it strengthens the capability of the IAEA to apply safeguards effectively.

7. The Conference notes that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. The Conference calls for wider participation in international consultations among all interested States parties concerning the formulation and review of such guidelines, which relate to the implementation of States parties obligations under Article III, paragraph 2.

8. The Conference is aware that a number of States parties also cooperate informally and have agreed on guidelines for the export of nuclear-related items, which are published in IAEA document INFCIRC/254 as amended.

9. The Conference considers that transparency in export controls should be promoted within a framework of dialogue and cooperation among all interested States parties to the Treaty, and should continue to ensure that export guidelines do not hamper the development of nuclear energy for peaceful uses in States parties in conformity with Articles I, II, III and IV. The Conference looks forward to the participation of all interested States parties in such consultations, in further discussions of the implementation of Article IV and related issues, including in the context of the strengthened review process.