

Received as of 21 June, 7pm

Compilation of amendments received from States on the preamble

ALGERIA

Algeria's new proposal, to be included in the preamble, on peaceful use of nuclear energy :

Reaffirming that measures of disarmament must be consistent with the inalienable right of all States, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful nuclear programmes in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons.

Nb : the language of this paragraph is quoted from the final document of the SSOD-I

ARGENTINA

Proposals submitted by the Delegation of Argentina (06/15/2017)

PP4

Basing themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited.

PP 8

Bearing in mind that the prohibition of nuclear weapons ~~would be~~ is an important contribution towards comprehensive nuclear disarmament.

***PP8bis** "Cognizant of the fact that the risk of nuclear weapons use with their unacceptable consequences can only be avoided when all nuclear weapons have been eliminated."*

***PP8 ter** "Recalling the obligation set forth in Article VI of the Nuclear Non Proliferation Treaty"*

PP 13

"Reaffirming the crucial importance of the Treaty on the Non Proliferation of Nuclear Weapons as the cornerstone of the international nuclear non proliferation regime and an essential foundation for the pursuit of the nuclear disarmament.

Stressing the vital importance of the Comprehensive Nuclear Test Ban Treaty as a core element of the nuclear disarmament and non proliferation regime.

Affirming the contribution of the treaties establishing nuclear weapon free zones toward strengthening the nuclear non proliferation regime and to realizing the objective of nuclear disarmament."

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AUSTRIA

Mindful that the catastrophic consequences of a nuclear weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed, and that the only way to guarantee that nuclear weapons will never be used again is through their total elimination,

Emphasizing that the consequences of a nuclear weapon explosion and the risks associated with nuclear weapons concern the security of all humanity and that all States share the responsibility to prevent any use of nuclear weapons,

BRAZIL

PP3: Mindful of the unacceptable suffering of the victims of the use of nuclear weapons as well as of those affected by the testing of nuclear weapons,

PP 8: Stressing the urgent need to achieve further effective measures of nuclear disarmament in order to facilitate the total elimination ~~from national arsenals~~ of nuclear weapons and the means of their delivery,

PP 13: Reaffirming that the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons has a vital role in promoting international peace and security,

Recognizing the continued vital importance of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty to the advancement of nuclear disarmament and nuclear non-proliferation objectives,

Reaffirming the conviction that the establishment of the internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned enhances global and regional peace and security, strengthens the nuclear non-proliferation regime and contributes towards realizing the objectives of nuclear disarmament,

PP14bis: Convinced that nuclear weapons are among the greatest threats to human rights, particularly the right to life, which confront humankind today, (Based on CCPR General Comment 14)

Flexible on placement: Reaffirming that measures of disarmament must be consistent with the inalienable right of all States, without discrimination, to develop, acquire and use nuclear technology, equipment and materials for the peaceful use of nuclear energy and to determine their peaceful nuclear programmes in accordance with their national priorities, needs and interests, bearing in mind the need to prevent the proliferation of nuclear weapons. (Para 36, SSOD-I Final Document)

COLOMBIA

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BORRADOR DE TRATADO FECHA 22 DE MAYO DE 2017	COMENTARIOS COLOMBIA	PROPUESTAS
Draft Convention on the Prohibition of Nuclear Weapons	- INCLUIR LO SUBRAYADO EN AMARILLO EN EL TÍTULO DEL TRATADO.	Draft Convention on the Prohibition of Nuclear Weapons, leading towards their total elimination.
The States Parties to this Convention,		
	- INCLUIR LOS PÁRRAFOS SUBRAYADOS EN AMARILLO	<p>Reaffirming the absolute validity of multilateral diplomacy in the field of disarmament and non-proliferation, and determined to promote multilateralism as an essential way to develop arms regulation and disarmament negotiations. (Preambulatory clause, Res. 71/258) (WP presentado por Colombia)</p> <p>Stressing the importance of inclusiveness, and welcoming the participation of all Member States in the efforts to achieve a nuclear-weapon-free world. (Preambulatory clause, Res. 71/258) (WP presentado por Colombia)</p> <p>Cognisant of the fact that the risk of nuclear weapons use with their unacceptable consequences can only be avoided when all nuclear weapons have been eliminated. (Excerpt from the Humanitarian Pledge) (WP presentado por Colombia)</p>
Deeply concerned about the catastrophic humanitarian consequences that would result from any use of nuclear weapons and the consequent need to make every effort to ensure that nuclear weapons are never used again under any		

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circumstances		
Cognizant that the catastrophic consequences of nuclear weapons transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and for the health of future generations, and of the disproportionate impact of ionizing radiation on maternal health and on girls,		
Mindful of the suffering of the victims of the use of nuclear weapons (Hibakusha) as well as of those affected by testing of nuclear weapons		
Basing themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited and the rule that care shall be taken in warfare to protect the natural environment against widespread, long term and severe damage, including a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population,		
Declaring that any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, and the principles and rules of humanitarian law,		
Reaffirming that in cases not covered by this convention, civilians and combatants remain under the protection and authority of the principles		

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of international law derived from established custom, from the principles of humanity and from dictates of public conscience,		
Determined to contribute to the realization of the purposes and principles of the Charter of the United Nations		
Bearing in mind that the prohibition of nuclear weapons would be an important contribution towards comprehensive nuclear disarmament		
	- INCLUIR LO SUBRAYADO EN AMARILLO	Bearing in mind also that additional measures, both practical and legally binding, for the irreversible, verifiable and transparent destruction of nuclear weapons would be needed in order to achieve and maintain a world without nuclear weapons, (Preambulatory clause, Res. 71/258) (WP presentado por Colombia)
Stressing the urgent need to achieve further effective measures of nuclear disarmament in order to facilitate the elimination from national arsenals of nuclear weapons and the means of their delivery		
Determined to act towards that end		
Determined also to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control,		
Affirming 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,		
Reaffirming the crucial importance of the Treaty on the Non Proliferation of Nuclear Weapons as the cornerstone of the international nuclear non – proliferation regime and an essential foundation for the pursuit of nuclear disarmament, the vital	- INCLUIR LO SUBRAYADO EN AMARILLO	Reaffirming the crucial importance of the Treaty on the Non Proliferation of Nuclear Weapons, including the three pillars of the Treaty, as the cornerstone of the international nuclear non – proliferation regime and an essential foundation for the pursuit of nuclear disarmament, and the vital importance of the Comprehensive Nuclear -Test-Ban Treaty as a core element of the nuclear disarmament,

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importance of the Comprehensive Nuclear - Test-Ban Treaty as a core element of the nuclear disarmament,		
Stressing the role of public conscience in the furthering of the principles of humanity as evidenced by the call for the total elimination of nuclear weapons and recognizing the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, numerous non-governmental organizations and the Hibakusha,		
Have agreed as follows:	<p>- INCLUIR LOS PÁRRAFOS SUBRAYADOS EN AMARILLO.</p>	<p>OBJECTIVES</p> <ul style="list-style-type: none"> - Contributing to international and regional peace, security and stability; (Objectives section, Arms Trade Treaty) (WP presentado por Colombia) - Achieving and maintaining a world without nuclear weapons; (Based upon operative clause 4, Res. 71/258) (WP presentado por Colombia) - Promoting confidence-building measures among States as a means for creating conditions that facilitate the total elimination of nuclear weapons (WP presentado por Colombia)

CUBA

Draft Convention on the Prohibition of Nuclear Weapons leading towards their total elimination

The States Parties to this Convention,

Deeply concerned about the catastrophic humanitarian consequences that would result from any use of nuclear weapons and the consequent need to ~~make every effort~~ **completely eliminate them** to ensure that nuclear weapons are never used again under any circumstances,

Convinced that nuclear disarmament and the total elimination of nuclear weapons are the only absolute guarantee against the use or threat of use of nuclear weapons,

Cognizant that the catastrophic consequences of nuclear weapons transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and for the health of future generations, and

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of the disproportionate impact of ionizing radiation on maternal health and on girls,

Mindful of the suffering of the victims of the use of nuclear weapons (Hibakusha) as well as of those affected by the testing of nuclear weapons,

Bearing in mind the negative impact of the significant resources that are spent on nuclear weapons programs and reaffirming the need to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, Joint Proposal between Cuba and Ecuador

Basing themselves on the principles and rules of international humanitarian law, ~~in~~ **particular including** the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, **principle of distinction between civilians and combatants, principle of prohibition on the infliction of unnecessary suffering, principle of proportionality and principle of humanity,** and the rule that care shall be taken in warfare to protect the natural environment against widespread, long term and severe damage, including a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population,

Reaffirming the need for all States at all times to comply with applicable international law, including international humanitarian law,

Declaring that any use **or threat of use** of nuclear weapons would be contrary the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law,

Reaffirming that in cases not covered by this convention, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience,

Determined to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Recalling its first Resolution (1 (I)), adopted by consensus on January 24, 1946, and subsequent resolutions which call for the elimination of nuclear weapons,

Recalling also the Final Document of its First Special Session devoted to Disarmament, adopted by consensus, which emphasizes that nuclear weapons pose the greatest danger to mankind and to the survival of civilization and calls for the complete elimination of such weapons,

Bearing in mind that the **legally binding** prohibition of nuclear weapons would be an important contribution towards comprehensive nuclear disarmament,

Stressing the urgent need to achieve further effective measures of nuclear disarmament in order to facilitate the **irreversible, verifiable and transparent** elimination from national arsenals of nuclear weapons and the means of their delivery,

Determined to act towards that end,

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Determined also to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control,

AReaffirming 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, **as unanimously concluded by the International Court of Justice in its advisory opinion of July 8, 1996, on the legality of the threat or use of nuclear weapons, and also affirming that the obligation is universal and unconditional,** (Se reafirma cada año, la última vez en 71/58)

Reaffirming also the obligation set forth in Article VI of the Treaty on the Non - Proliferation of Nuclear Weapons and the crucial importance of ~~the that~~ Treaty ~~on the Non - Proliferation of Nuclear Weapons~~ as the cornerstone of the international nuclear non -proliferation regime and an essential foundation for the pursuit of nuclear disarmament, the vital importance of the Comprehensive Nuclear-Test-Ban Treaty as a core element of the nuclear disarmament and non-proliferation regime, and the **important** contribution of the treaties establishing nuclear-weapon-free zones toward strengthening the nuclear non -proliferation regime and to realizing the objective of nuclear disarmament,

Stressing the role of public conscience in the furthering of the principles of humanity as evidenced by the call for the total elimination of nuclear weapons and recognizing the efforts to that end undertaken **among others**, by the United Nations, **other international organizations**, the International Committee of the Red Cross, numerous non -governmental organizations and the Hibakusha,

Stressing also the need to comply with relevant environmental norms in the implementation of this Convention, (basado OP.1, 71/60)

Emphasizing that nothing in this Convention shall be interpreted as affecting the inalienable right of its States Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

ECUADOR AND CUBA

On socio-economic development Ecuador and Cuba are presenting the following:
"Bearing in mind the negative impact of the significant resources that are spent on nuclear weapons programs and reaffirming the need to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development"

ECUADOR

This is the new proposal on indigenous peoples:

"Recognizing the disproportionate impact that nuclear explosions have had on indigenous peoples in different parts of the world"

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Ethical imperative:

"Recognizing that any use of nuclear weapons, irrespective of the cause, is incompatible with the requirements of international humanitarian law or international law, or the laws of morality, or the dictates of public conscience and that given their indiscriminate nature and potential to annihilate humanity, nuclear weapons are inherently immoral"
Please find enclosed the proposal on a new paragraph on NWFZ:

"Recognizing the important positive impact that the nuclear weapons free zones created by the treaties of Tlatelolco, Rarotonga, Bangkok, Semipalatinsk and Pelindaba, as well as the declaration of Mongolia as a nuclear weapons free zone, have had in the search of a world free of nuclear weapons."

FIJI

Pp1 - '*completely eliminate*'; in place of '*make every effort*' and '*total ban*'; in place of '*never used again*'

The paragraph would read

1. *Deeply concerned* about the catastrophic humanitarian consequences that would result from any use of nuclear weapons and the consequent need to completely eliminate to ensure that nuclear weapons are totally banned under any circumstances.

As for pp2, we propose the following,
'*threat*' in place of '*implications*' and '*Women*' in place of '*maternal health*'
The paragraph would read

2. *Cognizant* that the catastrophic consequences of nuclear weapons transcend national borders, pose grave threat for human survival, the environment, socioeconomic development, the global economy, food security and for the health of future generations, and of the disproportionate impact of ionizing radiation on women and on girls.

As for Pp4, In addition to international humanitarian law to include....., rule of distinction, rule of protection and protection of the natural environment ' which made reference to Reference to International Humanitarian Law'

As for Pp5, we propose '*threat*' in place of '*use*' likewise '*constitute a great breach*' in place of '*to contrary*'

5. *Declaring* that any threat of nuclear weapons would constitute a great breach to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law.

