

# NPT Review Conference Report

*In accordance with Article VIII.3 of the Treaty on the Non-Proliferation of Nuclear Weapons<sup>1</sup> a Conference of the parties to the Treaty was held in Geneva from 5–30 May in order to review the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty were being realized.*

*The Conference was presided over by Mrs. Inga Thorsson of Sweden. Statements were made both by the Secretary-General of the United Nations and the Director General of the IAEA at the opening session.*

*In its Final Declaration, adopted by consensus, the Conference expressed the view that the conclusion of a treaty banning all nuclear weapon tests was one of the most important measures to halt the nuclear arms race. It stressed the need to achieve the discontinuance of all test explosions of nuclear weapons for all time. The Conference also expressed its strong support for IAEA safeguards aimed at preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other explosive devices.*

*Questions affecting the Agency arose chiefly in the review of Articles III, IV and V of the Treaty. The three sections of the Declaration which deal with the review of those Articles are reprinted below:*

## REVIEW OF ARTICLES I AND II

The review undertaken by the Conference confirms that the obligations undertaken under Articles I and II of the Treaty have been faithfully observed by all Parties. The Conference is convinced that the continued strict observance of these Articles remains central to the shared objective of averting the further proliferation of nuclear weapons.

## REVIEW OF ARTICLE III

The Conference notes that the verification activities of the IAEA under Article III, 1 of the Treaty respect the sovereign rights of States and do not hamper the economic, scientific or technological development of the Parties to the Treaty or international co-operation in peaceful nuclear activities. It urges that this situation be maintained. The Conference attaches considerable importance to the continued application of safeguards under Article III, 1, on a non-discriminatory basis, for the equal benefit of all States Party to the Treaty.

The Conference notes the importance of systems of accounting for and control of nuclear material, from the standpoints both of the responsibilities of States Party to the Treaty and of co-operation with the IAEA in order to

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<sup>1</sup> Reproduced in document INFCIRC/140

facilitate the implementation of the safeguards provided for in Article III, 1. The Conference expresses the hope that all States having peaceful nuclear activities will establish and maintain effective accounting and control systems and welcomes the readiness of the IAEA to assist States in so doing.

The Conference expresses its strong support for effective IAEA safeguards. In this context it recommends that intensified efforts be made towards the standardization and the universality of application of IAEA safeguards, while ensuring that safeguards agreements with non-nuclear-weapon States not Party to the Treaty are of adequate duration, preclude diversion to any nuclear explosive devices and contain appropriate provisions for the continuance of the application of safeguards upon re-export.

The Conference recommends that more attention and fuller support be given to the improvement of safeguards techniques, instrumentation, data-handling and implementation in order, among other things, to ensure optimum cost-effectiveness. It notes with satisfaction the establishment by the Director General of the IAEA of a standing advisory group on safeguards implementation.

The Conference emphasizes the necessity for the States Party to the Treaty that have not yet done so to conclude as soon as possible safeguards agreements with the IAEA.

With regard to the implementation of Article III, 2 of the Treaty, the Conference notes that a number of States suppliers of nuclear material or equipment have adopted certain minimum, standard requirements for IAEA safeguards in connexion with their exports of certain such items to non-nuclear-weapon States not Party to the Treaty (IAEA document INFCIRC/209 and Addenda). The Conference attaches particular importance to the condition, established by those States, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements.

The Conference urges that:

- (a) in all achievable ways, common export requirements relating to safeguards be strengthened, in particular by extending the application of safeguards to all peaceful nuclear activities in importing States not Party to the Treaty;
- (b) such common requirements be accorded the widest possible measure of acceptance among all suppliers and recipients;
- (c) all Parties to the Treaty should actively pursue their efforts to these ends.

The Conference takes note of:

- (a) the considered view of many Parties to the Treaty that the safeguards required under Article III, 2 should extend to all peaceful nuclear activities in importing States;

- (b) (i) the suggestion that it is desirable to arrange for common safeguards requirements in respect of nuclear material processed, used or produced by the use of scientific and technological information transferred in tangible form to non-nuclear-weapon States not Party to the Treaty;
- (ii) the hope that this aspect of safeguards could be further examined.

