
United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination

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Draft Treaty on the Prohibition of Nuclear Weapons

Submitted by the President of the Conference

The States Parties to this Treaty,

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

Deeply concerned about the catastrophic humanitarian consequences that would result from any use of nuclear weapons and recognizing the consequent need to completely eliminate such weapons, which remains the only way to guarantee that nuclear weapons are never used again under any circumstances,

Mindful of the risks posed by the continued existence of nuclear weapons, including from any nuclear weapon detonation by accident, miscalculation or design, and emphasizing that these risks concern the security of all humanity, and that all States share the responsibility to prevent any use of nuclear weapons,

Cognizant that the catastrophic consequences of nuclear weapons cannot be adequately addressed, transcend national borders, pose grave implications for human survival, the environment, socioeconomic development, the global economy, food security and for the health of current and future generations, and have a disproportionate impact on women and girls, including as a result of ionizing radiation,

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,

Mindful of the unacceptable suffering of and harm caused to the victims of the use of nuclear weapons (Hibakusha) as well as of those affected by the testing of nuclear weapons,

Recognizing the disproportionate impact of nuclear weapon activities on indigenous peoples,

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

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, the rule of distinction, the prohibition against indiscriminate attacks, the rules on proportionality and precautions in attack, the prohibition on the use of weapons of a nature to cause superfluous injury or unnecessary suffering and the rules for the protection of the natural environment,

Considering 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 international humanitarian law,

Reaffirming that any use of nuclear weapons would also be abhorrent to the principles of humanity and the dictates of public conscience,

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,

Recalling the first resolution of the General Assembly of the United Nations, adopted on 24 January 1946, and subsequent resolutions which call for the elimination of nuclear weapons,

Concerned by the slow pace of nuclear disarmament, the continued reliance on nuclear weapons in military and security concepts, doctrines and policies, and the waste of economic and human resources on programmes for the production, maintenance and modernization of nuclear weapons,

Recognizing that a legally binding prohibition of nuclear weapons constitutes an important contribution towards the achievement and maintenance of a world free of nuclear weapons, including the irreversible, verifiable and transparent elimination of nuclear weapons, and *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,

Reaffirming 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 also that the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, which serves as the cornerstone of the nuclear disarmament and non-proliferation regime, has a vital role to play in promoting international peace and security,

Recognizing the vital importance of the Comprehensive Nuclear-Test-Ban Treaty and its verification regime as a core element of the nuclear disarmament and non-proliferation regime,

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 objective of nuclear disarmament,

Emphasizing that nothing in this Treaty 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,

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

Recognizing 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 Treaty,

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 Red Cross and Red Crescent Movement, other international and regional organizations, non-governmental organizations, religious leaders, parliamentarians, academics and the Hibakusha,

Have agreed as follows:

Article 1
General obligations

1. Each State Party undertakes never under any circumstances to:
 - (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 Treaty;

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

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.

Article 2

Declarations

1. Each State Party shall submit to the Secretary-General of the United Nations, not later than 30 days after this Treaty enters into force for it a declaration in which it shall:

(a) Declare whether it owned or possessed nuclear weapons or nuclear explosive devices and eliminated all such weapons or explosive devices prior to the entry into force of this Treaty for it;

(b) Declare whether all source or fissionable material on its territory or under its jurisdiction or control are in peaceful use and under International Atomic Energy Agency safeguards.

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

Article 3

Safeguards

Each State Party shall, at a minimum, maintain safeguards obligations undertaken pursuant to international legally binding instruments to which it is party at the time of the entry into force of this Treaty for it, without prejudice to any higher level of standards that it may adopt in the future.

Article 4

Towards the total elimination of nuclear weapons

1. Any State Party that that owns, possesses or controls nuclear weapons or other nuclear explosive devices shall immediately remove from operational status its nuclear weapon systems and destroy as soon as possible any nuclear weapons or nuclear explosive devices it owns, possesses or controls. That State Party shall submit, no later than sixty days after the submission of its declaration, a time-bound plan for the verified and irreversible destruction of its nuclear weapons programme to be negotiated with the States Parties or with a competent authority designated by the States Parties.

2. Each State Party to which paragraph 1 applies shall submit annually to the Secretary-General of the United Nations a report on the progress made for transmission

to the States Parties. Each Meeting of the States Parties and Review Conference shall consider the progress made.

3. Upon the dismantlement of its nuclear weapons or other nuclear explosive devices, a State Party to which paragraph 1 applies shall bring into force an agreement with the International Atomic Energy Agency for the purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Such a State Party shall also request the International Atomic Energy Agency to verify the correctness and completeness of its inventory of nuclear materials. Such a State party shall thereafter maintain its safeguards obligations, without prejudice to any higher level of standards it may adopt in the future.