Preamble

In addition to earlier intervention, the following is proposed for the preamble:

1. a. Environment Implications – Impact is noted in terms of nuclear weapon detonation but there is nothing on the **production** aspect of the nuclear weapons. The production aspect

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in terms of uranium mining, production, testing and waste disposal should be given the same emphasis as detonation in the text.

b. Given the importance of the ocean and seas for the life of coastal and island people and the severe marine impacts of nuclear testing in the Pacific, the preamble is to reference **marine and terrestrial ecosystem**. With the 300 forced nuclear tests, most island homes in the Pacific remains unsafe for habitation, agricultural production and fishing. Further the testing has drastically and permanently displaced islanders from their homes and disconnected the indigenous from their customs with many untold pains.

2. On pp4 of International Humanitarian Law (IHL) cluster, line 1 we wish to extend to recognise **international human rights law** along with IHL and environment Law [IHL applies only in times of armed conflict whereas the later applies at all times in peace and in war]

3. **Indigenous communities** at the testing site to be reflected as well in the preamble. At the testing sites around the world, indigenous communities have suffered profound physical, psychological, social and cultural impacts. Fiji speaks with first hand experience of the destruction and long lasting effects that nuclear weapons have had on our people without assistance or reparation. Such was toppled with environment degradation and life threatening consequences resulting from the 300 forces nuclear tests conducted over half a century.

EGYPT

	Article
PP1	Gravely concerned with the continued existence of nuclear weapons and deeply concerned about the catastrophic humanitarian consequences that would result from any use of nuclear weapons and the consequent need to make every effort to ensure that nuclear weapons are never used again under any circumstances,
PP5 bis	Mindful of the advisory opinion issued by the International Court of Justice in 1996 on the Legality of the Threat or Use of Nuclear Weapons which ruled that nuclear weapons are generally illegal and that all states that possess them are obligated to bring to a conclusion negotiations on nuclear disarmament in all its aspects,
PP5 ter	Deeply concerned with the continued reliance on nuclear weapons, and denouncing the concept of nuclear deterrence in security and military doctrines,
PP6	Reaffirming that in cases not covered by this convention, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience,
PP9	Stressing the urgent need to achieve further effective undertake immediate measures of nuclear disarmament in order to facilitate achieve the total elimination from national arsenals of nuclear weapons and the means of their delivery, and determined to act towards that end,
PP10	Determined to act towards that end,
PP10 bis	Gravely concerned with the lack of substantial and meaningful progress in nuclear disarmament, and determined to achieve the total elimination of nuclear weapons,

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PP13	Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the international nuclear non-proliferation and nuclear disarmament regime and an essential foundation for the pursuit of nuclear disarmament, the vital importance of the Comprehensive Nuclear Test Ban Treaty as a core element of the nuclear disarmament and non-proliferation regime, and the contribution of the treaties establishing nuclear weapon-free zones toward strengthening the nuclear nonproliferation regime and to realizing the objective of nuclear disarmament.
PP13 bis	Recognizing the contribution of treaties establishing nuclear weapon free zones toward strengthening the nuclear nonproliferation regime and to realizing the objective of nuclear disarmament,

GUATEMALA

GUATEMALAN PROPOSAL FOR PREAMBULAR PARAGRAPH 8

PP8: “*Bearing in mind* that the prohibition of nuclear weapons would be an important contribution towards comprehensive nuclear disarmament”

PP8 Guatemalan proposal: “*Bearing in mind* that the prohibition of nuclear weapons is necessary to achieve nuclear disarmament”

Guatemalan proposal PP13: “*Recognizing* the vital contribution of the treaties establishing nuclear-weapon-free zones toward strengthening the nuclear non - proliferation regime and to realizing the objective of nuclear disarmament”

HOLY SEE

Our Delegation is in agreement with others who favor a simple treaty as a step toward the complete elimination of nuclear weapons with appropriate means of implementation.

The Holy See Delegation also favors the proposal by So. Africa affirming the ethical imperative for a world free of nuclear weapons as “a global public good of the highest order.”

Finally, the Holy See is in accord with those delegations who would like to tie the work of this conference to the UN Charter. As Pope Francis has written, “The international community is called upon to promote the goal of peace and stability . . .” With that in mind, we would like to **propose an addition to Preamble P 7**, describing the positive content of peace. The paragraph would read:

Determined to contribute to the realization of the purposes and principles of the Charter of the United Nations, **in particular to strengthen universal peace as built on justice, respect for fundamental human rights and integral human development . . .**

The Delegation of the Holy See would like to propose an addition to Preambular Paragraph 14 on education for peace. We propose that after the opening word “Stressing” we add the phrase “**the centrality of education in fostering a culture of peace, and ...**” with the paragraph continuing as drafted.

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We also share the concern of delegations for inclusion of support for the role of religious Leaders in public understanding of the need for nuclear disarmament.

We propose that a new paragraph then be added as the concluding preambular paragraph. The additional paragraph would focus on the centrality of nuclear disarmament to securing a stable peace. The new paragraph would read;

Determined to achieve the security of all States, nuclear and nonnuclear, and thus to contribute to international peace ... (text continues as drafted.)

This paragraph embodies the conference's commitment to strengthen collective security as an essential condition for a sustainable peace. While a few States consider nuclear weapons necessary for their security, those very weapons can undermine their own security and fail to provide a long-term basis for security.

IRELAND

1. In current pp2, we suggest the following changes:

- in line 2, replace "grave implications for human survival" with "a threat to the survival of humanity".

- in lines 4-5, replace "disproportionate impact of ionising radiation on maternal health and on girls" with "disproportionate impact of nuclear weapons, including through ionising radiation, on women and on girls."

2. Taking into account the views expressed by some delegations, we suggest introducing a reference on women's participation not in pp2, as originally proposed, but elsewhere is the text (perhaps after current pp14). This reference would read as follows:

"Recognizing that the equal, full and effective participation of both women and men is an essential factor for the promotion of peace and security, and committed to support and strengthen effective participation of women in nuclear disarmament"

3. Lastly, we suggest a new pp at the end of the Preamble on disarmament education, awareness raising and dissemination. Earlier today we introduced the following formulation:

"Recognising the importance of disarmament education in all its aspects and of awareness raising on the risks and consequences of nuclear weapons for current and future generations, and committed to the dissemination of the principles and norms of this Convention"

IRAN

Draft ~~Convention~~ Treaty on the Prohibition of Nuclear Weapons

The States Parties to this ~~Convention~~ Treaty,

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PP 1 Deeply concerned about the catastrophic humanitarian consequences that would result from any use of nuclear weapons and **recognizing** the consequent need ~~to make every effort~~ to ensure that nuclear weapons are never used again under any circumstances,

PP5 Declaring that any use **or threat of use** of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law,

PP5 bis Declaring also that the use of nuclear weapon will be a crime against humanity, contrary to the spirit, letters and aims of the United Nations and therefore is prohibited, pending the total elimination of all nuclear weapons, [Based on the General Assembly resolutions 33/71 B of 14 December 1978, 35/152 D of 12 December 1980 and 36/92 I of 9 December 1981]

PP 7 Determined to contribute to the realization of the purposes and principles of the Charter of the United Nations, **in particular “to maintain international peace and security, and to that end, to take effective collective measures for the prevention and removal of threats to the peace”, and “refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations,”**

PP 8 Bearing in mind **Recognizing** that the **complete and effective** prohibition of nuclear weapons would be ~~an important contribution towards~~ **a necessary step in achieving** comprehensive nuclear disarmament **and maintaining a world free of nuclear weapons,**

PP9 Stressing the urgent need to **take** ~~achieve further~~ effective measures ~~of to achieve~~ nuclear disarmament ~~in order to facilitate the elimination from national arsenals of nuclear weapons and the means of their delivery,~~

PP10 Determined to act towards that end,

PP11 Determined ~~also~~ to act with a view to achieving effective ~~progress towards~~ **prohibition of nuclear weapons** ~~general and complete disarmament under strict and effective international control,~~

PP11 bis Convinced that the only absolute and effective guarantee against the use of nuclear weapons is their complete elimination under strict and effective international control,

PP11 ter Recognizing the need for seeking effective measures to exclude completely the possibility of the use of nuclear weapons through their total elimination in a verifiable, irreversible and transparent manner and declaring their intention to continue negotiations to this end,

PP12 Affirming 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,

PP12 bis Recalling the undertaking of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, under its article VI, to pursue negotiations in good faith on effective measures relating to nuclear disarmament,

PP13 Reaffirming the crucial importance of the **full and effective implementation of the** Treaty on the Non -Proliferation of Nuclear Weapons ~~as the cornerstone of the~~

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international nuclear non-proliferation regime and an essential foundation for the pursuit of nuclear disarmament, the vital importance of the Comprehensive Nuclear Test Ban Treaty as a core element of the nuclear disarmament and non-proliferation regime, and the contribution of the treaties establishing nuclear-weapon-free zones toward strengthening the nuclear **disarmament and** non-proliferation regime and to realizing the objective of nuclear disarmament, **and, in this regard, underlining the need for the establishment of such zones in other parts of the world where they do not exist, in particular in the Middle East,**

PP14 Stressing the role of public conscience in the furthering of the principles of humanity as evidenced by the call for the total elimination of nuclear weapons and recognizing the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, **religious leaders, parliamentarians, academeia,** numerous non-governmental organizations and the Hibakusha,

Have agreed as follows:

KAZAKHSTAN

PREAMBLE

We would consider it very important to devote the first paragraph of the Preamble to the fact that nuclear weapons are the most grave threat to humanity.

In this regard we would propose adding the following wording:

«We call upon all States to take further practical steps leading to nuclear disarmament in accordance with the principles contained in the Final Document of the Tenth Special Session of the General Assembly of 30 June 1978» (reference to SSOD-I)

Also important to add is a new paragraph:

«Bearing in mind the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons, issued on 8 July 1996, in which the Court concluded unanimously 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»

Paragraph 2: We propose to strengthen the wording of paragraph 2 with the following:

«Reiterating our grave concern about the danger to humanity posed by the existence of nuclear weapons, and reaffirm that their total elimination remains the only absolute guarantee against their use or threat of use,»

We do believe that not only the use, but even the very existence of nuclear weapons pose a threat to all humankind; and it is only their total elimination that can ensure that nuclear weapons will never be used in future under any circumstances

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Paragraph 5: We would like to broaden and strengthen the paragraph with the following wording:

«We reaffirm that any use of nuclear weapons will be in contravention of the spirit of the Charter of the United Nations, and will be a violation of international law, in particular international humanitarian law; and also reiterate that nuclear weapons pose a serious threat to the very survival of humankind»

We believe that any use of nuclear weapons is contrary, not just to the rules of international law applicable in armed conflict but is definitely in contravention of the very spirit of UN Charter, and is also a violation of international law, in particular international humanitarian law.

We suggest dividing **paragraph 14** (relating to the NPT, CTBT and nuclear-weapons-free zones) into 3 parts:

On nuclear-free zones:

«Acknowledging the significant contribution made towards realizing the objectives of nuclear disarmament and non-proliferation, pending the total elimination of nuclear weapons, through the establishment of nuclear-weapon-free zones, although they are not an end in themselves»

On CTBT:

“Recognizing the progress achieved in the establishment of the verification regime of the CTBT and its demonstrated ability to independently and reliably ensure compliance with the said treaty”

On NPT

«Emphasizing also the crucial role of the Treaty on the Non-Proliferation of Nuclear Weapons in achieving nuclear disarmament and nuclear non-proliferation, and recalling in particular the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament»

LIECHTENSTEIN

Draft Convention on the Prohibition of Nuclear Weapons

Comment [gs1]: Keep as is

Submitted by the President of the Conference

The States Parties to this Convention,

Deeply concerned about the catastrophic humanitarian consequences ~~that would~~

Comment [gs2]:

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result from any use of nuclear weapons and the consequent need to make every effort to ensure that nuclear weapons are never used again under any circumstances,

Cognizant that the catastrophic consequences of nuclear weapons transcend national borders, ~~pose grave~~ implications for human survival, the environment, socioeconomic development, the global economy, food security and for the health of future generations, and of the disproportionate impact of ionizing radiation on maternal health and on girls,

Comment [gs3]: support IRE proposal

Mindful of the suffering of the victims of the use of nuclear weapons (Hibakusha) as well as of those affected by the testing of nuclear weapons,

~~*Basing themselves on* the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited and the rule that care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage, including a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population, [should include protection for persons and environment]~~

Comment [gs4]:

Comment [gs5]:

Declaring that any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law,

~~*Reaffirming that in cases not covered by this convention, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience.*~~

Comment [gs6]: OK with redrafting Marten's clause in line with IHL

Determined to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Bearing in mind ~~that the prohibition of nuclear weapons would be an~~ important contribution towards comprehensive nuclear disarmament,

Comment [gs7]:

Comment [gs8]:

Stressing the urgent need to achieve further effective measures ~~of~~ nuclear disarmament in order to facilitate the elimination from national arsenals of nuclear weapons and the means of their delivery,

Comment [gs9]:

Determined to act towards that end,

Determined also to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control,

Affirming ~~that there exists~~ **the existing 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,

Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the international nuclear non-proliferation regime and an essential foundation for the pursuit of nuclear disarmament, ~~the vital importance~~ of the Comprehensive Nuclear-Test-Ban Treaty as a core element of the nuclear disarmament and non-proliferation regime, and the contribution of the treaties establishing nuclear-weapon-free zones toward strengthening the nuclear nonproliferation regime and to realizing the objective of nuclear disarmament,

Comment [gs10]:

Stressing the role of public conscience in the furthering of the principles of humanity as evidenced by the call for the total elimination of nuclear weapons and recognizing the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, numerous non-governmental organizations and the Hibakusha,

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NETHERLANDS

- § PP1 – in second line, replace ‘any’ with ‘the’ and in third line, remove ‘under any circumstances’
- § PP2 – include a clear reference to the NPT preamble, refer to the importance of security aspects of nuclear disarmament
- § PP5– bring in line with relevant international law provisions, 1996 ICJ opinion
- § PP8 – (here and throughout the text) clarify how the prohibition contributes towards comprehensive nuclear disarmament’
- § PP11 and 12 – include cross-references to the NPT
- § PP14 – include the word “States’ between ‘undertaken by’ and ‘the United Nations’.

