



## Ministerial Submission

MS22-000923  
LEX 8725

Cleared by: Justin Hayhurst

Date sent to MO: 30 June 2022

FOR: Senator the Hon Penny Wong

Action Requested By: 8 July 2022

INFO: The Hon Pat Conroy MP, The Hon Tim Watts MP

Reason for Urgency: Lodgement of  
credentials, speaker registration & advocacy

### Nuclear Non-Proliferation Treaty (NPT) Review Conference: objectives and approach

**Key Issues:** The 2022 NPT Review Conference (RevCon), scheduled for 1-26 August in New York, will be contentious given Russia's invasion of Ukraine and nuclear threats, widespread dissatisfaction with progress on disarmament, intense strategic competition, and a deteriorating global security environment. We need to use the RevCon to reinforce the NPT's central normative role on non-proliferation and disarmament, and to demonstrate Australia's commitment to arms control through visible, constructive and pragmatic engagement across the full NPT agenda. **s 33(a)(iii)**

. Political-level participation at the RevCon would send a clear signal of the Government's commitment to disarmament and arms control.

#### Recommendation:

That you:

- a) Agree to Australia's proposed NPT RevCon objectives (Attachment A).
- b) Note Australia's contribution through the Non-Proliferation and Disarmament Initiative to build consensus, including the Landing Zone Paper (Attachment B).
- c) Agree in principle for you (Minister Wong), or, if you are unavailable, Assistant Minister Watts, to attend during 1-4 August.
- d) Depending on your decision on attendance, sign the relevant delegation credentials, either Attachment C (Wong), D (Watts) or E (No Minister).
- e) **s 33(a)(iii)**

#### Decision:

Agreed / Not Agreed

Noted

Agreed / Not Agreed

Signed / Not Signed

Noted

**Domestic/Media Considerations:** International and domestic media attention expected. We will prepare a media strategy aligned to Australia's objectives and to support your participation. An op-ed, media release and talking points will be provided.

#### Action:

  
Penny Wong  
5/7/22

A/min watts to lead.  
Raj.

#### Information:

Noted

Pat Conroy  
/ /

Tim Watts  
/ /

From: Ian Biggs, GSG | ACD | Arms Control and Counter-Proliferation Branch  
**s 22(1)(a)(ii)**

Contact: Dave Vosen  
**s 22(1)(a)(ii)**

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: Defence, ONI, AKD, ELD, EAD, LGD, ASNO, Posts in New York, Geneva and Vienna.

## Background:

The much-delayed 10th Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (RevCon) will take place in New York on 1-26 August 2022. It is a crucial opportunity to protect and bolster the nuclear non-proliferation and disarmament regime, at a time when it is facing unprecedented challenges. Putin's nuclear threats about Ukraine have changed the international security landscape. US-Russia dialogue on strategic stability has halted. Iran and the DPRK continue their nuclear ambitions. Trust amongst the P5 is low and their January statement on avoiding nuclear war has been undermined by Russia's actions. s 33(a)(iii)

s 33(a)(iii) Many non-nuclear weapons states are acutely dissatisfied with the lack of progress on disarmament, manifesting in the Treaty on the Prohibition of Nuclear Weapons (TPNW). These challenges exacerbate existing strains on the NPT regime.

2. Despite this, the NPT remains the cornerstone of the nuclear non-proliferation and disarmament regime. We need to make every effort to ensure the NPT retains its normative power to prevent the spread of nuclear weapons and contributes to momentum towards disarmament. s 33(a)(iii)

We need our engagement across the full NPT agenda to be active, visible, constructive and pragmatic.

3. s 33(a)(iii)

We will leverage our NPDI participation (see Landing Zone Paper, Attachment B) to build consensus and increase the (currently weak) prospects of a single agreed outcomes document. We will conduct further civil society consultations in July.

4. Australia's proposed objectives are set out in Attachment A. s 33(a)(iii)

We will work constructively on other contentious issues such as DPRK missile (and potentially nuclear) testing; Iran's non-compliance with IAEA obligations, and disagreement on a Middle East WMD-free-zone.

5. s 33(a)(iii)

6. The First Meeting of States Parties (1MSP) to the TPNW will have energised its supporters heading into the RevCon. s 33(a)(iii)

TPNW is likely to remain contentious, and our decision to observe 1MSP will attract interest. We will need to continue to seek to minimise divisions over the TPNW at the RevCon.

7. The Rev Con will attract high-level attendance from 1-4 August, including Japan's Prime Minister Kishida. Political-level participation would highlight the new Government's commitment to the NPT, non-proliferation and disarmament at a crucial time. If you are unable to attend because of parliamentary commitments, we recommend you ask Assistant Minister Watts to do so.

8. We seek your approval of credentials for Australia's delegation. Ambassadors for Arms Control & Counter-Proliferation and Disarmament (Biggs and Gorely) will be supported by 12 officers, from DFAT (Canberra and UN posts in New York, Geneva and Vienna), ASNO and ANSTO. This is comparable in size to previous RevCon delegations. Additional names on the credentials are provided as contingencies only.

