ELEMENTS OF EU REACTION TO DRAFT REPORTS FROM MAIN COMMITTEES AND SUBSIDIARY BODIES DATED 14 MAY 2010

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GENERAL COMMENTS FOR ALL DRAFT REPORTS

1. The EU wishes to thank all the Chairpersons of the Main Committees and Subsidiary Bodies. We welcome this honest and fair attempt by all of them to reflect as much as possible the very rich discussions which took place during the General Debate and the first week of meetings of Main Committees and Subsidiary Bodies.

2. We realise that these Draft Reports could not include all the proposals that have been presented and all the views that have been expressed during those discussions. We have identified a number of proposals and positions put forward by the European Union which have not been included and we reserve our right to reiterate them in the discussions during this week and to request that they be included in the subsequent Reports of these organs.

3. While we have done our best to prepare as quickly as possible these elements of reaction from the European Union to these Draft Reports, we need to indicate that there has been very little time for our capitals to have a full consideration of these texts. We are still awaiting more detailed instructions on many parts of the Draft Reports. We are looking forward to continue working on the basis of these three Draft Reports. We also feel obliged to reserve our right to present at a later stage, during the discussions of this week, other considerations, comments and amendment proposals to the Draft Reports.

4. We will not always be able to propose at this early stage specific drafting amendments as requested by the Chairpersons of the Main Committees during their oral presentations at the Plenary meeting last Friday. In some instances, we will need to limit our considerations to more general comments, remarks and proposals for amendment. In as much as possible, we will attempt to refer to specific paragraphs to help identify our positions.

5. At this point, I would like to mention that I will make frequent references to the Position approved by the EU Council of Ministers for this Review Conference (Council Decision 2010/212/CFSP), that has been distributed at the Review Conference to all States Parties as WP.31 submitted by Spain on behalf of the European Union. To avoid lengthy repetitions, I will refer to this document as the EU Common Position. With our written remarks, we will be distributing the texts on the issues being dealt with in each particular Main Committee and Subsidiary Body, as contained in this EU Common Position and in the EU Statements at this Review Conference.
6. Concerning the structure or format of the Draft Reports, we welcome the fact that all three Draft Reports include, in one way or another, forward looking actions or action plan. The EU Common Position, in Article 1, states that our objective is to promote a substantive and balanced outcome of the Review Conference. For this reason, it is very important to include such a forward looking approach in all three pillars of the NPT and in all other decisions that may be adopted by the Review Conference.

7. In this regard, we note significant differences in the levels of treatment and ambition contained in the Draft Reports. We encourage the Chairpersons of the Main Committees and Subsidiary Bodies to work towards a more harmonized structure of the Reports of the three Main Committees that will have to be delivered to the President of the Review Conference. We believe this effort could help in building consensus.

8. We have noticed some occasions where the same or similar issues have been addressed in the Draft Reports of the different Main Committees. This creates duplications that should generally be avoided. Furthermore, the language used for addressing these issues is not always consistent across all three Draft Reports. We will need to carefully consider this matter in order to ensure coherence and consistency.

9. We have also noticed some problems between the three Draft Reports as regards the elements that are included in the review parts and in the forward looking parts, of these Draft Reports. We also think care should be taken to address this matter and to try to harmonize as much as possible the three Reports in this respect.

10. I would like to address finally an important matter of substance that arises in all three Draft Reports. On many occasions, language from the decisions and resolution of the 1995 Review and Extension Conference and from the final document of the 2000 Review Conference has been used. This is consensus language and can help build the consensus the European Union is seeking. We believe we must take into account, at the same time, the events occurred in the global disarmament and non-proliferation regime during the last at least ten years, when working towards the outcome of the 2010 NPT Review Conference.

11. The European Union would like, once again, to commend the efforts made by the Chairpersons of the Main Committees and Subsidiary Bodies to move the work and discussions of the Review Conference towards a common understanding and we will now present our comments and proposals for Main Committee I and Subsidiary Body I.
Further to the general considerations for all three Draft Reports just outlined, the European Union would like to make the following remarks concerning the Draft Report of Main Committee I and Subsidiary Body 1:

- We believe the language used in many parts of the Draft Report concerning the obligation inscribed in Article VI of the NPT presents some discrepancies. In accordance with the EU Common Position, we propose reaffirming the commitment to seeking a safer world for all and to creating the conditions for a world without nuclear weapons, in accordance with the goals of the NPT, and are convinced that intermediate steps on the path towards this objective can also represent significant increases in security for all.