NEW ZEALAND

We proposed a new PP as the entry point to (first PP in) the IL/IHL cluster of the Preamble which would read: “*Reaffirming* the obligation on all states at all times to comply with international law, including international humanitarian law,”.

This would be followed by a further new PP, to read: “*Aware* that the right of the parties to an armed conflict to choose methods and means of warfare is not unlimited,”.

We then proposed an expansion and redraft of PP4 as follows: “*Basing themselves* on the principles and rules of international humanitarian law, including the rules of distinction and precaution, the prohibition of indiscriminate attacks, the rule on proportionality in attack, the prohibition on the use of weapons of a nature to cause superfluous injury or unnecessary suffering and the rules on the protection of the natural environment,”.

We also proposed a redraft of current PP6 as follows: “*Stressing* that any use of nuclear weapons would be abhorrent to the principles of humanity and the dictates of public conscience,”.

New Zealand would like to suggest a merger of the current PP8 and 9 to read: “*Bearing in mind* that the legally-binding prohibition of nuclear weapons would be an important contribution towards comprehensive nuclear disarmament and the total elimination of nuclear weapons,”.

Our proposed language for PP12 is: “*Recalling* the unanimous conclusion of the International Court of Justice in its Advisory Opinion of 12 July 1996 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,”.

Our proposed amendment to simplify PP13 (if it is indeed decided to retain all three elements

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within a single paragraph) is that it read: "*Cognisant of the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of international nuclear non-proliferation and disarmament, and of the significant contributions to nuclear non-proliferation and disarmament which have been made by the Comprehensive Nuclear-Test-Ban Treaty and its verification regime as well as by the treaties which have established nuclear-weapon-free zones,*".

NIGERIA

Nigeria proposed the addition of a new paragraph to reflect the significance of the First UN General Assembly resolution in the early part of the preamble to read:

"Recalling that concern about humanitarian consequences of nuclear weapons has been reflected in numerous United Nations resolutions, including the first resolution adopted by the General Assembly on 24 January 1946"

While my delegation remains flexible on its placement; it is, however, believed that such a language should not be far from the beginning of the preamble to the Treaty.

Secondly, on paragraph 14, Nigeria proposed to delete the following words, in the first line: "...in the furthering of the principles of humanity..." and replace with "...and the need to ensure human survival...".

The above is without prejudice to other additions as read out by Cuba. The paragraph could be read as follows: "Stressing the role of public conscience and the need to ensure human survival as evidenced by the call for the total elimination of nuclear weapons and recognizing the efforts to that end undertaken, among others, by the United Nations..."

PHILIPPINES

Proposed language for PP 13

1. PH would like to see a reference to States' inalienable right to the peaceful uses of nuclear energy, in particular for their economic development and social progress;
2. This principle is a fundamental principle enshrined by the Bangkok Treaty as well as the NPT itself, and for this purpose, PH believes it should be reiterated in the treaty.
3. Towards this end, PH proposes to reflect this in this PP 13 within the context of the NPT and its three pillars, and suggests to amend PP 13 by adding to the phrase "its three pillars, namely" after the phrase "pursuit of", and adding after "nuclear disarmament" the phrase "nuclear non-proliferation and the peaceful uses of nuclear energy."

The revised paragraph will now read:

"Reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons as the cornerstone of the international nuclear non-proliferation regime and an essential foundation for the pursuit of **its three pillars, namely,** nuclear

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disarmament, **nuclear nonproliferation, and the peaceful uses of nuclear energy**, the vital importance of the Comprehensive Nuclear-Test-Ban Treaty as a core element of the nuclear disarmament and non-proliferation regime, and the contribution of the treaties establishing nuclear-weapon-free zones toward strengthening the nuclear non-proliferation regime and to realizing the objective of nuclear disarmament,"

SINGAPORE

“Stressing the need to prohibit nuclear weapons, leading to their total elimination, in conformity with the rights and obligations under existing treaties, including the Treaty on the Non-Proliferation of Nuclear Weapons, the Comprehensive Nuclear-Test-Ban Treaty, and treaties establishing nuclear weapon free zones.”

SOUTH AFRICA

Firstly, the cluster of the preamble dealing with Humanitarian impact and consequences needs to also include the ethical and moral imperatives for world free of nuclear weapons.

The proposed formulation is as follows,

“Acknowledging the ethical imperatives for nuclear disarmament and the urgency of achieving and maintaining a nuclear-weapon-free world, which is a “global public good of the highest order”, serving both national and collective security interests”

Secondly, the proposal on disarmament cluster is to add above PP7 of the preamble, the following formulation from the UN Charter:

“Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world’s human and economic resources”

SWEDEN

The States Parties to this Convention,

Deeply concerned about the catastrophic humanitarian consequences that would result from any use of nuclear weapons and the consequent need to make every effort to ensure that nuclear weapons are never used again under any circumstances,

PP2 Cognizant that the catastrophic consequences of nuclear weapons transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and for the health of future generations, ~~and of the disproportionate impact of ionizing radiation on maternal health and on girls,~~

Also cognizant of the disproportionate impact of ionizing radiation on girls and women.

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Concerned by the low representation of women in multilateral disarmament forums.

Supporting the important role of women in the prevention and resolution of conflicts and in peace-building, and stressing the importance of their equal and full involvement.

Mindful of the suffering of the victims of the use of nuclear weapons (Hibakusha) as well as of those affected by the testing of nuclear weapons,

PP4 Basing themselves As proposed by NZ

PP5 Noting that the 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.

~~*Declaring that any use of nuclear weapons would be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law,*~~

Risk reduction

Recalling the importance for States with nuclear weapons to take practical steps to address the significant number of nuclear weapons that remain on high alert by reducing the risk of accidental use of nuclear weapons and further enhance transparency and increase mutual confidence in order to promote stability and security

Modernization

Concerned by the waste of resources resulting from the production and modernization of nuclear arsenals

SWITZERLAND

PP1 should be completed or supplemented

- o by a mention on concerns about the risks of intentional, accidental or miscalculated use of nuclear weapons,

PP2 should be completed or supplemented by the following elements:

- o *Expresses their deep concern about the lack of adequate humanitarian response capacity to any use of nuclear weapons;*

PP4 should be completed to include the following elements:

- o *The principles and rules of international humanitarian law, in particular the principle that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, the rule of distinction, the prohibition of indiscriminate attacks, the rules on proportionality and precautions in attack, the prohibition on the use of weapons of a nature to cause unnecessary suffering and the rules for the protection of the natural environment;*

PP5 should be replaced by either of the two proposals

- o *Underline that any weapon that does not meet the requirements of IHL shall never be used,*
- o *Express their concern that nuclear weapons could not be used in compliance with*

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international humanitarian law;

PP13 should be amended concerning the reference to the NPT to read

o *Reaffirm that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the international disarmament and nuclear non-proliferation regime [this is the language on NPT in the taking forward resolution;*

PP13 passage with regard to CTBT should be amended to read

o *Underline the importance of the early entry into force of the CTBT which, with its International Monitoring System, constitutes a core element of the nuclear disarmament and non-proliferation regime,*

THAILAND

Please find attached text proposal for PP14.

Stressing the role of public conscience in the furthering of the principles of humanity as evidenced by the call for the total elimination of nuclear weapons and recognizing the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, civil society including numerous-non -governmental organizations and the Hibakusha,

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Compilation of amendments received from States on Article 1

ARGENTINA

Article 1:

Proposal for chapeau Article 1 (points 1 and 2 merged)

1. *Each State Party, in its territory or at any place under its jurisdiction or control, undertakes never under any circumstances to:*

Proposal for point 1 (d)

(d) Use or threaten to use nuclear weapons

Article 1 - General Obligations

2 (a) Any stationing, TRANSIT, installation or deployment of any nuclear weapons or other nuclear explosive devices.

Article 1 - General Obligations

New paragraphs regarding "elimination"

1. Each State Party undertakes to dismantle their nuclear weapons that owns or possesses, and are located in any place under its jurisdiction or control
2. Each State Party undertakes to close down or reconvert to peaceful uses its nuclear weapons production facilities that are located in any place under its jurisdiction or control;
3. Each State Party will place all nuclear material used in a nuclear weapons program that has been reconverted to peaceful uses under IAEA safeguards.

BRAZIL

1.1 (e) Carry out any nuclear weapon test explosion, any other nuclear explosion, or any other activity associated with the development and use of nuclear weapon technologies.

1.2 (b) Any nuclear weapon test explosion, any other nuclear explosion, or any other activity associated with the development and use of nuclear weapon technologies.

CUBA

CUBAN AMENDMENTS TO THE ARTICLE 1 TO THE DRAFT CONVENTION ON THE PROHIBITION OF NUCLEAR WEAPONS

Article 1

General obligations

1. Each State Party undertakes never under any circumstances to:

(a) Develop, design, research, produce, manufacture, otherwise acquire, possess, retain or stockpile nuclear weapons or other nuclear explosive devices;

(b) Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly;

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- (c) Receive the transfer or control over nuclear weapons or other nuclear explosive devices directly, or indirectly;
 - (d) Use or threat to use nuclear weapons;
 - (e) Carry out any nuclear weapon test, including by explosion, or any other nuclear explosion
 - (f) Assist, finance, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention;
 - (g) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to prohibit and prevent in its territory, including its airspace and waters or at any place under its jurisdiction or control:
- (a) Any storage, transit, transshipment, stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices;
 - ~~(a)~~ (b) Any nuclear weapon test, including by explosion, or any other nuclear explosion

EGYPT

1	Article 1 General obligations 1. Each State Party undertakes never under any circumstances to:
	(a) Develop, produce, manufacture, otherwise acquire, possess, stockpile, modernize nuclear weapons or other nuclear explosive devices;
	(b) Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly;
	(c) Receive the transfer or control over nuclear weapons or other nuclear explosive devices directly, or indirectly;
	(d) Use or threat of use of nuclear weapons ;
	(e) Carry out any nuclear weapon test explosion or any other nuclear explosion;
	(f) Assist, encourage, or induce, in any way, anyone to engage-in any activity prohibited to a State Party under this Convention;
	(g) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Convention.
	2. Each State Party undertakes to prohibit and prevent in its territory or at any place under its jurisdiction or control:
	(a) Any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices;
	(b) Any nuclear weapon test explosion or any other nuclear explosion.

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FIJI

The issues raised herewith are consistent to Fiji's positions per the 31st March 2017 negotiation on the subject and other treaty which we are party to. Now that the draft instrument has come about, we could negotiate for their actual inclusions. Should there be newer additions or areas where we may have reservations in the current draft convention, you are most welcomed to provide those inputs.

Article 1 **General obligation**

1. a. suggest the inclusion of 'finance' and 'deploy' in this line or anywhere in Article 1 of general obligation and perhaps 'design' as well since 'design' precedes research in 1.a. *Design means research and creation of concepts whereas development means execution or the engineering of the design. There is also possibilities of designing without actually entering the development phase, thus design should be accounted. However the shortfall for 'design' is that it may limits people use for educational purpose.*

Proposing the text to read

1.a. Design, develop, produce, manufacture, finance, otherwise acquire, possess or stockpile, deploy nuclear weapons or other nuclear explosive devices.

The general obligation should include aspects of 'threat of use' consistent to new suggested inclusions by delegations in the preamble. *'Threat of use' should clarify and strengthen the convention to prevent any threats of the use of weapons.*

For instance, Article 1 on General Obligation

c. Receive the transfer **of** or control.....(inclusion of '**of**' to make the sentence sound grammatically correct)

d. Use '**or threat of use of**' nuclear weapons

f. Assist, encourage, '**finance**', or induce.....

Article 1

Part 2

Propose to assist in the language the inclusion of '*seabed, subsoil beneath and air space above them*' and perhaps if its fine for Fiji to include EEZ and Continental Shelf in the same line.

Sentence to read,

Each party undertakes to prohibit and prevent in its territory, '**seabed, subsoil beneath and air space above them**' or at any place under its jurisdiction or control.

Propose the following in case it's not raised other countries

a. Any stationing means '**emplantation, emplacement, transportation on land or inland waters, stockpiling**', installation or deployment of any nuclear weapons or other nuclear explosive devices.