## Australia's Key Objectives for the 2022 NPT Review Conference

- . To reinforce the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) as the **cornerstone** of the global nuclear non-proliferation and disarmament regime.
- . To demonstrate Australia's commitment to **disarmament and non-proliferation** through constructive, pragmatic, and visible engagement across all NPT pillars.
- . To provide reassurances that **AUKUS** partners are steadfast in their commitment to the global nuclear non-proliferation regime and will set the highest possible standards in our acquisition of conventionally armed, nuclear-powered submarines.
- . s 33(a)(i)
- . To build support for practical, realistic measures for nuclear **disarmament** (through the building block approach) s 33(a)(iii)
- . s 33(a)(iii)
- . To support **new initiatives** which progress nuclear disarmament and non-proliferation, particularly pushing for measures to reduce **nuclear risks**.
- . To engage constructively with proponents of the **Treaty on the Prohibition of Nuclear Weapons** (TPNW) while minimising divisions arising from TPNW s 33(a)(iii)
- . s 33(a)(iii)
- . To promote entry into force of the **Comprehensive Nuclear Test Ban Treaty** and immediate commencement of negotiations for a **Fissile Materials Cut-off Treaty**.
- . s 33(a)(iii)
- . To highlight that the weight of nuclear risks rests in the Indo-Pacific region and will require the attention of regional players (eg. ASEAN, China, India) to be addressed.
- . To promote strong political support for the **International Atomic Energy Agency** (IAEA), including its role in addressing nuclear safety and security in Ukraine, and in addressing outstanding NPT safeguards non-compliance by Iran, Syria and the DPRK.
- . To strengthen global resolve to counter the **DPRK's** illegal nuclear weapons and delivery vehicle programs, and to contribute to global efforts to pressure the DPRK to abandon its nuclear weapons program and place its nuclear facilities and material under AEA safeguards.
- . To urge **Iran** to fully cooperate with the IAEA to resolve all outstanding NPT safeguards issues and to engage in good faith on returning to the JCPOA.
- . To promote effective **export controls** over nuclear and nuclear-related dual-use items and technology s 33(a)(iii)
- . To promote and strengthen the **Non-Proliferation Disarmament Initiative** (NPDI) as a supporting mechanism for the NPT, and promote strengthening of the NPT review process, including through the NPDI Landing Zone Paper.
- . To promote **gender equality** and diversity in disarmament diplomacy, and the inclusion of gender perspectives in the Review Conference.

## 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

10 September 2021

Original: English

New York, 4–28 January 2022

### Recommendations for consideration by the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons


**Joint working paper submitted by the members of the  
Non-Proliferation and Disarmament Initiative (Australia,  
Canada, Chile, Germany, Japan, Mexico, Netherlands, Nigeria,  
Philippines, Poland, Turkey and United Arab Emirates)**

1. As expressed in the ministerial statement issued in Nagoya, Japan, on 23 November 2019, the Non-Proliferation and Disarmament Initiative is committed to actively contributing to the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. To this end, the Initiative has submitted working papers for the meetings of the current Non-Proliferation Treaty review cycle on transparency, the Comprehensive Nuclear-Test-Ban Treaty, a fissile material cut-off treaty, de-alerting, the Democratic People's Republic of Korea, disarmament and non-proliferation education, safeguards, the peaceful uses of nuclear energy, withdrawal from the Non-Proliferation Treaty and strengthening the Non-Proliferation Treaty review process.
2. The recommendations below are largely based on those working papers.
3. A diversity of views and geographical regions are represented within the Initiative. The recommendations in the present paper reflect the common commitment of the members of the Non-Proliferation and Disarmament Initiative to the Non-Proliferation Treaty, which is the cornerstone of the global nuclear non-proliferation and disarmament regime and the basis for cooperation in the peaceful uses of nuclear energy and technology. The Initiative considers the three pillars of the Treaty to be interdependent and mutually reinforcing. The recommendations are aimed at contributing to forward-looking, balanced and substantive outcomes to the tenth Review Conference.

#### Recommendations

4. Emphasizing that commitments and agreements made by States parties during previous review conferences remain valid and that efforts of States parties should build upon those commitments and agreements, the Non-Proliferation and Disarmament Initiative makes the following recommendations.

21-13591 (E) 011221  


Please recycle 





## **Pillar I. Disarmament**

### **1. Implementation of article VI of the Non-Proliferation Treaty**

5. The Conference attach particular importance to the implementation of article VI of the Non-Proliferation Treaty. In this regard, the implementation of action 5 of the 2010 action plan could contribute towards accelerated concrete progress on nuclear disarmament in a way that promotes international stability, peace and undiminished and increased security

6. In line with existing commitments, as reflected in the Final Document of the 2000 Review Conference and the 2010 action plan, the Conference call upon nuclear-weapon States, inter alia, to:

- Discuss, rapidly agree and implement concrete measures of progress and targets to ensure further reductions in the global stockpile of all types of nuclear weapons, regardless of their type or location, leading to their total elimination and the achievement and maintenance of a world free of nuclear weapons;
- Reaffirm, with concrete actions, the undertaking not to increase nuclear weapon arsenals;
- Discuss and agree how to implement and devise tangible measures to reduce the risks posed by nuclear weapons with a view to their total elimination;
- Engage in activities which increase confidence and transparency;
- Review their nuclear doctrines with the aim of increasing predictability, crisis stability and avoidance of miscalculations. The review should emphasize concrete steps to further reduce the operational status, role and significance of nuclear weapons and be made publicly available in order to facilitate dialogue with non-nuclear-weapon States;
- Support efforts and initiatives that promote the participation of civil society, including research centres and academia, in raising public awareness on the urgency and importance of nuclear non-proliferation and disarmament;

7. The nuclear-weapon States are called upon to report on the above to the Non-Proliferation Treaty Preparatory Committee in 2024. The 2025 Review Conference will take stock and consider the next steps for the full implementation of article VI of the Treaty;

8. In addition, the Conference welcome the extension of the new Strategic Arms Reduction Treaty (New START Treaty) and encourage continued dialogue among nuclear-weapon States aimed at the expansion of such arrangements to contribute to strategic stability. The Conference also welcome the statements made by some permanent members of the Security Council on the principle that a nuclear war cannot be won and should not be fought, and encourage a joint Permanent Five statement on such issue.