- Also in accordance with the EU Common Position, we stress the need to advance the general arms control and disarmament processes and call for further progress on all aspects of disarmament to enhance global security.

- We have already stressed that there is a need to set balanced and realistic levels of ambition across the three pillars. This Draft Report contains a number of references to time-bound commitments, undertakings, frameworks, phases, convening of consultations, conferences or high-level meetings, etc. The EU Common Position inscribes as a priority for this Review Conference to reaffirm the commitment to and to stress the need for concrete progress in nuclear arms control and disarmament, and agreement on specific and early measures. The EU Common Position does not express itself on the issue of timeframes for these actions.

- With regard to many of the proposed actions falling within the section and Actions on Nuclear Disarmament, we should bear in mind that we should all work to achieve consensus. We believe it will be difficult to achieve consensus for many of these proposals as currently drafted.

- On some specific issues, we believe paragraph I.B.3 could reflect more positively the importance of recent nuclear arms control and disarmament agreements and paragraph I.B.16 and I.B.17 refer to matters of a broader nature that go beyond the review of the operation of the Treaty.

- With regard to the section and Actions on disarmament of nuclear weapons, in accordance with the EU Common Position, we believe that a clearer reference should be made to non-strategic nuclear weapons indicating that States possessing such weapons should include them in their general arms control and disarmament processes with a view to their verifiable and irreversible reduction and elimination.
- With regard to section I.C on Article VII and security assurances and Section III and Actions on Security Assurances, we consider that more precise references should be made to Resolution 984 (1995) and to treaty-based security assurances available to nuclear weapons free zones established in accordance with the 1999 UN Disarmament Commission Guidelines.

- With regard to paragraph I.B.11, we believe a mentioning of the Conference on Disarmament and the Programme of Work adopted by consensus last year should be added, and with regard to section V and Actions on Fissile Material, the EU Common Position calls for all states to declare and uphold an immediate moratorium on the production of missile material for nuclear weapons, pending entry into force of an FMCT. We believe a more careful consideration, and possible merger of Actions 20 and 21 is required.

- With regard to section VI and Actions on Confidence-building Measures, the EU Common Position supports pursuing efforts to secure verifiability, transparency and other confidence-building measures. We thus welcome that there are proposals in this area, but note that their content will need further discussions.

reaffirming the commitment to and stressing the need for concrete progress in nuclear arms control and disarmament processes, especially through an overall reduction in the global stockpile of nuclear weapons, in accordance with Article VI of the NPT, taking into account the special responsibility of the states that possess the largest arsenals, and agreement on specific and early measures, including achieving rapid entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the start of negotiations in the Conference on Disarmament on a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (FMCT) as indispensable steps towards fulfilment of the obligations and final objective enshrined in Article VI of the NPT;

7. reaffirming the commitment to seeking a safer world for all and to creating the conditions for a world without nuclear weapons, in accordance with the goals of the NPT; convinced that intermediate steps on the path towards this objective can also represent significant increases in security for all;

8. welcoming the considerable nuclear arms reductions which have taken place since the end of the Cold War, including by two Member States of the Union; stressing the need for an overall reduction in nuclear arsenals in the pursuit of gradual, systematic nuclear disarmament under Article VI of the NPT, taking into account the special responsibility of the states that possess the largest arsenals; welcoming, in this context, the negotiations on a new START agreement between the United States and the Russian Federation; reiterating the need for more progress in decreasing their arsenals and in reducing the operational readiness of their nuclear weapon systems to the minimum level necessary;

9. with regard to non-strategic nuclear weapons:

(i) calling on all States Parties possessing such weapons to include them in their general arms control and disarmament processes, with a view to their verifiable and irreversible reduction and elimination;

(ii) agreeing to the importance of further transparency and confidence-building measures in order to advance this nuclear disarmament process;