*Also propose to have a separate **glossary section** in the convention to assist in the interpretation in particular to differentiate nuclear weapons from nuclear for development purposes. It would also enable this treaty to be specifics on its intentions and objectives.*

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GUATEMALA

GUATEMALAN PROPOSAL FOR ARTICLE 1 GENERAL OBLIGATIONS

Article 1

- (a) Develop, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;

Guatemalan Proposal A1 (a):

- (a) Develop, produce, manufacture, otherwise acquire, transit, possess or stockpile nuclear weapons or other nuclear explosive devices;

This petition responds to the paper of the Open-ended Working Group taking forward multilateral nuclear-weapon-free zones: A/AC.2867/WP.34/Rev.1

Article 1

- (e) Carry out any nuclear weapon test explosion or any other nuclear explosion;

Guatemalan Proposal A1 (e):

- (e) Carry out any nuclear weapon test or any other nuclear explosion;

- Guatemala also proposes to include "Threat of use" in some part of the text of the Article 1 of this Convention.

IRAN

Article 1

General obligations

1. Each State Party undertakes never under any circumstances to:
 - (a) Develop, produce, manufacture, otherwise acquire, possess, **retain** or stockpile nuclear weapons or other nuclear explosive devices;
 - (b) Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly;
 - (c) Receive the transfer or control over nuclear weapons or other nuclear explosive devices directly, or indirectly;
 - (d) Use **or threaten to use** nuclear weapons;
 - (e) Carry out any nuclear weapon test explosion or any other nuclear explosion;
 - (f) Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention;

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(g) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes ~~to prohibit and prevent~~ **not to permit** in its territory or at any place under its jurisdiction or control:

(a) Any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices;

(b) Any nuclear weapon test explosion or any other nuclear explosion.

KAZAKHSTAN

Article 1: We would like to propose adding into subparagraph d) of paragraph 1 the threat of the use of nuclear weapons. The threats of the use of nuclear weapons today are also great threats, as witnessed by us.

We propose the following wording for subparagraph d):

«Use or threat of nuclear weapons use, including the conduct of some military and other preparations for such use»

We also recommend adding a new sub-paragraph on non-admission/ exclusion of financing for developing of nuclear weapons. We therefore submit the following wording:

«Fund any research in the field of nuclear weapons, with the exception of research in the field of nuclear disarmament»

Article 1: We would like to propose adding the word “transit” into the subparagraph d) of paragraph 2.

It therefore should read as follows:

«a): Any stationing, installation or deployment, and transit of any nuclear weapons or other nuclear explosive devices;»

It should be noted that in the treaties on nuclear-weapon-free zones, the transit of nuclear weapons is not prohibited. It is therefore important not to allow this in the Convention.

LIECHTENSTEIN

Article 1 General obligations

1. Each State Party undertakes never under any circumstances to:

Comment [gs11]: General comments: Core part of the text. Right balance between ambition and pragmatism, bearing in mind the need to have a text conducive to achieve universality.

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(a) Develop, produce, manufacture, otherwise acquire, possess or stockpile nuclear weapons or other nuclear explosive devices;

(b) Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly;

(c) Receive the transfer or control over nuclear weapons or other nuclear explosive devices directly, or indirectly;

(d) Use nuclear weapons;

(e) Carry out any nuclear weapon test explosion or any other nuclear explosion;

(f) Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention;

(g) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to prohibit and prevent in its territory or at any place under its jurisdiction or control:

(a) Any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices;

(b) Any nuclear weapon test explosion or any other nuclear explosion.

Comment [gs12]: Would look favourably at proposals to streamline with b)

Comment [gs13]: move up to first place

NETHERLANDS

§ Add a sub-article, include a clear reference to and bringing it in line with the chronology inherent in NPT Art VI

§ Clarify/define the terms: transfer, assist, encourage, induce, stationing and installation.

§ When referring to nuclear weapon test explosions, include a cross reference to the Comprehensive Test Ban Treaty

SOUTH AFRICA

Article 1 General obligations

1. Each State Party undertakes never under any circumstances to:

(d) Use nuclear weapons or other nuclear explosive devices; (**COMMENT:** For consistency purposes, add “or other nuclear explosive devices.”)

(e) Test Carry out any nuclear weapons test explosion or any other nuclear explosion explosive devices; (**COMMENT:** The sentence will thus read, “Test nuclear weapons or any other nuclear explosive devices”)

SWEDEN

Article 1 General obligations

2. Each State Party undertakes to prohibit and prevent in its territory or at any place under its jurisdiction or control:

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(a) Any stationing, installation or deployment of any nuclear weapons or other nuclear explosive devices;

~~(b) Any nuclear weapon test explosion or any other nuclear explosion.~~

Suggestion of new OP2 definition of nuclear weapons

Nuclear weapon or other nuclear explosive device: An assembly that is capable of producing an explosion and massive damage and destruction by the sudden release of energy instantaneously released from self-sustaining nuclear fission and/or fusion. It does not include the means of transport or delivery of such an assembly if separable from and not an indivisible part of it.

THAILAND

Article 1 General obligations

1. Each State Party undertakes never under any circumstances to:

- (a) Develop, produce, manufacture, otherwise acquire, possess, have control, - stockpile, store, station, or transport nuclear weapons or other nuclear explosive devices;
- (b) Transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly;
- (c) Receive the transfer or control over nuclear weapons or other nuclear explosive devices directly, or indirectly;
- (d) Use or threat to use nuclear weapons;
- (e) Carry out any nuclear weapon test explosion or any other nuclear explosion;
- (f) Assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention;
- (g) Seek or receive any assistance, in any way, from anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to prohibit and prevent in its territory, continental shelf, exclusive economic zone, or at any place under its jurisdiction or control:

- (a) Any development, production, manufacturing, acquisition, possession, control, stationing, stockpiling, storing, installation, deployment, use or threat of use of any nuclear weapons or other nuclear explosive devices;
- (b) Any nuclear weapon test explosion or any other nuclear explosion.

3. Each State Party undertakes not to:

- (a) Seek or receive any assistance on the commission of any act in violation of the provisions of Paragraph 1 and 2 of this Article; or
- (b) Take any action to assist or encourage the commission of any act in violation of Paragraphs 1 and 2 of this Article.

Compilation of amendments received from States on Article 2-5

AUSTRIA

ARTICLE 2 DECLARATIONS

1. Each State Party shall submit to the Secretary General of the United Nations, not later than 30 days after this Convention enters into force for it, a declaration in which it shall declare whether it has manufactured or otherwise acquired, or owns or possesses, nuclear weapons or other nuclear explosive devices and whether there are any such weapons or other devices located on its territory or in any other place under its jurisdiction or control. This declaration shall further specify the quantity of these weapons or other devices on the date of the declaration.
2. The Secretary-General of the United Nations shall transmit all such declarations received to the States Parties.

ARTICLE 3 ART. 3 MEASURES TRIGGERED BY THE DECLARATIONS UNDER ART. 2

1. Each State Party undertakes to destroy or ensure the destruction of all nuclear weapons or other nuclear explosive devices it owns or possesses, or that are located in any place under its jurisdiction or control, in a timebound, transparent, verified and irreversible manner.
2. Each State Party that has produced, manufactured, or otherwise acquired, any nuclear weapons or other nuclear explosive devices, or which owns or possesses such weapons or devices, or which are located on its territory or in any other place under its jurisdiction or control, and had not destroyed them by the date of becoming a party to this treaty, undertakes to present a timebound plan for their destruction or, in case they are owned or possessed by another state, their removal, including appropriate measures for verification. This plan shall be submitted to the first Meeting of States Parties or Review Conference, whichever comes first, following accession for its approval and such a state party shall continue to report to every subsequent Meeting of States Parties and Review Conference for its approval until destruction or removal is completed.
3. Each State Party that has developed, produced, manufactured, otherwise acquired, possessed, owned or stockpiled, or located in any place under its jurisdiction or control nuclear weapons or other nuclear explosive devices, but destroyed or otherwise disposed of them undertakes to cooperate with the IAEA for the purpose of verification. The report of the IAEA will be considered by the first Meeting of States Parties or Review Conference, whichever comes first, following the completion of the report.
4. Each State Party undertakes to maintain the nuclear disarmament and non-proliferation obligations they had in force as of 7 July 2017 including on safeguards, and to accept as soon as possible the most stringent measures available, such as internationally recognized safeguards, monitoring and verification, without prejudice to any higher level of standards that may be adopted in the future.

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ARGENTINA

Article 2

Declarations

1. Each State Party shall submit to the Secretary-General of the United Nations, not later than 30 days after this Convention enters into force for it a declaration in which it shall declare whether it has manufactured, possessed or otherwise acquired nuclear weapons or other nuclear explosive devices ~~after 5 December 2001~~.

2. The Secretary-General of the United Nations shall transmit all such declarations received to the States Parties.

Article 4

Measures for States that have eliminated their nuclear weapons

1. Each State Party that has manufactured, possessed or otherwise acquired nuclear weapons or other nuclear explosive devices ~~after 5 December 2001~~, and eliminated all such weapons or explosive devices prior to the entry into force of the Convention for it, undertakes to cooperate with the International Atomic Energy Agency for the purpose of verification of the completeness of its inventory of nuclear material and nuclear installations.

2. Unless otherwise agreed by the States Parties, arrangements necessary for the verification required by this Article shall be concluded in an agreement between the State Party and the International Atomic Energy Agency. Negotiation of such an agreement shall commence within 180 days of the submission of the declaration provided for in Article 2. Such agreements shall enter into force not later than eighteen months after the date of the initiation of negotiations.

3. For the purpose of performing the verification required by this Article, the International Atomic Energy Agency shall be provided with full access to any location or facility associated with a nuclear weapon programme and shall have the right to request access on a case-by-case basis to other locations or facilities that the Agency may wish to visit.

BRAZIL

- Eliminate reference to date of 5 December 2001; Focus on declarations, as per South Africa's proposal, as a good format to work from, though required declarations should be coherent with language used in prohibitions, under article 1 (issue of planning, training and military exercises, for example);
- Fewer articles would be better, under the idea of a package. We favor a single and more inclusive pathway to membership of the Treaty, along the lines of the one indicated in Para 5 of the draft you have prepared for our consideration, which allows States to accede to the treaty, to declare after it enters into force for them if they possess or do not possess nuclear weapons, and to take on a fundamental obligation to verified, time bound and irreversible elimination of all nuclear weapons through additional protocols to the Convention, to be agreed in a meeting of states parties or review conference, whichever comes earlier;
- Irrespective of whether we work on the basis of your proposed Annex 1 or on the basis of proposed Article 2 (d) by South Africa, we would propose the following

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language on safeguards, drawing on text of your own making that you have slightly amended this morning, as follows:

“Declare whether IT HAS ACCEPTED SAFEGUARDS AS SET FORTH IN ARTICLE 3(1) OF THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS OR SAFEGUARDS FULLY COMPATIBLE THEREWITH, and if it HAS not, undertake to conclude SUCH an Agreement with the IAEA as soon as possible, but not later than X years after the entry into force for that State”.

EGYPT

2	Article 2 Declarations
	<p>1. Each State Party shall submit to the Secretary-General of the United Nations, not later than 30 days after this Convention enters into force for it a declaration in which it shall declare whether it has manufactured, possessed, or otherwise acquired nuclear weapons or other nuclear explosive devices after 5 December 2001.</p> <p>(a) declare whether it has manufactured and possesses nuclear weapons or other nuclear explosive devices, and whether there are any nuclear weapons located in any place under its jurisdiction or control;</p> <p>(b) report any nuclear weapons or nuclear explosive devices on its territory that are possessed by another State and located in any place under its jurisdiction or control of another State;</p> <p>(c) undertakes to conduct the irreversible dismantlement of nuclear weapons or other nuclear explosive devices that it possesses, or that are located in any place under its jurisdiction or control, within a specified timeframe.</p>
	<p>2. The Secretary-General of the United Nations shall transmit all such declarations received to the States Parties.</p>
3	Article 3 Safeguards
	<p>Each State Party undertakes to accept safeguards, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as provided in the Annex to this Convention.</p> <p>1. Each State Party, with the exception of states that have already concluded a comprehensive safeguards agreements with International Atomic Energy, undertakes to conclude comprehensive safeguards agreement with the IAEA in order to prevent diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.</p> <p>2. The Agreement in Paragraph 1 shall the agreement required in connection with the Treaty on the Non-proliferation of Nuclear Weapons (INFCIRC/153 corrected).</p>
4	Article 4 Measures for States that have eliminated their nuclear weapons
	<p>1. Each State Party that has manufactured, possessed or otherwise acquired nuclear weapons or other nuclear explosive devices after 5 December 2001, and eliminated all such weapons or explosive devices prior to the entry into force of the Convention for it, undertakes to cooperate with the International Atomic Energy Agency for the purpose of verification of the completeness of its inventory of nuclear material and nuclear installations.</p>

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	<p>2. Unless otherwise agreed by the States Parties, arrangements necessary for the verification required by this Article shall be concluded in an agreement between the State Party and the International Atomic Energy Agency. Negotiation of such an agreement shall commence within 180 days of the submission of the declaration provided for in Article 2. Such agreements shall enter into force not later than eighteen months after the date of the initiation of negotiations.</p>
	<p>3. For the purpose of performing the verification required by this Article, the International Atomic Energy Agency shall be provided with full access to any location or facility associated with a nuclear weapon programme and shall have the right to request access on a case by case basis to other locations or facilities that the Agency may wish to visit.</p>
5	<p>Article 5 Effective Measures for situations not covered by Article 4 relating to nuclear disarmament and International Verification</p>
	<p>Proposals for further effective measures relating to nuclear disarmament, including provisions for the verified and irreversible elimination of any remaining nuclear weapons programs under strict and effective international control, which may shall take the form of additional protocols to this Convention, may be and considered at the Meetings of States Parties or Review Conferences. All States represented at the meeting of State Parties or Review Conference may shall participate fully in such consideration. The meeting or review conference may agree upon additional protocols which shall be adopted and annexed to the Convention in accordance with its provisions.</p>

GUATEMALA

Article 2

We believe this paragraph is fine, but the statements described in this article should also be subject to the State's verification agreement with the IAEA, as is the case for Article 4. On the other hand, States hosting nuclear weapons belonging to other countries in their territory at the time of the adoption of the Treaty should also issue declarations on the removal of nuclear weapons.