### **2. Transparency**

9. The Conference welcome the Non-Proliferation Treaty implementation reports submitted by States parties and reiterate that the principle of transparency, together with those of irreversibility and verifiability, is indispensable for nuclear disarmament and underpins the other two principles;

10. The Conference stress that increased transparency, through the enhancement of the reporting mechanism, the submission of national implementation reports and the discussion of those reports, helps to build confidence and trust and establishes

common ground that can facilitate nuclear disarmament, including through further reductions in nuclear weapons towards their total elimination;

11. The Conference emphasize that transparency is important in reviewing the comprehensive implementation of the Non-Proliferation Treaty. In the absence of a specific accountability mechanism for nuclear disarmament obligations under the Treaty, robust reporting can provide greater transparency and accountability within the Treaty review process;

12. The Conference resolve that all States parties report during a Non-Proliferation Treaty review cycle with accurate, up-to-date and complete information on their fulfilment of obligations and commitments under the Treaty. Nuclear-weapon States and those with significant peaceful nuclear capabilities should report at least twice in a Treaty review cycle. The Conference notes, in this regard, that standardized reporting templates have been developed by various States parties for broader use;

13. The Conference further call upon nuclear-weapon States to improve the transparency of information related to their nuclear weapons, without prejudice to the national security of those States. This information includes the number, type and status of nuclear warheads, the number and types of delivery vehicles, the amount of fissile material produced for military purposes, measures taken for risk reduction and measures taken to reduce the role and significance of nuclear weapons;

14. The Conference agree that future preparatory committees and review conferences, starting with the 2025 review cycle, will allocate time to discuss the reports by all States parties and that at least one preparatory committee session in the review cycle will allocate time specifically to discuss the reports of nuclear-weapon States;

15. The Conference also encourage nuclear-weapon States to use all available opportunities and channels to further explain and share information regarding topics covered in their respective reports;

16. The Conference call upon nuclear-weapon States to continue efforts to agree on a standard reporting form in accordance with action 21 of the 2010 action plan. This reporting form would build on the “common framework” developed by nuclear-weapon States and take into account various reporting aids developed by States parties.

### **3. Fissile material cut-off treaty**

17. The Conference acknowledge that the long-awaited commencement of negotiations on a fissile material cut-off treaty could make a substantial and concrete contribution towards nuclear non-proliferation in all its aspects, the implementation of article VI of the Non-Proliferation Treaty and, ultimately, a nuclear-weapon-free world. The Conference confirm that the early commencement of fissile material cut-off treaty negotiations is a shared priority for all States parties to the Treaty and, more generally, for the international community;

18. The Conference recognize the work that has been undertaken with the aim of facilitating future negotiations on a fissile material cut-off treaty, including the consensus report of the high-level fissile material cut-off treaty expert preparatory group released in July 2018 and efforts within the Conference on Disarmament;

19. The Conference reiterate the calls to the Conference on Disarmament to start negotiations on a fissile material cut-off treaty without delay or preconditions, and call upon States parties to undertake further work to facilitate the successful conclusion of such a treaty, either in advance of or in parallel to negotiations.

#### 4. Comprehensive Nuclear-Test-Ban Treaty

20. The Conference call for the prompt entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and urge all States that have yet to ratify the Treaty to do so without delay, particularly the remaining eight States listed in its annex 2;

21. The Conference reiterate that ratification by nuclear-weapon States that have yet to do so would provide further impetus towards the entry into force of the Comprehensive Nuclear-Test-Ban Treaty and strengthen confidence;

22. The Conference also reiterate that nuclear-weapon States have a particular responsibility to encourage ratification of the Comprehensive Nuclear-Test-Ban Treaty, and call upon them to take actions in this regard;

23. The Conference resolve that all States parties uphold and maintain a moratorium on nuclear-weapon test explosions and any other nuclear explosions, pending the entry into force of the Treaty, as well as refrain from acts that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty;

24. The Conference encourage all States parties to assist the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in its work in preparing for the entry into force of the Treaty. This includes the early completion, provisional operation and maintenance of the International Monitoring System, which serves as an effective, reliable, participatory and non-discriminatory element of the global verification and compliance regime of the Treaty.