The Conference recommends that, during the review of the arrangements relating to the financing of safeguards in the IAEA which is to be undertaken by its Board of Governors at an appropriate time after 1975, the less favourable financial situation of the developing countries be fully taken into account. It recommends further that, on that occasion, the Parties to the Treaty concerned seek measures that would restrict within appropriate limits the respective shares of developing countries in safeguards costs.

The Conference attaches considerable importance, so far as safeguards inspectors are concerned, to adherence by the IAEA to Article VII, D of its Statute, prescribing, among other things, that "due regard shall be paid . . . to the importance of recruiting the staff on as wide a geographical basis as possible"; it also recommends that safeguards training be made available to personnel from all geographic regions.

The Conference, convinced that nuclear materials should be effectively protected at all times, urges that action be pursued to elaborate further, within the IAEA, concrete recommendations for the physical protection of nuclear material in use, storage and transit, including principles relating to the responsibility of States, with a view to ensuring a uniform, minimum level of effective protection for such material.

It calls upon all States engaging in peaceful nuclear activities (i) to enter into such international agreements and arrangements as may be necessary to ensure such protection; and (ii) in the framework of their respective physical protection systems, to give the earliest possible effective application to the IAEA's recommendations.

#### REVIEW OF ARTICLE IV

The Conference reaffirms, in the framework of Article IV, 1, that nothing in the Treaty shall be interpreted as affecting, and notes with satisfaction that nothing in the Treaty has been identified 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 II of the Treaty.

The Conference reaffirms, in the framework of Article IV, 2, the undertaking by all Parties to the Treaty to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy and the right of all Parties to the Treaty to participate in such exchange and welcomes the efforts made

towards that end. Noting that the Treaty constitutes a favourable framework for broadening international co-operation in the peaceful uses of nuclear energy, the Conference is convinced that on this basis, and in conformity with the Treaty, further efforts should be made to ensure that the benefits of peaceful applications of nuclear technology should be available to all Parties to the Treaty.

The Conference recognizes that there continues to be a need for the fullest possible exchange of nuclear materials, equipment and technology, including up-to-date developments, consistent with the objectives and safeguards requirements of the Treaty. The Conference reaffirms the undertaking of the Parties to the Treaty in a position to do so to co-operate in contributing, alone or together with other States 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 Party to the Treaty, with due consideration for the needs of the developing areas of the world. Recognizing, in the context of Article IV, 2, those growing needs of developing States the Conference considers it necessary to continue and increase assistance to them in this field bilaterally and through such multilateral channels as the IAEA and the United Nations Development Programme.

The Conference is of the view that, in order to implement as fully as possible Article IV of the Treaty, developed States Party to the Treaty should consider taking measures, making contributions and establishing programmes, as soon as possible, for the provision of special assistance in the peaceful uses of nuclear energy for developing States Party to the Treaty.

The Conference recommends that, in reaching decisions on the provision of equipment, materials, services and scientific and technological information for the peaceful uses of nuclear energy, on concessional and other appropriate financial arrangements and on the furnishing of technical assistance in the nuclear field, including co-operation related to the continuous operation of peaceful nuclear facilities, States Party to the Treaty should give weight to adherence to the Treaty by recipient States. The Conference recommends, in this connexion, that any special measures of co-operation to meet the growing needs of developing States Party to the Treaty might include increased and supplemental voluntary aid provided bilaterally or through multilateral channels such as the IAEA's facilities for administering funds-in-trust and gifts-in-kind.

The Conference further recommends that States Party to the Treaty in a position to do so, meet, to the fullest extent possible, "technically sound" requests for technical assistance, submitted to the IAEA by developing States Party to the Treaty, which the IAEA is unable to finance from its own resources, as well as such "technically sound" requests as may be made by developing States Party to the Treaty which are not Members of the IAEA.