(iii) encouraging the United States and the Russian Federation to further develop the unilateral 1991/92 Presidential initiatives and to include non-strategic nuclear weapons in the next round of their bilateral nuclear arms
reductions, leading to lower ceilings for the numbers of both strategic and non-strategic nuclear weapons in their arsenals;

10. recognising the application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account;

11. recognising the importance, from the point of view of nuclear disarmament, of the programmes for the destruction and elimination of nuclear weapons and the elimination of fissile material as defined under the G8 Global Partnership;

12. pursuing efforts to secure verifiability, transparency and other confidence building measures by the nuclear powers to support further progress in disarmament; welcoming in this regard the increased transparency shown by some nuclear-weapon states, including by two Members States of the Union, on the nuclear weapons they possess, and calling on others to do likewise;

13. reaffirming also the commitment to treaty-based nuclear arms control and disarmament and underlining the need to renew multilateral efforts and reactivate multilateral instruments, in particular the Conference on Disarmament;

14. calling on states to sign and ratify the CTBT without delay and without conditions, particularly the nine remaining states listed in Annex II of the CTBT that have not yet done so, since the CTBT forms an essential part of the nuclear disarmament and non-proliferation regime, and with a view to its entry into force as soon as possible; welcoming in this regard the recent commitments by the United States towards early ratification of the CTBT;

15. pending the entry into force of the CTBT, calling on all states to abide by a moratorium on nuclear test explosions, to refrain from any action contrary to the obligations and provisions of the CTBT and to dismantle, as soon as possible, all nuclear testing facilities in a manner that is transparent and open to the international community; highlighting the importance of and welcoming the work of the CTBT Organisation Preparatory Commission, particularly with regard to the International Monitoring System;

16. welcoming the adoption by consensus in 2009 of the Programme of Work of the Conference on Disarmament and, on this basis, appealing for the immediate commencement and early conclusion of the negotiations on a FMCT, on the basis of document CD/1299 of 24 March 1995 and the mandate contained therein, as agreed in Decision of 29 May 2009 of the Conference on Disarmament for the establishment of a Programme of Work for the 2009 session (CD/1864);

17. pending entry into force of a FMCT, calling on all states concerned to declare and uphold an immediate moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices, as well as to dismantle or convert for non-explosive use only the facilities dedicated to the
production of fissile materials for nuclear weapons; welcoming the action of those of the five nuclear-weapon states, in particular within the Union, which have decreed the relevant moratoria and dismantled such facilities;

18. calling on all states concerned to take appropriate practical measures in order to reduce the risk of accidental nuclear war;

19. pursuing consideration of the issue of security assurances to the non-nuclear-weapon States Parties;

20. calling on nuclear-weapon states to reaffirm existing security assurances noted by the United Nations Security Council in Resolution 984 (1995), recognizing that such security assurances strengthen the nuclear non-proliferation regime, and to sign and ratify the relevant protocols to the Treaties establishing nuclear-weapon free zones drawn up following the requisite consultations in accordance with 1999 United Nation Disarmament Commission (UNDC) guidelines, recognising that treaty-based security assurances are available to such zones;

21. stressing the need to advance the general arms control and disarmament processes and calling for further progress on all aspects of disarmament to enhance global security;

22. working for the start of consultations on a Treaty banning short- and intermediate-range ground-to-ground missiles;

23. calling for universal accession to, and effective implementation of the Hague Code of Conduct against Ballistic Missile Proliferation;

24. highlighting the importance of universal accession and implementation of the Biological and Toxin Weapons Convention, the Chemical Weapons Convention and the conventions, measures and initiatives contributing to conventional arms control;

25. working for the resolution of the problems of regional instability and insecurity and of the conflict situations which are often at the root of armament programmes;