#### 5. Nuclear risk reduction

25. The Conference recognize that efforts towards nuclear risk reduction, as an interim measure pending the total elimination of nuclear weapons, should contribute to preserving and promoting international peace and security and to building the trust and confidence conducive to cooperation. Risk reduction does not legitimize the continued existence of nuclear weapons nor does it provide a substitute for tangible progress in fulfilling nuclear disarmament obligations under the Treaty. The Conference emphasize that nuclear risk reduction should complement and be coupled with sustained efforts towards nuclear disarmament;

26. The Conference welcome the work on nuclear risk reduction by international bodies, such as the Disarmament Commission, the efforts of the Conference on Disarmament and institutions such as the United Nations Institute for Disarmament Research.

27. The Conference, in addition, acknowledge the increased attention given to nuclear risk reduction during the current Non-Proliferation Treaty review cycle, as expressed by the work of think tanks, academics and States parties and their groups, such as the Non-Proliferation and Disarmament Initiative, the Creating an Environment for Nuclear Disarmament initiative and the Stockholm Initiative on Nuclear Disarmament stepping stones;

28. The Conference encourage further work in this area towards the elaboration of practical nuclear risk reduction measures, recognizing, inter alia, the relevance of the following:

- Sustained efforts to enhance transparency on nuclear arsenals;
- Pursuit of early conflict prevention and resolution in relation to nuclear threats;
- Intensified dialogue, both among nuclear-weapon States and between nuclear-weapon States and non-nuclear-weapon States, on risk perceptions, nuclear doctrines, and forces postures;

- Declaratory restraint and efforts to reduce perceived ambiguity and entanglement between nuclear and conventional weapons;
- Negative security assurances;
- De-alerting and reductions in the operational status of nuclear weapons systems;
- Notification and data exchange agreements;
- Minimizing vulnerabilities related to potentially disruptive new technologies and cybercapacities;
- Enhanced military-to-military contacts and the establishment of crisis-proof communication lines and risk-reduction centres;
- Prevention of unintended or accidental use;
- Further investigation of operational uncertainties, pathways to nuclear use, sharing of best practices and de-escalation pathways.

## **6. Nuclear disarmament verification**

29. The Conference emphasize the importance of nuclear disarmament verification as an effective step towards the implementation of article VI of the Non-Proliferation Treaty, reflecting that such verification is essential to ensure full compliance and to build the trust and confidence between parties to nuclear arms control and disarmament agreements. Nuclear disarmament verification further enables States to take appropriate and timely action in case of non-compliance. The Conference reaffirm that nuclear disarmament verification is essential for nuclear disarmament.

30. The Conference welcome the work undertaken by the Group of Governmental Experts established under General Assembly resolution 71/67 to consider the role of verification in advancing nuclear disarmament, and the adoption by the Assembly of resolution 74/50, by which it established a group of governmental experts to further consider nuclear disarmament verification issues;

31. The Conference further note the contributions of activities and initiatives on this matter, such as those carried out in the framework of the International Partnership for Nuclear Disarmament Verification;

32. Therefore, on the basis of commitments made by the States parties in the Final Document of the 2000 Review Conference and in the 2010 Review Conference action plan, the Conference encourage further conceptual and practical work on nuclear disarmament verification. In this regard, the Conference highlight the importance of maximum inclusivity, of partnerships between nuclear-armed States and non-nuclear-weapon States in nuclear disarmament verification and of capacity-building and confidence-building measures, including transparency.

## **7. Humanitarian impact of nuclear weapons**

33. The Conference reiterate its deep concern about the catastrophic humanitarian consequences of any use of nuclear weapons. It affirm, in view of such consequences, that it is in the interest of all States that nuclear weapons never be used again and that the recognition of the catastrophic humanitarian impact of nuclear weapons underpins our efforts to achieve nuclear disarmament, as stipulated in the preamble of the Treaty;

34. The Conference stress the significance of spreading awareness of the humanitarian impact of nuclear weapons across borders and generations through such efforts as disarmament and non-proliferation education and the translation of the



testimonies of the *hibakusha* (those who have suffered the use of nuclear weapons) into multiple languages;

35. The Conference emphasize that the discussion on this issue must be inclusive and universal and reaffirm the importance of further deepening our understanding of the humanitarian consequences of nuclear weapons using fact-based scientific studies;

36. The Conference be mindful that no national or international response capacity exists that would adequately respond to the human suffering and humanitarian harm that would result from a nuclear weapon explosion in a populated area, and that such capacity most likely will never exist;

37. The Conference invite the world's political leaders, young people and others to visit and have interactions with communities that have been affected by nuclear weapons, including Hiroshima and Nagasaki, to personally witness the humanitarian consequences of nuclear weapons.

## **8. Disarmament and non-proliferation education**

38. The Conference underscore the importance of disarmament and non-proliferation education as a useful and effective means to advance the goals of the Treaty in support of achieving a world without nuclear weapons. The Conference recognize that it is vital to seek the most effective ways to raise public awareness of disarmament and non-proliferation among all people, regardless of age, gender and nationality;

39. The Conference consider that disarmament and non-proliferation education should be apolitical and aim to foster and nurture critical thinking, skills and knowledge that would enable people to engage actively in the advancement of nuclear disarmament and non-proliferation;

40. The Conference acknowledge that disarmament and non-proliferation education require collective efforts that include all parts of society, including educational institutions, academia, think tanks and research institutes, the scientific community and centres of excellence, as well as all levels of government, international organizations, civil society, the private sector and the media;

41. The Conference call upon States parties to take concrete measures to promote nuclear disarmament and non-proliferation education, including promoting and facilitating meaningful dialogue and redoubling efforts to implement the relevant recommendations contained in the report of the Secretary-General (A/57/124), as called for in action 22 of the 2010 Review Conference action plan, and bearing in mind developments in information technology and in advancing gender equality;

42. The Conference encourage regular exchanges on this issue, including the sharing of good practices, and invite States parties to share such experiences.