Article 4

Guatemala considers it appropriate for the International Atomic Energy Agency (IAEA) to verify with full access to programs associated with nuclear weapons as set forth in paragraph 3, in the interests of transparency and verifiability.

Article 5

Guatemala considers that the additional effective measures should be negotiated in the future. While this article allows for flexibility and opens up a new space for states to follow disarmament measures in accordance with the States Parties' prohibition treaties, we agree, however, that language must be strengthened. In that regard, it is imperative that the Convention clearly establishes that any State possessing nuclear weapons and desiring to accede to the instrument is obliged to submit and implement a plan for the destruction of its stockpiles. In addition, States hosting nuclear weapons should be required to submit and implement a similar plan for the removal of nuclear weapons. While we do not currently consider it necessary to negotiate the details of the destruction or removal, a framework can be provided under which such plans can be evaluated and approved to ensure that they meet the objectives of the Convention.

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HOLY SEE

In the context of Articles 2 to 5, which we consider as a one package, my Delegation would like to make a general comment concerning Articles 2 to 5.

Consistent with the mandate of this Conference to achieve a prohibition on nuclear weapons “leading towards their total elimination,” Articles 2-5 should be as clear as possible and avoid creating loopholes and ambiguities. This conference is seeking to develop an institutional framework that will support in a strong way respect for state obligations under the convention for the elimination of nuclear weapons. In this regard, it will be important “to create effective synergies with existing institutions such as the IAEA, among others”

We believe that the IAEA does vital work to uphold the non-proliferation regime and support the peaceful uses of nuclear energy. The agency, however, is already heavily burdened in fulfilling its existing obligations. For that reason, the Holy See supports the creation of a new authority, complementary to and not reduplicative of the IAEA, to implement the prohibition on nuclear weapons. It would have the responsibility to oversee accession to the convention, to verify and monitor compliance, and to oversee dismantling of the weapons and associated programs of Nuclear Weapons States acceding to the convention. Nuclear disarmament is a global problem, and it will require a global authority to implement and administer the convention’s provisions for the sake of the universal common good.

IRAN

In case of the retention of the provisions related to declarations and safeguards in the draft, Iran proposes the inclusion of a new article on definitions prior to article 2.

- Delete Article 2 on Declarations
- Delete Article 3 on Safeguards
- Delete Article 4 on Measures for States that have eliminated their nuclear weapons
- Replace Article 5 on Measures for situations not covered by Article 4 with the following paragraph:

Each State Party undertakes to pursue, in good faith, negotiations on and bring to conclusion a comprehensive convention on nuclear weapons aimed at the total elimination of nuclear weapons in a verifiable, irreversible and transparent manner within a specified framework of time.

LIECHTENSTEIN

Article 2 Declarations

1. Each State Party shall submit to the Secretary-General of the United Nations, not later than 30 days after this Convention enters into force for it a declaration in which it shall declare whether it has manufactured, possessed or otherwise acquired nuclear weapons or other nuclear explosive devices after 5 December 2001.

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2. The Secretary-General of the United Nations shall transmit all such declarations received to the States Parties.

Article 3 Safeguards

Each State Party undertakes to accept safeguards, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as provided in the Annex to this Convention.

Article 4 Measures for States that have eliminated their nuclear weapons

1. Each State Party that has manufactured, possessed or otherwise acquired nuclear weapons or other nuclear explosive devices after 5 December 2001, and eliminated all such weapons or explosive devices prior to the entry into force of the Convention for it, undertakes to cooperate with the International Atomic Energy Agency for the purpose of verification of the completeness of its inventory of nuclear material and nuclear installations.
2. Unless otherwise agreed by the States Parties, arrangements necessary for the verification required by this Article shall be concluded in an agreement between the State Party and the International Atomic Energy Agency. Negotiation of such an agreement shall commence within 180 days of the submission of the declaration provided for in Article 2. Such agreements shall enter into force not later than eighteen months after the date of the initiation of negotiations.
3. For the purpose of performing the verification required by this Article, the International Atomic Energy Agency shall be provided with full access to any location or facility associated with a nuclear weapon programme and shall have the right to request access on a case-by-case basis to other locations or facilities that the Agency may wish to visit.

Article 5 Measures for situations not covered by Article 4

Proposals for further effective measures relating to nuclear disarmament, including provisions for the verified and irreversible elimination of any remaining nuclear weapon programmes under strict and effective international control, which may take the form of additional protocols to this Convention, may be considered at the Meetings of States Parties or Review Conferences. All States represented at the meeting or review conference may participate fully in such consideration. The meeting or review conference may agree upon additional protocols which shall be adopted and annexed to the Convention in accordance with its provisions.

NETHERLANDS

Art 3

NL supports to include the Additional Protocol as the international safeguards standard, as well as a reference to 'evolving safeguards standards'.

Art 4

Add new paragraph under article 4:

States commit to developing an effective and efficient mechanism for the verification of nuclear disarmament and undertake to support of all relevant initiatives to that end."

We would furthermore propose to relate any verification mechanism to the temporal dimension we have proposed earlier for Article 1.

Art 5

NL proposes removal of this paragraph.

Comment [gs14]: Important provision, arguably a crucial element of the text. Aim should be to ensure highest available standards are implemented and that the convention will keep pace with developments in the safeguards area. Question, if safeguard language should not be formulated in a more generic way. Question if substance of safeguards annex should be moved within main text.

Comment [gs15]: General remarks: With respect to the important questions of compliance and verification addressed in articles 4 and 5, we support the general vision behind the draft. At the same time, we recognize the complexity of the issues at hand and look forward to our discussions with a view to finding the best political compromise that in turn will need to find its precise and technically sound translation into the text. Discussions on these questions should be both well-informed on the technical level and reflect a broadly supported political vision. While these articles address important questions, we also have to recognize that they are very detailed and take up much of a large part the draft Convention, while addressing the last rather than the first steps towards universality. A more generic way of addressing these issues might be advisable. We should bear that in mind when we engage in these discussion and we believe your strong leadership, Madame President, to guide us in this area will be necessary and welcomed by all.

Comment [gs16]: General remark: Should make clear that NWS can only join if protocol has been adopted.

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NEW ZEALAND

The New Zealand Delegation is grateful for this opportunity to present our views on what really is the central core of the draft treaty: Articles 2, 3, 4 and 5. These Articles are at the heart of our framing for a nuclear-free world. They must present a coherent pathway for adherence to the treaty by States possessing nuclear weapons at the same time as they present a satisfactory level of reassurance that all its provisions are going to be met by all its Parties.

Turning first to Article 2 – Declarations. As presently drafted, this provision would require *all* State Parties to submit a declaration to the UN Secretary-General as to whether or not they have manufactured, possessed or otherwise acquired nuclear weapons after a certain timepoint. This is an approach borrowed, most notably, from the Chemical Weapons Convention (CWC). However I think this is one of those occasions, Madam President, when following a precedent drawn from a very different context is inappropriate.

The drafters of the CWC included amongst them a number of States possessing chemical weapons - and it was necessary in those circumstances to establish a baseline for purposes of the timetable for destruction of the weapons and against which compliance could in future be measured. But the circumstances of this negotiation are altogether different given that *none* of us here possess the weapon system under discussion. All of us are in fact legally bound, under the terms of the Nuclear Non-Proliferation Treaty (NPT), not to possess nuclear weapons. Accordingly, for us there is no need whatsoever to establish a baseline. For all those of us here, Article 2 is in effect drafted as an invitation to us to make a declaration that we have acted illegally.

I note as a further word of caution that, notwithstanding the *direct utility* of the declaration/baseline approach in the CWC context, a significant number of States still failed to comply with this obligation even after the expiry of a considerable period of time following the Convention's entry-into-force. This gives us further cause to doubt the value of an Article 2 drafted as applying to all States Parties.

It has been explained to me, Madam President, that Article 2 has been drafted in this way to ensure that there is no distinction – no *discrimination* – in treatment as between any State Party to the treaty. We can certainly accept the logic of this when we are focused on treating *similar* situations similarly. But we would suggest that there does need to be a difference in key aspects of the requirements applicable to any State actually possessing nuclear weapons (and who must establish a timetable and process for destruction) and any State which does not. The need for this variation in treatment is indeed already recognised according to the processes envisaged in Articles 4 and 5 (neither of which apply to States not possessing nuclear weapons). We would suggest that Article 2 should be treated comparably and made applicable only to States possessing nuclear weapons. Better yet, it could be deleted in its entirety – and the declaration/baseline process currently in Article 2 could be explicitly incorporated as part of the pathway for adherence to the treaty (at present outlined in Articles 4 and 5) by nuclear weapon possessors.

Turning now to Article 3 – Safeguards. My Delegation welcomes the inclusion of a provision to ensure that there is a process to provide assurance that States Parties are indeed

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meeting their obligations under the new treaty. This process to ensure compliance is, of course, able to build on the *existing* processes we all have in place pursuant to the NPT and our binding arrangements with the IAEA.

New Zealand is therefore of the view that there is a clear need to strengthen the terms of Article 3 and its Annex at the very least to ensure that the requirements placed upon us in *this* treaty are no less than those which we have already assumed in the context of the NPT: in the case of New Zealand and many others here, this means not anchoring us to the terms of INFIRC/153 but going beyond this to the gold standard of the Additional Protocol. We are confident that there is a relatively simple drafting fix available whereby we can ensure that Article 3 sets no standard lower for any of us than that which we have already assumed.

In terms of Articles 4 and 5, New Zealand is not fully convinced of the value of providing, as has been done under these Articles, for two separate pathways for adherence by nuclear weapon possessors. In our view, the process envisaged in Article 5 of a stand-alone Additional Protocol to govern the terms and conditions, including verification, for adherence by any or all nuclear weapon possessors is likely to offer the most viable route. But clearly there is a need to incorporate into the text of this treaty rather more detail about the process and procedure for putting such Protocols in place in order to provide clear reassurance to all States about the substantive requirements and the procedures for this pathway. This greater level of detail will also serve to make it clear that the terms of an Additional Protocol can be used to cover all the conceivable circumstances applicable to adherence by any nuclear weapon possessor or group of possessors.

We are very interested in the proposals just put forward now by the Ambassador of South Africa and will be taking a careful look at them although we note that they do not retain the approach of current Article 5 for an Additional Protocol.

SOUTH AFRICA

Article 2

Declarations

1. Each State Party shall submit to the Secretary-General of the United Nations, not later than 30 days after this Convention enters into force for it a declaration in which it shall:
 - a) Declare whether it owns or possesses any nuclear weapons, or whether any nuclear weapons are located in any place under its jurisdiction or control;
 - b) Declare whether there are any nuclear weapons on its territory that are owned and possessed by another State and located in any place under the jurisdiction or control of another State;
 - c) Declare whether it engages in any planning, training or military preparations for the use of nuclear weapons;
 - d) Declare whether all nuclear facilities and materials on its territory or under its control are under IAEA safeguards, and if not, undertake to conclude an Agreement with the IAEA as soon as possible, but no later than [X years] after the entry into force for that State, to ensure that all its facilities and material remain under safeguards.
2. The Secretary-General of the United Nations shall transmit all such declarations received

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to the States Parties.

Delete current Article 3 on Safeguards

New Article 3 replacing original Article 4 - Towards the elimination of nuclear weapons

1. Each State Party undertakes to immediately remove from operational status and destroy or ensure the destruction of all nuclear weapons or nuclear explosive devices under its jurisdiction or control, as soon as possible but not later than [X years] after the entry into force of this Convention for that State Party. Upon the elimination of all nuclear weapons under its jurisdiction or control, such State Party shall submit a 2 Final Declaration confirming that all its nuclear facilities and materials are under IAEA safeguards and shall remain so. It shall also permit the International Atomic Energy Agency to verify the correctness and completeness of its Final Declaration.
2. Each State Party which declared that there are nuclear weapons on its territory that are owned and possessed by another State shall ensure the removal of such weapons as soon as possible, but not later than [X years] after the entry into force of this Convention for that State Party and shall submit a declaration to that effect upon the removal of such weapons.
3. Each State Party which declared that it engages in any planning, training or military preparations for the use of nuclear weapons, shall make the necessary arrangements to terminate such actions as soon as possible, but not later than [X years] after the entry into force of this Convention for that State Party, and shall submit a declaration to that effect upon termination of such actions.
4. If a State Party believes that it will be unable to destroy or ensure the destruction of all nuclear weapons under its jurisdiction or control, referred to in Article 3 (1), within that time period, it may extraordinarily submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the destruction of their nuclear weapons for a maximum period of up to [X years].