2.- EU STATEMENT AT MAIN COMMITTEE I

4.- The 27 Heads of State and Government of the Member States of the European Union endorsed, in December 2008, concrete and realistic disarmament initiatives, which the EU presented to the 2009 NPT PrepCom, as part of its forward-looking proposals on all three pillars of the NPT which could be part of an action plan to be adopted by the Review Conference. In addition to the points just raised, we continue to regard the following elements as highly pertinent:

a. The universal ratification of the Comprehensive Nuclear-Test-Ban Treaty; the completion of its verification regime; and the dismantling, as soon as
possible, of all nuclear testing facilities in a manner that is transparent and open to the international community;
b. The start, without delay and without preconditions, of negotiations for a treaty banning the production of fissile material for nuclear weapons (FMCT) and the introduction of an immediate moratorium on the production of such material;
c. The establishment of transparency and confidence-building measures by the nuclear powers;
d. Further progress in the current discussions between the United States of America and the Russian Federation on the development of a legally binding post-START arrangement and an overall reduction in the global stockpile of nuclear weapons in accordance with article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, in particular by the States that possess the largest arsenals;
e. The inclusion of tactical nuclear weapons, by those states which have them, in their general arms control and disarmament processes, with a view to their reduction and elimination;
f. The start of consultations on a treaty banning short- and intermediate-range ground-to-ground missiles;
g. The adherence to and implementation by all of the Hague Code of Conduct against Ballistic Missile Proliferation (HCoC);
h. Mobilisation in all other areas of disarmament.

The EU welcomes the progress achieved in some of these areas, in particular the recent agreement between the United States of America and the Russian Federation on strategic arms reductions, and hopes that all NPT States Parties as well as States not yet Party to the NPT will join us in promoting these disarmament initiatives.

5.- We welcome the considerable nuclear arms reductions which have taken place since the end of the Cold War, including by the two nuclear-weapon States which are members of the European Union, and we stress the need for an overall reduction in nuclear arsenals in the pursuit of gradual, systematic nuclear disarmament under Article VI of the NPT, taking into account the special responsibility of the States that possess the largest arsenals.

6.- We also welcome in this respect the significant new agreement between the United States and the Russian Federation on a Strategic Arms Reduction Treaty, which is an essential step forward as both countries still retain around 95% of the world's nuclear weapons stockpiles, as well as their renewed engagement on other strategic issues related to disarmament and non-proliferation. We encourage both States concerned to work towards new agreements for further, comprehensive reductions of their nuclear arsenals, including non-strategic nuclear weapons.

7.- In that respect, the EU recalls the continued existence of significant deployed and stockpiled non-strategic arsenals which are not covered by formal arms control agreements and the commitment contained in the Final Document of the 2000 NPT Review Conference on this subject. Reduction and final elimination of non-strategic nuclear weapons are integral parts of the nuclear
disarmament process to which all States Parties are committed under Art. VI of the NPT.

8.- The EU therefore calls on all States parties possessing such weapons to include them in their general arms control and disarmament processes, with a view to their verifiable and irreversible reduction and elimination, while agreeing to the importance of further transparency and confidence-building measures in order to advance this nuclear disarmament process. We also encourage the United States and the Russian Federation to further develop the unilateral 1991/92 Presidential initiatives and to include non-strategic nuclear weapons in the next round of their bilateral nuclear arms reductions, leading to lower ceilings for the numbers of both strategic and non-strategic nuclear weapons in their arsenals.

9.- We also stress the need for agreement on specific and early measures, including achieving rapid entry into force of the CTBT and the start of negotiations in the Conference on Disarmament on an FMCT. A CTBT and FMCT would develop a global cap on nuclear arsenals which is crucial for making further progress on nuclear disarmament and non-proliferation.

10.- Since the CTBT forms an essential part of the nuclear disarmament and non-proliferation regime and with a view to its entry into force as soon as possible, we will work at this Review Conference for a strong commitment towards the universal ratification of the Comprehensive Nuclear-Test-Ban Treaty, particularly by the nine remaining States listed in Annex II of the Treaty that have not yet done so. We welcome in this regard the recent commitments by the United States towards early ratification of the CTBT and the announcement that Indonesia is initiating the process of ratification of the CTBT. Pending its entry into force, we call on all States to abide by a moratorium on nuclear test explosions, to refrain from any action contrary to the obligations and provisions of the Treaty and to dismantle, as soon as possible, all nuclear testing facilities in a manner that is transparent and open to the international community. This is an essential step to create confidence.

11.- The CTBT is an instrument that is crucial to nuclear disarmament and non-proliferation. Its entry into force will strengthen the international security architecture, which is based on the NPT. The EU will continue to offer practical support, both for the universalisation of the CTBT and the credibility of its verification regime. We commend the progress achieved in the build-up of the verification regime of the CTBT, particularly through the International Monitoring System, which demonstrated its efficiency in detecting clandestine nuclear tests by DPRK. The EU is financially contributing to the strengthening of the CTBTO monitoring and verification system.