## **Pillar II. Nuclear non-proliferation**

## **9. Safeguards**

43. The Initiative recommends that:

44. The Conference recognize the essential role of the International Atomic Energy Agency (IAEA) in verifying the non-diversion of declared nuclear material, as well as the absence of undeclared nuclear material and activities, and consider the IAEA comprehensive safeguards agreement, in combination with an additional protocol, to be the current international verification standard under article III of the Non-Proliferation Treaty;

45. The Conference welcome the fact that 175 States have brought into force comprehensive safeguards agreements with IAEA, that, since May 1997, the IAEA Board of Governors has approved additional protocols (see INFCIRC/540 (Corrected)) to the comprehensive safeguards agreements for 152 States and that additional protocols are currently being implemented in 136 States. The Conference further welcome the increasing number of additional protocols in force, as these contribute to global nuclear non-proliferation objectives and strengthen the effectiveness and efficiency of IAEA safeguards;

46. The Conference note that IAEA provides increased assurances regarding both the non-diversion of nuclear material placed under safeguards and the absence of undeclared nuclear material and activities for States with both a comprehensive safeguards agreement and an additional protocol in force. The Conference urge remaining States that have not yet amended their small quantities protocol to accelerate efforts in this respect or to apply the comprehensive safeguards agreement in full;

47. The Conference, bearing in mind the importance to non-proliferation and disarmament of universalizing the safeguards regime, urge States that have not yet done so to conclude and ratify both a comprehensive safeguards agreement and an additional protocol without delay and to implement them provisionally pending their entry into force;

48. The Conference emphasize that the safeguards system provided under article III of the Non-Proliferation Treaty should evolve when necessary to maintain its effectiveness as a tool for the prevention of diversion of nuclear energy from peaceful uses;

49. The Conference further emphasize that only the combination of a comprehensive safeguards agreement and an additional protocol is adequate for effectively implementing safeguards and therefore achieving the objective set out under article III of the Non-Proliferation Treaty;

50. The Conference call upon States parties to discuss ways in which they can support IAEA efforts to increase the number of additional protocols in force, for example, through outreach and by providing assistance or engaging in capacity-building activities, where possible. States parties should consider how regional structures and organizations can play a role in this regard;

51. The Conference welcome the continued evolution of both effective and efficient safeguards and support progress made by IAEA to effectively develop and implement State-level safeguards approaches;

52. The Conference emphasize that, while using nuclear material for peaceful purposes, States parties are required to comply with their non-proliferation obligations under article III of the Non-Proliferation Treaty to prevent the diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices.

## **10. Nuclear safety**

53. The Conference reaffirm that the use of nuclear technology must be accompanied, at all its stages, by commitments to and ongoing implementation of the highest standards of safety, as well as effective safeguards consistent with the national legislation and respective international obligations of States;

54. The Conference emphasize the importance of the development, implementation and continuous improvement of appropriate legal and regulatory infrastructure as well



as efforts and investments in education, training and human resource development to strengthen nuclear safety;

55. The Conference underline the central role of IAEA in enhancing global nuclear safety, encourage all States parties to become party to the Convention on Nuclear Safety and to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and urge contracting parties to fulfil their obligations under the Convention and the Joint Convention.

## **11. Negative security assurances and nuclear-weapon-free zones**

### *Negative security assurances*

56. The Conference recognize that reaffirming and strengthening negative security assurances would help to improve the overall security environment and strengthen confidence in the non-proliferation regime;

57. The Conference also recognize that the only absolute guarantee against the use or threat of use of nuclear weapons is their total elimination. Negative security assurances are not to be seen as ends in themselves but as interim steps towards the shared goal of a world without nuclear weapons;

58. The Conference take note of the relevant work undertaken by the Conference on Disarmament. The Conference, in accordance with the commitments made by States parties in previous review conferences, note that various aspects of negative security assurances merit further consideration, recognizing the legitimate interests of non-nuclear-weapons States in receiving unequivocal and legally binding security assurances.

### *Nuclear-weapon-free zones*

59. The Conference reaffirm the conviction that the establishment of 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 and non-proliferation;

60. The Conference encourage nuclear-weapon States to take all measures necessary to bring into force the pending protocols to the nuclear-weapon-free zone treaties;

61. The Conference call upon all nuclear-weapon States to review any reservations or interpretative declarations made to the nuclear-weapon-free zone treaties and their protocols contrary to the object and purpose of such treaties, with an aim to their withdrawal;

62. The Conference note the conference process on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction and encourage countries of the Middle East to continue dialogue in this regard, as agreed in the 1995 resolution on the Middle East and at the 2010 Review Conference;

63. The Conference support efforts to enhance the institutionalization, cooperation and consultations among the existing nuclear-weapon-free zones, including Mongolia.