4. The States parties may designate a competent international authority to verify the irreversible destruction of nuclear weapons programmes.

5. Each State Party that has owned or possessed nuclear weapons or other nuclear explosive devices and eliminated all such weapons or explosive devices prior to the entry into force of the Treaty for it, shall cooperate with the International Atomic Energy Agency for the purpose of verification of the correctness and completeness of its inventory of nuclear material.

Article 5 **Additional measures**

Proposals for further effective measures relating to nuclear disarmament, including provisions for the verified, timebound and irreversible elimination of nuclear weapon programmes under strict and effective international control, which may take the form of additional protocols to this Treaty, 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 Treaty in accordance with the provisions agreed at such a meeting or review conference.

Article 6 **National implementation**

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Treaty.

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 Treaty undertaken by persons or on territory under its jurisdiction or control.

Article 7 **Victim assistance and environmental remediation**

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.

Article 8 **International cooperation**

1. Each State Party shall cooperate with other States Parties to facilitate the implementation of the obligations of this Treaty.

2. In fulfilling its obligations under this Treaty each State Party has the right to seek and receive assistance.

3. Assistance under Article 7 may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, non-governmental organizations or institutions, the International Committee of the Red Cross, or on a bilateral basis.

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 Treaty and on the further elaboration of effective measures for nuclear disarmament, including:

- (a) The implementation and status of this Treaty;
- (b) Matters arising from the declarations submitted under Article 2 of this Treaty;
- (c) Matters pertaining to the implementation of Article 4;
- (d) Proposals for effective measures relating to nuclear disarmament, including provisions for the verified, timebound and irreversible elimination of nuclear weapon programmes, including additional protocols to this submitted pursuant to Article 5;
- (e) Matters relating to assistance in accordance with Articles 7 and 8;
- (f) Matters relating to costs in accordance with Article 10;
- (g) Proposals for amendments submitted in accordance with Article 11;
- (h) The settlement of disputes in accordance with Article 12;
- (i) Proposals and measures to promote universality in accordance with Article 13;
- (j) Any other matters relating to the implementation of the Treaty;

(k) The performance of any other function consistent with this Treaty.

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 Treaty. 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. Extraordinary meetings of States Parties shall be convened, as may be deemed necessary, by the Secretary-General of the United Nations at the request of States Parties, or at the written request of any State Party provided that this request is supported by at least one-third of the States Parties.

3. After a period of six years following the entry into force of this Treaty, the Meetings of States Parties shall convene a conference to review progress in achieving the purposes of this Treaty and other related matters. The Secretary-General of the United Nations shall convene further review conferences at intervals of six years with the same objective of reviewing progress in achieving the purposes of the Treaty, if the States Parties so decide.

4. States not party to this Treaty, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organizations shall 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, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Treaty 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 Articles 2, 4 and 11 of this Treaty shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

Article 11

Amendments

1. At any time after the entry into force of this Treaty any State Party may propose amendments to this Treaty. The text of a proposed amendment shall be communicated to the Secretary-General of the United Nations, 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 Secretary-General of the United Nations no later than ninety days after its circulation that they support further consideration of the proposal, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not party to this Treaty, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross, the International Federation of Red Cross and Red

Crescent Societies and relevant non-governmental organizations shall be invited to attend an Amendment Conference as observers.

3. At the Meetings of States Parties or Review Conferences, in accordance with its rules of procedure, consideration may also be given to any proposal by any State Party for amendments to this Treaty.

4. An Amendment Conference, a Meeting of States Parties or Review Conference may agree upon amendments which shall be adopted by a positive vote of a majority of two-thirds of the States Parties. The Depositary shall communicate any adopted amendment to all States Parties.

5. 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 Treaty, 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, 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 Treaty to ratify, accept, approve or accede to this Treaty, with the goal of attracting the adherence of all States to this Treaty.

Article 14

Signature

This Treaty shall be open for signature to all States.

Article 15

Ratification, acceptance, approval or accession

This Treaty shall be subject to ratification, acceptance or approval by signatory States. This Treaty shall be open for accession.

Article 16
Entry into force

1. This Treaty shall enter into force ninety days after the fiftieth 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 Treaty shall enter into force ninety 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 Treaty shall not be subject to reservations.

Article 18
Duration and withdrawal

1. This Treaty shall be of unlimited duration.
2. Each State Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to the Depositary 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 date of the receipt of the notification of withdrawal by the Depositary. 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 State Party shall continue to be bound by the obligations of this Treaty and of any additional protocols until the end of the armed conflict or occupation.

Article 19
Relations with other agreements

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.

Article 20
Depositary

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

Article 21
Authentic texts

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