12.- Logically, an FMCT constitutes the next multilateral instrument to be negotiated in the nuclear disarmament field and would thus complement the NPT and CTBT. A major step was achieved last year at the Conference on Disarmament (CD) for the commencement of the negotiations on a FMCT, on the basis of document CD/1299 of 24 March 1995 and the mandate contained therein, as agreed in the Decision of 29 May 2009 of the Conference on
Disarmament adopted by consensus for the establishment of a Programme of Work for the 2009 session (CD/1864). We expect this Review Conference to urge States to commence negotiations without further delay on this basis and to reach an early agreement on such a treaty.

13.- We appeal to all delegations in the CD, particularly to those delegations that oppose the approval of a program of work based on the one approved by consensus in CD/1864, to work towards achieving consensus in order to enable the CD to start as soon as possible the negotiation of a FMCT.

14.- Pending entry into force of such a Treaty, we call on all States concerned to declare and uphold an immediate moratorium on the production of fissile material for nuclear weapons or other nuclear explosive devices, as well as to dismantle or convert for non-explosive use only, the facilities dedicated to the production of fissile materials for nuclear weapons. In this context, we welcome the action of those of the five nuclear-weapon States, in particular within the EU, which have decreed the relevant moratoria and dismantled such facilities.

15.- The European Union will pursue consideration of the issue of security assurances to the non-nuclear-weapon States Parties to the NPT. The EU recognizes the continuing high value of the legally binding security assurances to non-nuclear weapon States Parties to the NPT on the use of or threat of use of nuclear weapons, provided for by the protocols to the treaties establishing nuclear weapon free zones and the unilateral declarations of nuclear weapon States, noted by UNSC Resolution 984/1995 and reaffirmed at the 2000 NPT Review Conference, which strengthen the nuclear non-proliferation regime. Positive and negative assurances can play an important role in the NPT regime and can serve as an incentive to forego the acquisition of weapons of mass destruction.

16.- We call on all States concerned to take appropriate practical measures in order to reduce the risk of accidental nuclear war.

17.- The EU stresses the need to work for disarmament. Non-proliferation, disarmament and arms control, together with confidence, transparency and reciprocity are vital aspects of collective security. In particular, non proliferation and disarmament are mutually reinforcing. We recognise the application of the principle of irreversibility to guide all measures in the field of nuclear disarmament and arms control, as a contribution to the maintenance and reinforcement of international peace, security and stability, taking these conditions into account. We are pursuing efforts to secure transparency as a voluntary confidence building measure and encourage all States possessing nuclear weapons to agree and implement further transparency measures. The EU welcomes the increased transparency on current nuclear weapons holdings shown by some nuclear weapon States, in particular by two EU Member States.

18.- The question of the proliferation of missiles which could be used to deliver weapons of mass destruction is also a matter of major concern in the context of international security. Recently conducted missiles tests outside all the existing transparency and pre-notification schemes deepen our concerns in this respect.
The aggravation of missile proliferation, in particular with short- and intermediate-range, requires from the international community to come up with a collective and normative response. For these ends, we propose to start consultations on a multilateral treaty banning short- and intermediate-range ground-to-ground missiles. They could in particular enable us to determine how such a treaty may contribute to addressing concerns regarding missiles, to eliminating existing lacunas in existing arrangements regarding missiles and to strengthening security at global and regional level.

19.- We believe that universalisation of The Hague Code of Conduct against Ballistic Missile Proliferation (HCoC) and its enhancement could contribute significantly to the strengthening of the global non-proliferation and disarmament efforts by increasing confidence and transparency in this field. We invite all HCoC Subscribing States to comply with their obligations. Continued lack of adherence to the provisions of pre-launch notifications and annual declarations undermines the Code's mission.

20.- We need also to address broader strategic matters and to advance the general arms control and disarmament processes. We must work together to achieve further progress on all aspects of disarmament, to reduce international tensions and to resolve the problems of regional instability and insecurity to enhance global security.