## **12. Democratic People's Republic of Korea**

64. The Conference reaffirm the commitment of the States parties to the international community's goal of the complete, verifiable and irreversible dismantlement of all weapons of mass destruction and ballistic missiles of all ranges

of the Democratic People's Republic of Korea, as well as its related programmes and facilities, in accordance with Security Council resolutions;

65. The Conference call upon all members of the international community to fully implement relevant Security Council resolutions and strongly urge the Democratic People's Republic of Korea to return to compliance with its IAEA safeguards agreement and the Non-Proliferation Treaty.

### **Pillar III. Peaceful uses**

#### **13. Peaceful uses**

66. The Conference reaffirm article IV of the Treaty, which stipulates that nothing in the Treaty shall be interpreted as affecting the inalienable right of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty;

67. The Conference acknowledge the progress made on the peaceful uses and applications of nuclear technology and their potential to help to fulfil a wide variety of basic human development needs worldwide;

68. The Conference further acknowledge the role of peaceful uses and applications of nuclear technology in supporting States parties in the implementation of the 2030 Agenda for Sustainable Development and specific Sustainable Development Goals, including in the areas of human and animal health, nutrition, food and agriculture, water resource management, environment, industry, materials and energy;

69. The Conference encourage States parties to support the expansion of the benefits of the peaceful uses of nuclear technology to their fullest potential, including where possible or desirable through incorporation into national development plans;

70. The Conference acknowledge that IAEA has an important role in assisting States parties in the safe and secure application and uses of nuclear technology and in assisting States parties with climate change adaption and mitigation through the peaceful use of both power and non-power nuclear applications;

71. The Conference encourage IAEA, its member States and development partners to work together to advance the recognition of nuclear science and technology as a tool for development within the development framework;

72. The Conference acknowledge the importance of communicating effectively and raising public awareness of the benefits of the peaceful uses of nuclear technology;

73. The Conference encourage IAEA and its member States to further promote those benefits and to share knowledge and technology in the field of peaceful uses of nuclear energy;

74. The Conference acknowledge the importance of bilateral, regional and multilateral cooperation in strengthening and enlarging the contribution of nuclear technology to peace, health and prosperity;

75. The Conference further acknowledge the need for all stakeholders to work together to bridge the gaps in nuclear science and technology among IAEA member States, taking into account and emphasizing the importance of the specific needs of developing countries, including those of least developed countries;

76. The Conference recognize that regions face different challenges that may be best addressed through regional cooperative arrangements, such as those among States parties in Asia and the Pacific, Arab States, Latin America and the Caribbean and Africa, which can be effective in providing assistance and facilitating technology



transfer, complementing and enhancing the technical cooperation activities of IAEA in individual countries and promoting South-South and triangular cooperation;

77. The Conference encourage States parties that have not yet done so to consider joining international legal instruments on civil liability for nuclear damage and adopting suitable national legislation in this regard.

#### **14. Nuclear security**

78. The Conference acknowledge achievements and remain committed to sustaining and strengthening the effective and comprehensive nuclear security of all nuclear and other radioactive material and facilities;

79. The Conference acknowledge existing and emerging nuclear security threats and States parties commit to addressing such threats;

80. The Conference reaffirm the importance of the physical protection of nuclear and other radioactive material, technology and facilities as a key element of nuclear security, and underline the need to take measures to identify and address new and evolving challenges and risks, including cyberattacks;

81. The Conference emphasize the central role of IAEA in strengthening nuclear security globally and facilitating and coordinating international cooperation in this regard;

82. The Conference encourage States parties to support the IAEA work in assisting countries in establishing and improving effective and sustainable national nuclear security regimes, including through guidance development, advisory services and capacity-building and, accordingly, its central role in facilitating and coordinating international cooperation to strengthen nuclear security, as well as its role in facilitating, as appropriate, regional activities;

83. The Conference welcome the fact that, since the previous Review Conference, several States parties have become parties to the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, which entered into force in 2016. The Conference urge all parties to those conventions to fully and effectively implement their obligations thereunder and further encourage all States parties that have not yet done so to become parties to those conventions as soon as possible;

84. The Conference call upon all States parties to achieve and maintain the highest standard of nuclear security and welcome international and regional cooperation to enhance nuclear security, including through training and capacity-building opportunities, such as those provided by national and regional centres of excellence and Nuclear Security Training and Support Centres;

85. The Conference highlight the ministerial-level IAEA International Conference on Nuclear Security held in 2020 as a milestone event, for the sharing of knowledge and experience and promoting cooperation for and political commitment to nuclear security.

#### **15. Strengthening the review process**

86. The Conference reaffirm the purpose of the review process as set out in the relevant decisions of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the 2000 Review Conference;

87. The Conference acknowledge that the review process for the Treaty has generally served States parties well, and recognize that there is scope to improve the

overall effectiveness, transparency, inclusivity, efficiency and responsiveness of the review process;

88. The Conference emphasize that actions to strengthen the review process are no substitute for making progress on substantive outcomes and that the goal of reviewing the Non-Proliferation Treaty working methods should be to facilitate substantive, transparent and inclusive dialogue, thereby contributing to efficient work within review conferences and, ultimately, the effective implementation of the Treaty;

89. The Conference decide to establish a working group on further strengthening the review process of the Treaty, open to all States parties;

90. The Conference also decide that the working group will: meet in 2021<sup>1</sup> for two sessions of one week each in Geneva and New York, to discuss and, where appropriate, decide on improvements to the Non-Proliferation Treaty review process that would increase its effectiveness, efficiency, transparency and accountability throughout the review cycle; and operate according to the rules of procedure of the tenth Review Conference, which will be applied *mutatis mutandis*.