Replace heading of original Article 5 now Article 4 - new heading to read “Additional Measures”

Delete Annex A

SWEDEN

Article 3 – Safeguards

1. A State Party to this Convention, if it has not done so, will conclude with the International Atomic Energy Agency an agreement for the application of safeguards (Infcirc/153) and an Additional Protocol (Infcirc/540), no later than 18 months after entry into force of this Convention for the State Party.
2. A State Party which fails to enter into such agreements within the stipulated time limit of 18 months and to have them in force, will through the Depositary provide all states parties with detailed information as to why the concerned State Party failed in this

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treaty obligation and also information on how the State Party will rectify the situation, including on when such agreements will be entered into.

3. A State Party will temporarily have its rights under the Convention suspended and enjoy the same rights as an observer, if it has not succeeded in entering into such an agreement as described in paragraph 1 within 36 months of the Convention entering into force for the State Party.

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Compilation of amendments received from States on Article 6-10

ARGENTINA

Article 7

National implementation

1. Each State Party shall, ~~in accordance with its constitutional processes,~~ adopt the necessary measures to implement its obligations under this Convention.
2. Each State Party shall take all appropriate legal, administrative and other measures, including ~~the imposition of penal sanctions~~ **enacting penal legislation,** to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Article 9

Meeting of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention ~~and on the further elaboration of effective measures for nuclear disarmament, including:~~
 - (a) The operation and status of this Convention;
 - (b) Reports by States Parties on the implementation of their obligations under this Convention;
 - (c) Matters arising from the declarations submitted under Article 2 of this Convention;
 - (d) Proposals for effective measures relating to nuclear disarmament, including provisions for the verified and irreversible elimination of nuclear weapon programmes, including additional protocols to this Convention.
2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of the entry into force of this Convention. Further Meetings of States Parties shall be convened by the Secretary-General of the United Nations on a biennial basis, unless otherwise agreed by the States Parties.
3. After a period of five years following the entry into force of this Convention, the Meetings of States Parties may decide to convene a conference to review the operation of this Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on effective measures for nuclear disarmament, are being realized.
4. States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend the Meetings of States Parties and the Review Conferences as observers.

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BRAZIL

· Brazil notes many constructive and interesting proposals have been made on the important issues of assistance to victims, environmental remediation and international cooperation. Without providing specific language at this point, we can work with elements that have been put forth by Egypt and the Holy See, and could consider the idea of Switzerland to concentrate paragraphs on international cooperation under Article 8.

· We note that respective paragraphs on assistance to victims and environmental remediation are framed in opposite ways and we support adopting for both issues an “obligation to provide” rather than a “right to request” approach.

· We support establishing an obligation of states to provide assistance to victims of their use or testing of nuclear weapons, not just domestically, but wherever these victims may be located, and “upon request” (to be included). We request deleting “in a position to do so”, as this preempts the significance of the obligation under the treaty, defying the purpose of the Article on assistance.

· The word “adequately”, in Article 6.1, should be deleted, as it runs counter to the humanitarian principles upon which this treaty is being built, to the effect that there will never be an assistance to victims of a nuclear detonation that would be “adequate”; but one that will be needed, requested or morally and ethically owed.

Brazil’s position on Articles 7 to 10 is as follows:

We see merit in Uganda’s proposal to place Article 8 before Article 7, establishing a better flow.

Article 8 is about international cooperation, and we should make sure not to mix into Article 8 elements from Articles 6 on obligations in respect of victim assistance and environmental remediation.

As for **Article 7**, we prefer to maintain the two paragraphs separate, as proposed, because they address two different specific aspects of national implementation, in the manner that the delegate from Ecuador has highlighted.

In relation to **Article 9**, we would like to retain language in the Chapeau: “and on the further elaboration of effective measures for nuclear disarmament”, which provides an appropriate link with what is contained in Article 9.1.d. From Brazil’s point of view, Article 9.1.d strengthens and complements the NPT’s disarmament pillar, in particular the obligation contained in Article 6 of that Agreement, and provides the means by which States Parties to the future treaty follow up on their commitment to eliminate nuclear weapons in a verifiable and transparent manner. We therefore support Cuba’s proposal to make such commitment time-bound by including “within agreed timeframes” after “elimination” in Article 9.1.d.

Brazil sees merit in New Zealand’s proposal that the rules of procedure adopted for this Conference be referenced in the treaty as rules of procedures for Meetings of States Parties and review conferences. This would greatly facilitate things, as the rules of procedure we are currently working under are recognized by all to be particularly inclusive and open-ended.

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In relation to **Article 10**, which deals with “Costs”, Brazil is fully aware of the ripple effect produced by States Parties not paying their assessed contributions in due time, but we would nevertheless support standard language in this regard, as contained in the Chairs proposal. We agree with Switzerland that we should be careful not to overburden the Conference in terms of costs by calling for expensive support structures, since in the foreseeable immediate future the burden of contributions will fall disproportionately on non-nuclear possessing states and non-umbrella countries States currently participating in Conference.

Some proposals confer upon the IAEA disarmament verification tasks, which fall under the Agency’s mandate and would have to be accommodated in the Agency’s budget.

We do not support including sanctions against States Parties in arrears.

We also do not support the inclusion of any reference to, or role for monitoring compliance of comprehensive safeguards agreements (INFCIRC/153) and additional protocols (INFCIRC/540), as suggested. Anything of the sort would fall entirely outside the remit of the Conference and of the treaty we are mandated to finalize, which seeks specifically to assert a legal prohibition of nuclear weapons, leading towards their elimination. Insisting on this detracts us from achieving our goal, and would entail unwarranted encroachment of the NPTs exclusive competence to oversee matters related to safeguards application, designed not for disarmament purposes, but for preventing diversion of nuclear energy from peaceful uses by signatory non-nuclear weapon states. Insistence on bringing NPT safeguards into the nuclear weapon prohibition treaty is counterproductive, and would only hamper good progress towards the finalization of the treaty in the window of opportunity we have.

CUBA

Article 6 Assistance

Comment: Cuban proposes to incorporate to this Article an explicit reference to the special responsibility in providing assistance by the States that have caused damages to individuals, States and environment as a result of use or testing of nuclear weapons to the victims.

1. Each State Party in a position to do so shall with respect to individuals affected by the use or testing of nuclear weapons in areas under its jurisdiction or control, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.
2. Each State Party with respect to areas under its jurisdiction or control contaminated as a result of activities related to the testing or use of nuclear weapons or other nuclear explosive devices, shall have the right to request and to receive assistance toward the environmental remediation of areas so contaminated.
3. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, non -governmental organizations or institutions, or on a bilateral basis.

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3Bis: In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.

Article 7

National implementation

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Convention.
2. Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

3. Each State Party, during the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, (Based on Article VII, p.3, CWC)

Article 8

International cooperation

1. Each State Party shall cooperate with other States Parties to facilitate the implementation of the obligations of this Convention.
2. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.

Article 9

Meeting of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention and on the further elaboration of effective measures for nuclear disarmament, including:
 - (a) The operation and status of this Convention;
 - (b) Reports by States Parties on the implementation of their obligations under this Convention;
 - (c) Matters arising from the declarations submitted under Article 2 of this Convention;
 - (d) Proposals for effective measures relating to nuclear disarmament, including provisions for the verified and irreversible elimination **within agreed time frames** of nuclear weapon programmes, including additional protocols to this Convention.
2. The first Meeting of States Parties shall be convened by the Secretary -General of the United Nations within one year of the entry into force of this Convention. Further Meetings of States Parties shall be convened by the Secretary -General of the United Nations on a biennial basis, unless otherwise agreed by the States Parties.

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3. After a period of five years following the entry into force of this Convention, the Meetings of States Parties may decide to convene a conference to review the operation of this Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on effective measures for nuclear disarmament, are being realized.

4. States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend the Meetings of States Parties and the Review Conferences as observers.

GUATEMALA

Article 7

My delegation considers necessary to detail the obligations in article 7. In this regard, this section could also include the transparency subject and the reports presentation. Article 9 needs to establish the obligation of each State Party to present reports, as it can be seen on the ATT.

This action could guarantee the transparency and accountability in the implementation of the Treaty, even though this could be elaborated in future meetings of the State Parties.

Article 9

While we agree to postpone the decision-making on certain aspects of the implementation of the Convention, we believe that some elements mentioned in article 9 of the current draft merit further consideration.

In that regard, we consider it appropriate to divide this article into two articles, with an article dedicated to the establishment of a specialized and independent Secretariat, under the supervision of the States Parties, as well as the main functions of this Secretariat, in line with that established by other instruments Such as the Arms Trade Treaty.

On the other hand, we consider that the meetings of the States Parties should be annual, at least during the first five years of their existence, taking into account all that is being left aside in the current negotiation and that will have to be resolved during these meetings. After the first Review Conference of the Convention, five years after its entry into force, the periodicity of these meetings could be reviewed and, if necessary, reduced.

Also on the meetings of States Parties and in particular the last paragraph of the article in the current draft, with regard to the assistance of States not party to the Treaty, international organizations and civil society, we consider it necessary for the Convention to clearly establish that Observers, so we propose the following change:

*“States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations ~~may~~ **WILL***

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be invited to attend the Meetings of States Parties and the Review Conferences as observers.”

HOLY SEE

Given the grave humanitarian consequences of nuclear explosions, my Delegation believes Article 8 on international cooperation requires serious attention from this conference because of its necessary connection to the issues of victims’ assistance and environmental remediation. My Delegation wishes to reiterate that Art. 8 must be considered in close connection to Art. 6 and Art.13.

For the sake of clarity, we would like to propose two amendments regarding a voluntary fund to support victim assistance and environmental remediation:

1) Keeping in mind the difficulty of smaller States to supply this aid on their own, my Delegation wishes to change the **title** of this Article from “International cooperation” to **“International cooperation and assistance.”**

2) As my Delegation already proposed under Art. 6, we suggest **moving Para 6.3 in the original draft under Art. 8 as Para 3** for the sake of better clarity.

In this regard, the establishment of a voluntary fund to support victims’ assistance and environmental remediation in affected states could also be considered at some point under the institutional framework of the Convention to strengthen the bonds of fraternity and solidarity between nations and peoples.

In this regard, as some delegations have argued for the responsibility of NWPS of the damage they have caused through the use and the testing of nuclear weapons, my Delegation agrees that those responsible should be particularly called to contribute to this fund.

We must also keep in mind, however, that it is the victims that have paid and continue to pay the most direct price of the consequences of the use and testing of nuclear weapons. The primary beneficiaries of such a fund should be citizens of the affected States, and affected States would receive aid for public services to victims and for defined projects of remediation. Such a fund might also support the objective of peace education that has been called for by several Delegations.

IRAN

Article 7

National implementation

1. Each State Party shall, in accordance with its constitutional processes, ~~adopt the necessary~~ **take appropriate** measures to implement its obligations under this Convention.

~~2. Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent~~

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~~and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.~~

Article 9

Meeting of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or ~~implementation~~ **operation and status** of this Convention and on the further elaboration of effective measures for nuclear disarmament, including:

~~(a) The operation and status of this Convention;~~

~~(b) Reports by States Parties on the implementation of their obligations under this Convention;~~

~~(c) Matters arising from the declarations submitted under Article 2 of this Convention;~~

~~(d) Proposals for effective measures relating to nuclear disarmament, including provisions for the verified and irreversible elimination of nuclear weapon programmes, including additional protocols to this Convention.~~

2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of the entry into force of this Convention. Further Meetings of States Parties shall be convened by the Secretary-General of the United Nations on a biennial basis, unless otherwise agreed by the States Parties.

3. After a period of five years following the entry into force of this Convention, the Meetings of States Parties may decide to convene a conference to review the operation of this Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on effective measures for nuclear disarmament, are being realized.

4. States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend the Meetings of States Parties and the Review Conferences as observers.

LIECHTENSTEIN

Article 5 Measures for situations not covered by Article 4

Proposals for further effective measures relating to nuclear disarmament, including provisions for the verified and irreversible elimination of any remaining nuclear weapon programmes under strict and effective international control, which may take the form of additional protocols to this Convention, may be considered at the Meetings of States Parties or Review Conferences. All States represented at the meeting or review conference may participate fully in such consideration. The meeting or review conference may agree upon additional protocols which shall be adopted and annexed to the Convention in accordance with its provisions.

Comment [gs17]: General remark:
Should make clear that NWS can only join if protocol has been adopted.

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Article 6 Assistance

1. Each State Party individuals affected by the use or testing of nuclear weapons in areas under its jurisdiction or control, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.
2. Each State Party with respect to areas under its jurisdiction or control contaminated as a result of activities related to the testing or use of nuclear weapons or other nuclear explosive devices, shall have the right to request and to receive assistance toward the environmental remediation of areas so contaminated.
3. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis.