The Conference recognizes that regional or multinational nuclear fuel cycle centres may be an advantageous way to satisfy, safely and economically, the needs of many States in the course of initiating or

expanding nuclear power programmes, while at the same time facilitating physical protection and the application of IAEA safeguards and contributing to the goals of the Treaty.

The Conference welcomes the IAEA's studies in this area, and recommends that they be continued as expeditiously as possible. It considers that such studies should include, among other aspects, identification of the complex practical and organizational difficulties which will need to be dealt with in connexion with such projects.

The Conference urges all Parties to the Treaty in a position to do so to co-operate in these studies, particularly by providing to the IAEA where possible economic data concerning construction and operation of facilities such as chemical reprocessing plants, plutonium fuel fabrication plants, waste management installations, and longer-term spent fuel storage, and by assistance to the IAEA to enable it to undertake feasibility studies concerning the establishment of regional nuclear fuel cycle centres in specific geographic regions.

The Conference hopes that, if these studies lead to positive findings, and if the establishment of regional or multinational nuclear fuel cycle centres is undertaken, Parties to the Treaty in a position to do so, will co-operate in, and provide assistance for, the elaboration and realization of such projects.

#### REVIEW OF ARTICLE V

The Conference reaffirms the obligation of Parties to the Treaty to take appropriate measures to ensure that potential benefits from any peaceful applications of nuclear explosions are made available to non-nuclear-weapon States Party to the Treaty in full accordance with the provisions of Article V and other applicable international obligations. In this connexion, the Conference also reaffirms that such services should be provided to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used should be as low as possible and exclude any charge for research and development.

The Conference notes that any potential benefits could be made available to non-nuclear-weapon States not Party to the Treaty by way of nuclear explosion services provided by nuclear-weapon States, as defined by the Treaty, and conducted under the appropriate international observation and international procedures called for in Article V and in accordance with other applicable international obligations. The Conference considers it imperative that access to potential benefits of nuclear explosions for peaceful purposes not lead to any proliferation of nuclear explosive capability.

The Conference considers the IAEA to be the appropriate international body, referred to in Article V of the Treaty, through which potential benefits from peaceful applications of nuclear explosions could be made available to

any non-nuclear-weapon State. Accordingly, the Conference urges the IAEA to expedite work on identifying and examining the important legal issues involved in, and to commence consideration of the structure and content of, the special international agreement or agreements contemplated in Article V of the Treaty, taking into account the views of the Conference of the Committee on Disarmament (CCD) and the United Nations General Assembly and enabling States Party to the Treaty but not Members of the IAEA which would wish to do so to participate in such work.

The Conference notes that the technology of nuclear explosions for peaceful purposes is still at the stage of development and study and that there are a number of interrelated international legal and other aspects of such explosions which still need to be investigated.

The Conference commends the work in this field that has been carried out within the IAEA and looks forward to the continuance of such work pursuant to United Nations General Assembly resolution 3261 D (XXIX). It emphasizes that the IAEA should play the central role in matters relating to the provision of services for the application of nuclear explosions for peaceful purposes. It believes that the IAEA should broaden its consideration of this subject to encompass, within its area of competence, all aspects and implications of the practical applications of nuclear explosions for peaceful purposes. To this end it urges the IAEA to set up appropriate machinery within which intergovernmental discussion can take place and through which advice can be given on the Agency's work in this field.

The Conference attaches considerable importance to the consideration by the CCD, pursuant to United Nations General Assembly resolution 3261 D (XXIX) and taking due account of the views of the IAEA, of the arms control implications of nuclear explosions for peaceful purposes.

The Conference notes that the thirtieth session of the United Nations General Assembly will receive reports pursuant to United Nations General Assembly resolution 3261 D (XXIX) and will provide an opportunity for States to discuss questions related to the application of nuclear explosions for peaceful purposes. The Conference further notes that the results of discussion in the United Nations General Assembly at its thirtieth session will be available to be taken into account by the IAEA and the CCD for their further consideration.