---

<sup>1</sup> Timing subject to change to account for circumstances at the time of adoption of the decision.



WHEREAS it is desired that Australia be represented at the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be held in New York from 1 to 26 August 2022:

NOW THEREFORE THESE PRESENTS CERTIFY that the persons whose names appear hereunder have been duly named, constituted and appointed by the Government of Australia to represent Australia at the said Meeting in the capacities respectively indicated:

Head of Delegation

PENELOPE WONG

Representatives

IAN BIGGS  
AMANDA GORELY

Alternate Representatives

MITCH FIFIELD  
FIONA WEBSTER

Advisers

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

SARAH DE ZOUTEN  
SARAH ROBERTS  
RICHARD SADLEIR

JOHN KALISH  
s 22(1)(a)(ii)

s22(1)(a)(ii)

DAVID VOSEN

IN WITNESS WHEREOF, I, Penelope Ying-Yen Wong, have hereunto set my hand and affixed my seal.

DONE at , this day of  
Two Thousand and Twenty-Two.

Minister for Foreign Affairs





WHEREAS it is desired that Australia be represented at the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be held in New York from 1 to 26 August 2022:

NOW THEREFORE THESE PRESENTS CERTIFY that the persons whose names appear hereunder have been duly named, constituted and appointed by the Government of Australia to represent Australia at the said Meeting in the capacities respectively indicated:

Head of Delegation

TIMOTHY WATTS

Representatives

IAN BIGGS  
AMANDA GORELY

Alternate Representatives

MITCH FIFIELD  
FIONA WEBSTER

Advisers

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

SARAH DE ZOUTEN  
SARAH ROBERTS  
RICHARD SADLEIR

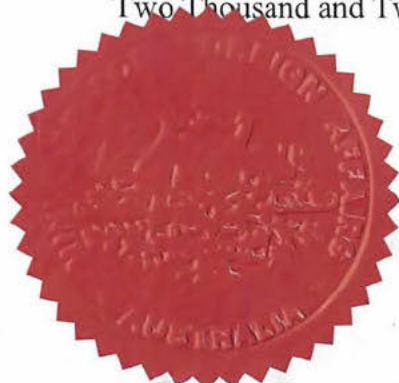
JOHN KALISH  
s 22(1)(a)(ii)

s22(1)(a)(ii)

DAVID VOSEN

IN WITNESS WHEREOF, I, Penelope Ying-Yen Wong, have hereunto set my hand and affixed my seal.

DONE at *Canberra*, this *4th* day of *July*  
Two Thousand and Twenty-Two.



  
Minister for Foreign Affairs





WHEREAS it is desired that Australia be represented at the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be held in New York from 1 to 26 August 2022:

NOW THEREFORE THESE PRESENTS CERTIFY that the persons whose names appear hereunder have been duly named, constituted and appointed by the Government of Australia to represent Australia at the said Meeting in the capacities respectively indicated:

Head of Delegation

IAN BIGGS

Representatives

AMANDA GORELY  
MITCH FIFIELD

Alternate Representatives

FIONA WEBSTER  
SARAH ROBERTS

Advisers

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

JOHN KALISH  
s 22(1)(a)(ii)

SARAH DE ZOUTEN  
RICHARD SADLEIR  
s22(1)(a)(ii)

DAVID VOSEN

IN WITNESS WHEREOF, I, Penelope Ying-Yen Wong, have hereunto set my hand and affixed my seal.

DONE at \_\_\_\_\_, this \_\_\_\_\_ day of  
Two Thousand and Twenty-Two.

Minister for Foreign Affairs



WHEREAS it is desired that Australia be represented at the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be held in New York from 1 to 26 August 2022:

NOW THEREFORE THESE PRESENTS CERTIFY that the persons whose names appear hereunder have been duly named, constituted and appointed by the Government of Australia to represent Australia at the said Meeting in the capacities respectively indicated:

Head of Delegation

TIMOTHY WATTS

Representatives

IAN BIGGS  
AMANDA GORELY

Alternate Representatives

MITCH FIFIELD  
FIONA WEBSTER

Advisers

s 22(1)(a)(ii)

s 22(1)(a)(ii)

s 22(1)(a)(ii)

JOHN KALISH  
s 22(1)(a)(ii)

SARAH DE ZOUTEN  
SARAH ROBERTS  
RICHARD SADLEIR  
s22(1)(a)(ii)

DAVID VOSEN

IN WITNESS WHEREOF, I, Penelope Ying-Yen Wong, have hereunto set my hand and affixed my seal.

DONE at , this day of  
Two Thousand and Twenty-Two.

Minister for Foreign Affairs



## Ministerial Submission

MS22-001301

Cleared by:

Date sent to MO: PLE to complete

Action Requested By: 22 August 2022

Reason for Urgency: To enable decision  
ahead of statement being released Monday  
22 August, in New York.