Article 7 National implementation

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Convention.
2. Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Article 8 International cooperation

1. Each State Party shall cooperate with other States Parties to facilitate the implementation of the obligations of this Convention.
2. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.

Article 9 Meeting of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention and on the further elaboration of effective measures for nuclear disarmament, including:
 - (a) The operation and status of this Convention;
 - (b) Reports by States Parties on the implementation of their obligations under this Convention;
 - (c) Matters arising from the declarations submitted under Article 2 of this Convention;
 - (d) Proposals for effective measures relating to nuclear disarmament, including provisions for the verified and irreversible elimination of nuclear weapon programmes, including additional protocols to this Convention.
1. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of the entry into force of this Convention. Further Meetings of States Parties shall be convened by the Secretary-General of the United Nations on a biennial basis, unless otherwise agreed by the States Parties.
2. After a period of five years following the entry into force of this Convention, the Meetings of States Parties may decide to convene a conference to review the operation of this Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on effective measures for nuclear disarmament, are being realized.
3. States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend the Meetings of States Parties and the Review Conferences as observers.

Comment [gs18]: General remarks. The articles on assistance address an important issue and one that should form an integral part of the new convention. With regard to the specific drafting proposal, we would support a more explicit reference to the rights of victims at the beginning, cf. drafting proposal. Subparagraphs 1 and 2 could be brought closer together to make sure that the provision comprehensively addresses assistance needs from medical support to environmental remediation, including all elements mentioned in these subparagraphs. Subparagraph 3 in turn should be formulated such that it clearly applies to both previous subparagraphs.

Comment [gs19]:

Comment [gs20]:

Comment [gs21]: harmonize language with article 6.2

Comment [gs22]: It is unclear what these reports are. Unless specified, we would question its introduction here.

Comment [gs23]: Question: should there not be a more robust mechanism that ensure the periodic convening of a review conference?

Comment [gs24]:

MARSHALL ISLANDS

**Republic of the Marshall Islands
Article 6 and Article 8**

We have the following recommendations:

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1. **Change the title of the Article 6 to Victim Assistance and Environmental Remediation**
2. **Reaffirm that the requirement to provide victim assistance falls within international human rights law, and the ability for an affected state alone to fulfill that requirement may be constrained by the affected states' capacity. Assistance should be provided by states parties and through international assistance to any affected victim, regardless of their jurisdiction. Nuclear testing impacts are a unique humanitarian issue, often with transboundary and multilateral character. While any and all who have the capacity to act and assist with addressing affected human rights should do so, it is also inequitable – and ineffective - to shift the entire burden to do so to states who did not cause such impacts, and who may also have limited capacity to address such impacts. This article should not be about assigning responsibility; rather, it should be about addressing affected victims.**
3. **An affected state should be invited to provide relevant information, and should, upon its request, be provided with international assistance with its relevant capacity.**
4. **Remove [in a position to do] and add “or other nuclear explosive devices” after the phrase with respect to individuals affected by the use or testing of nuclear weapons.**
5. **The Republic of the Marshall Islands strongly supports the current focus of the draft text to “adequately provide age- and gender sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion.” We recommend the inclusion of the phrase “without discrimination” after gender sensitive assistance.**
6. **Draft Article 6(1) should elaborate further on affected states parties' victim assistance obligations. It should also be complemented by an expanded international cooperation and assistance article (draft Article 8), which, among other elements, would explicitly mandate the states parties provide assistance to the victims of nuclear testing regardless of their jurisdiction. This phrasing should be also expanded to include assistance with monitoring, because it anticipates the need for assistance that responds to the needs of victims and acknowledges that these extend beyond the medical or environmental realm.**

The operative section must not **exclude any affected states parties from the responsibility to provide victim assistance, regardless of the jurisdictional status of those victims.**

Regarding methods and principles for providing victim assistance, which may be further elaborated by future States Parties meetings, the Republic of the Marshall Islands suggests the following to be considered:

1. **Assistance should be tailored to victims' needs regardless of their jurisdiction, and affected states should be encouraged to assess victims' needs as well as make every effort to collect reliable relevant data regarding victims, within their capacity to do so, and for States Parties to provide assistance in this regard.**

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2. **Victims of nuclear weapons should be actively involved in the decision-making process that concerns them.**
3. **Give guidance on steps to implement victim assistance and consider facilitative steps for reporting on related implementation, including reducing overlaps with existing human rights reporting processes.**

Concerning implementation steps, they should include: **guidance and assistance in developing, implementing, and enforcing any necessary national laws and policies, as well as striving to incorporate relevant guidelines and good practices in the delivery of victim assistance, developing approaches for victim assistance, and designating a focal point to coordinate implementation.** Thus, we propose the creation of Article 6, paragraph 1, bis, which would incorporate these views.

Article 6, Paragraph 2

In order to clarify 6.2, we propose the following:

1. **Making environmental remediation and monitoring a goal for affected states that have areas of contamination in their jurisdiction or control, in addition to inviting all other states, including States Parties, to assist them in meeting this goal, including a goal for affected states to conduct risk reduction education and encouraging other states parties to provide assistance for risk reduction education to affected states.**
2. **Elaborating further on this goal, encouraging guidance and international assistance regarding survey and assessment, risk communication, reporting and enumeration of the specific institutional arrangements, including quality standards, National Action Plans and resource mobilization.**

We further recommend that when one state party has specific knowledge related to, inter alia, types and quantities of nuclear weapons or other nuclear explosive devices used or tested, the precise locations of the use or testing, and known or suspected areas of contamination, that information shall be made available to the affected state to facilitate the remediation of such contamination.

To help affected states parties meet their obligations under draft Article 6, the treaty should include a separate article requiring other states to provide international cooperation and assistance. The propose amendments to draft Article 6 should include a provision making clear that affected states parties may seek redress, through outside mechanisms, for human and environmental harm attribute to the use or testing of nuclear weapons or other nuclear explosive devices.

In this vein, we recommend the following insertion:

Nothing in this article shall preclude a State Party from seeking redress, by peaceful means beyond this convention, from states that have used or tested nuclear weapons, or other nuclear explosive devices and affected areas under the State parties' jurisdiction.

Turning our attention to Article 8, we underscore the necessity for **expanded international cooperation and assistance article.** We recommend the following:

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1. Each state party in a position to do shall provide technical, material, and financial assistance to victims affected by the use or testing of nuclear weapons or other nuclear explosive devices
 2. Each state party in a position to do shall provide assistance for the implementation of the obligation referred to Article 6.
 3. If, after entry into force of the convention, nuclear weapons are used or tested in areas under the jurisdiction or control of a state party, then each state party in a position to do shall urgently provide emergency assistance to the affected victims.
 4. Each state party, in a position to do, may contribute to relevant trust funds in order to facilitate the provision of assistance under this article.
 5. Such assistance may be provided, inter alia, through the UN system, international regional or national organizations or institutions, nongovernmental organizations or institutions, or on a bilateral basis.
-

MEXICO

We request the replacement of the phrases “the use or testing of nuclear weapons” in article 6.1 and “the testing or use of nuclear weapons or other nuclear explosive devices” in article 6.2 by the phrase “any detonation of a nuclear weapon or nuclear explosive device”

NETHERLANDS

Article 7:

Delete paragraph 2 of article 7.

Article 9:

Slim down the review mechanism.

Article 10:

Suggest to add “to this Convention” after the words “States Parties” in both paragraphs 1 and 2.

NEW ZEALAND

We proposed merging the two subparagraphs under Article 7 (National Implementation Measures) so that it would read:

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“Each State Party shall, in accordance with its constitutional processes, take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.”

With respect to Article 9 (Meeting of States Parties) we proposed that the text could spell out in more detail some of the logistical arrangements for MSPs. In particular we think it would be worthwhile for the text to specify that UNODA will carry out the Secretariat functions associated with convening and assisting at Meeting of States Parties.

New Zealand also expressed an interested in whether Article 9 could usefully include a reference to the need for the first Meeting of States Parties to adopt its Rules of Procedure on the basis of the Rules of Procedure of our present Conference. Finally, New Zealand proposed the deletion of the phrase “effective measures relating to nuclear disarmament”.

SINGAPORE

As mentioned in the morning session on 20 June 2017, Singapore would like to propose an additional paragraph under Cluster 5 (Implementation), which is almost verbatim from Article 7 of the SEANWFZ Treaty. The paragraph is as follows:

“Nothing in this Convention shall be taken to affect the right of each State Party, on being notified, to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships through its territorial sea or archipelagic waters and overflight of foreign aircraft above those waters in a manner not governed by the rights of innocent passage, archipelagic sea lanes passage or transit passage.”

SWEDEN

Article 6 Assistance

As proposed by Switzerland

Article 8 International cooperation

As proposed by Switzerland

Article 9 Meeting of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention and on the further elaboration of effective measures for nuclear disarmament, including:

- (a) The operation and status of this Convention;

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- (b) Reports by States Parties on the implementation of their obligations under this Convention;
- (c) Matters arising from the declarations submitted under Article 2 of this Convention;
- (d) Proposals for effective measures relating to nuclear disarmament, including provisions for the verified and irreversible elimination of nuclear weapon programmes, including additional protocols to this Convention.

Förslag på ny text

- (e) at the request of a State Party, the implementation by state parties or a State Party concerning the Comprehensive safeguards (Infcirc/153) and the Additional Protocol (Infcirc/540) and the implementation of the general obligations under Article 1.1 (a);
2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of the entry into force of this Convention. Further Meetings of States Parties shall be convened by the Secretary-General of the United Nations on a biennial basis, unless otherwise agreed by the States Parties.
 3. After a period of five years following the entry into force of this Convention, the Meetings of States Parties may decide to convene a conference to review the operation of this Convention with a view to assuring that the purposes of the preamble and the provisions of the Convention, including the provisions concerning negotiations on effective measures for nuclear disarmament, are being realized.
 4. States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend the Meetings of States Parties and the Review Conferences as observers.

Article 10 Costs

1. The costs of the Meetings of the States Parties and the Review Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Article 2 of this Convention shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

Förslag på ny subpara:

3. A State Party will temporarily have its rights under the Convention suspended if the amount of arrears for that State party equals or exceeds the amount of the

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contributions due for the preceding two full years. The State Party will be excluded from taking official roles within the Convention, will not benefit from any sponsorship facilitating participation, no working papers submitted by the State Party will be translated and it shall have no role in decision making.

4. If there is a situation as described in paragraph 3, then any budgetary planning for activities under the convention needs to be realistic with regard to the expected level of financial contributions, while still ensuring that all state parties are held accountable to their financial obligations under the convention.

SWITZERLAND

Please find enclosed a number of proposals by Switzerland regarding articles 6, 8, 9, 10.

Switzerland proposes to change the title of **article 6** to “*victim assistance and environmental remediation*”.

Switzerland proposes to change the title of **article 8** to “*international cooperation and assistance*”.

Regarding **article 9** we suggest to highlight the possibility to hold extraordinary meetings in case significant developments arise.:

Any State Party may request, at any time, to convene a special Meeting of States Parties. Any such request shall be communicated in writing [to the Chairmanship/Presidency of the Treaty; to the Depositary] which shall immediately inform all States Parties of the request. If within [XX] days of the date of the communication, a [majority] of States Parties notify [the Chairmanship/Presidency of the Treaty; the Depositary] that they concur with the request, a special Meeting of States Parties shall be convened. Such a meeting shall be held at the earliest convenient date, subject to the availability of funding.

We also propose to amend **article 10**, by addition the following sentence:

“The performance by the Secretary-General of the United Nations of administrative tasks assigned to him or her under this treaty is subject to an appropriate United Nations mandate.”

(This language would expand the scope of article 10.2 as the UNSG may have to provide other type of support depending on the final version of the treaty.)

THAILAND

The Kingdom of Thailand’s Proposal: Draft Article 7 Paragraph 2

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by **any persons or entity under its jurisdiction or**

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control, or by any person or entity on its territory, in its exclusive economic zone or continental shelf, or at any place under its jurisdiction or control.

In article 9, para 4, we would also like to add “civil society including” before relevant non-governmental organizations.

VIET NAM

Article 6: Assistance

- Add a new paragraph before paragraph 1 as follows:

‘A State Party that has used or tested nuclear weapons or any other nuclear explosive devices shall have the primary responsibility to provide adequate assistance to affected States Parties in addressing the damages and consequences of such use or test.’

- Add to the end of paragraph 2 (to have the element of “protection” besides the element of “assistance”, similar to that in Article X of the CWC):

“Each State Party with respect to areas under its jurisdiction or control contaminated as a result of activities related to the testing or use of nuclear weapons or other nuclear explosive devices, shall have the right to request and to receive assistance toward the environmental remediation of areas so contaminated. **Each State Party has the right to request and to receive assistance and protection against the use or threat of use of nuclear weapons if it considers that nuclear weapons have been used against it or if it is threatened by actions or activities of any State that are prohibited for States Parties by Article 1.**”

Article 9: Meetings of States Parties

In the end of Paragraph 4, add “*in accordance with the agreed rules of procedures*” to be in line with similar paragraphs in the Anti-Personnel Landmines Convention and the Cluster Munitions Convention:

4. States not party to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend the Meetings of States Parties and the Review Conferences as observers **in accordance with the agreed rules of procedures.**

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Compilation of amendments received from States on Article 11-21

CUBA

Article 11 Amendments

New P.1: Any State Party may propose amendments to this Convention. The text of any proposed amendment shall be submitted to the Depository for circulation to all States Parties.

1. At the Meetings of States Parties or Review Conferences consideration ~~may~~ **will** be given to any proposal for amendments of this Convention. The meeting or review conference may agree upon amendments which shall be adopted by a majority of two-thirds of the States Parties present and voting at the meeting or review conference.
2. The amendment shall enter into force for each State Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of the States Parties. Thereafter, it shall enter into force for any other State Party upon the deposit of its instrument of ratification of the amendment.

Article 12 Settlement of disputes

New P.1: Disputes that may arise concerning the interpretation or application of this Convention shall be settled in accordance with the relevant provisions of this Convention and in conformity with the provisions of the Charter of the United Nations, (Based Article 14, P.1, CWC)

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to the Meetings of States Parties, **and** by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court.
2. The Meeting of States Parties may contribute to the settlement of the dispute ~~by whatever means it deems appropriate,~~ **in accordance with the relevant provisions of the Convention and in conformity with the Charter of the United Nations,** including offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time limit for any agreed procedure.

Article 17

Reservations

~~The Articles of~~ This Convention shall not be subject to reservations

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Article 19

Relations with other agreements

~~This Convention does not affect the rights and obligations of the States Parties under the Treaty on the Non-Proliferation of Nuclear Weapons.~~

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by a State Party under international law, including the Treaty on the Non-Proliferation of Nuclear Weapons, Nuclear Weapon Free Zone treaties, and other legal instruments relating to nuclear weapons,

GUATEMALA

Article 11

In general, article 11 as drafted seems to us to be fine, in particular we are pleased that there is not a period of several years before we can amend the Convention. However, we think that it would be good to introduce a better language in relation to the submission of amendments, and in particular on the notification of any proposed amendment, in line with the provisions of several instruments, such as ATT in Article 20, paragraph 2, which states that any proposal to amend the Treaty shall be submitted in writing to the Secretariat, which shall circulate it to all States Parties not less than 180 days before the next meeting of States Parties.

We do not see the need for additional language requiring a favorable response to the amendment by a majority of States before it can be considered at the next meeting, however if we consider it essential that States Parties have sufficient time to examine and analyze proposals for amendments.

Article 16

While 40 ratifications appear to be a reasonable number, we consider that the number of ratifications necessary before the entry into force of the Convention could be reduced to 30.

Article 17

We agree with the provisions of this article. We DO NOT CONSIDER NECESSARY TO MODIFY IT.

Article 19

Considering the legal vacuum that exists, and not finding a better language, we join the delegations that propose the elimination of this article.

INDONESIA

ARTICLE 13

Each State Party shall **promote and** encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.

IRAN

Article 11 Amendments

Iran supports the revision of this Article with a view to putting in place a stringent procedure for amending the instrument, particularly taking the procedure contained either in NPT, CTBT or CWC.

Article 12 Settlement of disputes

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the **expeditious** settlement of the dispute by negotiation or by other peaceful means of the parties' choice, **in accordance with Article 33 of the Charter of the United Nations** including recourse to the Meetings of States Parties and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court.

2. ~~The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time limit for any agreed procedure.~~

Article 16 Entry into force

1. This Convention shall enter into force 90 days after the ~~fortieth~~ **65th** instrument of ratification, acceptance, approval or accession has been deposited.

2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the ~~fortieth~~ **65th** instrument of ratification, acceptance, approval or accession, this Convention shall enter into force 90 days after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 17 Reservations

The Articles **(number of articles related to basic undertaking and core prohibition inserted)** of this Convention shall not be subject to reservations.

Article 18 Duration and Withdrawal

1. This Convention shall be of unlimited duration.

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2. Each State Party shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of this Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Convention ~~and to the United Nations Security Council~~ three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

~~3. Such withdrawal shall only take effect three months after the receipt of the instrument of withdrawal by the Depository. If, however, on the expiry of that three-month period, the withdrawing State Party is engaged in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article 1 of Additional Protocol I to these Conventions, the Party shall continue to be bound by the obligations of this Convention and of any annexed Protocols until the end of the armed conflict or occupation.~~

Article 19 Relations with other agreements

This Convention does not affect the ~~rights and~~ obligations of the States Parties under the Treaty on the Non-Proliferation of Nuclear Weapons.

Article 19Bis: Peaceful uses of nuclear energy

Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, as well as their activities for detection, protection and decontamination purposes.

LIECHTENSTEIN

Article 11 Amendments

1. At the Meetings of States Parties or Review Conferences consideration may be given to any proposal for amendments of this Convention. The meeting or review conference may agree upon amendments which shall be adopted by a majority of two-thirds of the States Parties present and voting at the meeting or review conference.

~~2. The amendment shall enter into force for each State Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of the States Parties. Thereafter, it shall enter into force for any other State Party upon the deposit of its instrument of ratification of the amendment.~~

Article 12 Settlement of disputes

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including ~~recourse to the Meetings of States Parties and, by mutual consent, referral to the International Court of Justice in conformity with the~~

Comment [gs25]: The provision as drafted will lead to different regimes within the convention indefinitely as there is no entry into force for all States after a given threshold. This might be particularly problematic if the core provisions of the treaty might be subject to amendments. For example: Amendments to the present Charter shall come into force for all States Parties when they have been ratified in accordance with their respective constitutional processes by a majority/two thirds of the States Parties.

Comment [gs26]:

Comment [gs27]:

Comment [gs28]:

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Statute of the Court

2. The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time limit for any agreed procedure.

Article 13 Universality

Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.

Article 14 Signature

This Convention shall be open for signature to all States **before its entry into force.**

Comment [gs29]: Question: should signature of the convention not be possible indefinitely to provide for a soft entry into the regime, taking into account the provisions of the Vienna Convention on the Law of Treaties re signatures?

Article 15 Ratification

This Convention shall be subject to ratification **by signatory States.**

Comment [gs30]: As currently drafted the provision seems to prevent States that have not signed the Convention to ratify or accede to it. Take existing standard language.

Article 16 Entry into force

1. This Convention shall enter into force 90 days after the fortieth instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the fortieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force 90 days after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Comment [gs31]:

Article 17 Reservations

~~The Articles of this Convention shall not be subject to reservations.~~

Comment [gs32]:

Article 18 Duration

Comment [gs33]:

1. This Convention shall be of unlimited duration.
2. Each State Party shall have the right to withdraw from the Convention **if it decides that extraordinary events, related to the subject matter of this Convention, have jeopardized the supreme interests of its country.** It shall give notice of such withdrawal to **all other Parties to the Convention and to the United Nations Security Council** **three months in advance.** Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.
3. Such withdrawal shall only take effect months after the receipt of the instrument of withdrawal by the Depository. If, however, on the expiry of that three-month period, the withdrawing State Party is engaged in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article 1 of Additional Protocol I to these Conventions, the Party shall continue to be bound by the obligations of this Convention and of any annexed Protocols until the end of the armed conflict or occupation.

Comment [gs34]:

Comment [gs35]:

Comment [gs36]: Question if this is necessary/appropriate?

Comment [gs37]:

Article 19 Relations with other agreements

This Convention does not affect the rights and obligations of the States Parties under the Treaty on the Non-Proliferation of Nuclear Weapons.

Article 20 Depositary

The Secretary-General of the United Nations is hereby designated as the Depository of this Convention.

Article 21 Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention shall be equally authentic.

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MALAYSIA

Article 11: Amendments: To replace with the following

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.
3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.
4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.
5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

New Article – to replace Article 14 & 15

Title: Signature, Ratification, Acceptance, Approval or Accession

1. This Treaty shall be open for signature (*at the United Nations Headquarters in New York by all States from ----- until its entry into force*).
2. This Treaty is subject to ratification, acceptance or approval by each signatory State.
3. Following its entry into force, this Treaty shall be open for accession by any State that has not signed the Treaty.
4. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 19 – Relationship with other international agreements: to replace with the following

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The implementation of this Treaty shall not prejudice obligations undertaken by States Parties with regard to existing or future international agreements, to which they are parties, where those obligations are consistent with this Treaty.

NETHERLANDS

Bring cluster in into line with existing practice regarding final clauses.

Article 13:

Delete art. 13.

Design other ways to promote dialogue with States not party to the convention.

Article 19:

Add the following to this article: “in case of any conflict between this instrument and the NPT, the provisions of the NPT and their interpretation prevail”.

Include a paragraph that states that adherence to the NPT is an obligation under the convention.

NEW ZEALAND

Article 11 on Amendment

With respect to Article 11 on Amendments, my delegation considers that it would be useful to spell out in rather more detail in the text how this provision would operate, in practice. For example, as drafted, the Article is silent as to exactly who it is who can submit proposals for amendments. *Other* treaties provide that only States Parties have the ability to propose amendments - and we assume that this is also the intention here too.

Article 11 is also silent as to whether States Parties will be given a particular period of time in which to consider a proposed amendment before being required to take action on it. Coupled with the fact that a decision on amendment can be taken by *any* Meeting or Review Conference of States Parties to the Convention – and not only at a particular Amendment Conference as provided for, for example, in the Cluster Munitions Convention – we note that this omission lowers the threshold for amending the Convention. We would therefore recommend tightening this provision (for example by requiring a proposal for amendment to be circulated at least 90 days before it can be considered for adoption).

Article 14 on Signature

Briefly with respect to Article 14, we understand that the specific dates and locations for signature of the treaty will be incorporated into the text as we move forward with our negotiations here.

Article 19 Relations with other agreements

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With respect to **Article 19**, Madam President, New Zealand would prefer to see a different formulation than that which has been put forward in our text here – and indeed than that which you outlined at the start of this session. We agree with Malaysia on this and also with their proposal – which as I understand it reads:

“The implementation of this Treaty shall not prejudice obligations with regard to existing or future international agreements, to which they are parties, where those obligations are consistent with this Treaty.”

This proposal, which replicates the language in Article 26 of the Arms Trade Treaty, in our view would obviate the need to refer to either the Nuclear Non-Proliferation Treaty or the Comprehensive Nuclear-Test-Ban Treaty - or indeed any other agreement. Above all, we believe this proposed text appropriately registers the fundamental importance of the obligations we are undertaking in this new treaty of ours. Accordingly, we support the proposal of Malaysia.

SWEDEN

Article 11 Amendments

- ~~1. At the Meetings of States Parties or Review Conferences consideration may be given to any proposal for amendments of this Convention. The meeting or review conference may agree upon amendments which shall be adopted by a majority of two-thirds of the States Parties present and voting at the meeting or review conference.~~
- ~~2. The amendment shall enter into force for each State Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of the States Parties. Thereafter, it shall enter into force for any other State Party upon the deposit of its instrument of ratification of the amendment.~~

Proposed amendment

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.
3. The Amendment Conference shall be held immediately following a Meeting of the

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States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

4. Any amendment to this Convention shall be adopted by a majority of two-thirds [three-quarters] of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.

5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article 16 Entry into force

1. This Convention shall enter into force 90 days after the ~~fortieth-sixty-fifth~~ instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the fortieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force 90 days after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 17 Reservations

The Articles of this Convention shall not be subject to reservations.

Article 18 Duration

1. This Convention shall be of unlimited duration.
2. Each State Party shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of this Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Convention and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.
- ~~3.—Such withdrawal shall only take effect three months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that three-month period, the withdrawing State Party is a Party in an international armed conflict, the withdrawal shall not take effect before the end of the armed conflict engaged in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article 1 of Additional Protocol I to these Conventions, the Party shall continue to be bound by the obligations of this Convention and of any annexed Protocols until the end of the armed conflict or occupation.~~

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Article 19 Relations with other agreements

~~This Convention does not affect the rights and obligations of the States Parties under the Treaty on the Non-Proliferation of Nuclear Weapons.~~

Proposed amendment

1. The implementation of this Convention shall not prejudice obligations undertaken by States Parties with regard to existing or future international agreements, to which they are parties, where those obligations are consistent with this Convention.
2. This Convention shall not be cited as grounds for leaving the Treaty of Non-Proliferation.

Article 20 Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

Article 21 Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention shall be equally authentic.

THAILAND

Article 15 bis

Any State which does not sign this Convention before its entry into force may accede to it at any time thereafter.

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Compilation of amendments received from States on South Africa's proposal on cluster 3

Brazilian Proposal – Austria/South Africa proposal on Articles 2 to 5

Article 2 – Declarations

1.c) Declare whether ~~all nuclear facilities and materials on its territory or under its control are under IAEA safeguards,~~ it has accepted safeguards as set forth in Article 3.1 of the Treaty on the Non-Proliferation of Nuclear Weapons or safeguards fully compatible therewith, and if not, undertake to conclude such an ~~A~~greement with the IAEA as soon as possible, but no later than 3 years after the entry into force for that State Party to this Convention, without prejudice to ~~any higher level of safeguards that may be adopted~~ any other legal instruments to that effect that they may voluntarily enter into in the future.