FOR: Senator the Hon Penny Wong

INFO: The Hon Tim Watts MP,

### NPT Review Conference: Joint statement on the Humanitarian Impact of Nuclear Weapons

**Key Issues:** Australia has been invited to join a statement on the Humanitarian Impact of Nuclear Weapons, at the NPT Review Conference. While this might provide opportunity to counter the narrative that concern for humanitarian consequences of nuclear weapons must equate to support for the TPNW, the statement includes wording that nuclear weapons are never to be used again, "*under any circumstances*". It is unbalanced s 33(a)(iii) No NATO members will join. s 33(a)(iii)

s 33(a)(iii) We have already affirmed our deep concern at the humanitarian impact of weapons use; s 33(a)(iii)

#### Recommendation:

That you:

- a) Agree Australia not join the statement on the Humanitarian Impact of Nuclear Weapons (Attachment A)
- b) Agree Australia continue to use opportunities to promote our stance on humanitarian consequences (including promotion of our Non-Proliferation and Disarmament Initiative landing zone paper at the NPT RevCon)

#### Decision:

 Agreed / Not Agreed

 Agreed / Not Agreed

**Domestic/Media Considerations:** International and domestic media attention is possible, including in coverage of NPT Review Conference outcomes. Groups such as ICAN watch Australia's position closely and will publicise any position seen as detracting from full support of TPNW.

#### Action:

Penny Wong

22/8/22



#### Information:

Noted

Tim Watts

/ /

From: Sarah Roberts, Assistant Secretary, Arms Control and Counter-Proliferation Branch  
s 22(1)(a)(ii)

Contact: s 22(1)(a)(ii)

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: IPD, AKD, ELD, Defence and PM&C



## Ministerial Submission

MS22-001301

Cleared by: Sarah Roberts

Date sent to MO: 22 August 2022

Action Requested By: 22 August 2022

Reason for Urgency: To enable decision  
ahead of statement being released Monday  
22 August, in New York.

FOR: Senator the Hon Penny Wong

INFO: The Hon Tim Watts MP

### NPT Review Conference: Joint statement on the Humanitarian Impact of Nuclear Weapons

**Key Issues:** Australia has been invited to join a statement on the Humanitarian Impact of Nuclear Weapons, at the NPT Review Conference. While this might provide opportunity to counter the narrative that concern for humanitarian consequences of nuclear weapons must equate to support for the TPNW, the statement includes wording that nuclear weapons are never to be used again, "*under any circumstances*". It is unbalanced s 33(a)(iii) No NATO members will join. s 33(a)(iii)  
s 33(a)(iii) We have already affirmed our deep concern at the humanitarian impact of weapons use; s 33(a)(iii)

#### Recommendation:

That you:

- a) Agree Australia not join the statement on the Humanitarian Impact of Nuclear Weapons (Attachment A)
- b) Agree Australia continue to use opportunities to promote our stance on humanitarian consequences (including promotion of our Non-Proliferation and Disarmament Initiative landing zone paper at the NPT Review Conference)

#### Decision:

Agreed / Not Agreed

Agreed / Not Agreed

**Domestic/Media Considerations:** International and domestic media attention is possible, including in coverage of NPT Review Conference outcomes. Groups such as ICAN watch Australia's position closely and will publicise any position seen as detracting from full support of TPNW.

**Action:**

Penny Wong

/ /

#### Information:

Noted

Tim Watts

23/8/22

From: Sarah Roberts, Assistant Secretary, Arms Control and Counter-Proliferation Branch

s 22(1)(a)

Contact: s 22(1)(a)(ii)

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: IPD, AKD, ELD, Defence and PM&C



### UNGA77 First Committee Resolutions – Recommended Voting Positions

Resolution reference	Resolution (lead sponsor)	Most Recent Vote Y-N-A (Australian position bolded)  PP/OP indicates paragraph votes Vote Y-N-A	Recommended 2022 Position  * indicates change from most recent position	Comment
<p><b>Cluster 1: nuclear weapons</b></p> <p>Cluster 1 is particularly contentious, with a high percentage of resolutions taken to a vote. Australia has traditionally abstained or voted against resolutions or paragraphs in this cluster that (i) seek to impose additional obligations on NPT nuclear-weapon States but not other nuclear-armed States, (ii) potentially undermine NPT primacy, (iii) are inconsistent with our extended deterrence arrangements or (iv) make positive reference to the Treaty on the Prohibition of Nuclear Weapons (TPNW). In some cases below, we have recommended changing “no” votes to “abstentions” in relation to the TPNW in light of the ongoing Government process to determine its position on that treaty.</p>				

s 22(1)(a)(ii)

s 22(1)(a)(ii)

76/34	Treaty on the Prohibition of Nuclear Weapons (Austria, Brazil, Costa Rica, Indonesia, Ireland, Mexico, Nigeria, South Africa, Thailand)	128- <del>42</del> -16	Abstain*	This resolution calls on States to ratify the TPNW. We have previously voted against the resolution. We consider it appropriate to abstain while the Government is still determining its position on the Treaty. See para 4 of MS22-001445.
-------	---	------------------------	----------	---

## Ministerial Submission

MS22-001545

Cleared by: Sarah Roberts

Date sent to MO: 30 September 2022

Action Requested By: 12 October 2022

Reason for Urgency: To meet resolution co-sponsorship deadline

FOR: **Senator the Hon Penny Wong**

INFO: The Hon Tim Watts MP

### UN General Assembly 77: First Committee: Approach and voting

**Key Issues:** UNGA First Committee (1C, disarmament and international security) annually adopts around 60 resolutions. It is a key battleground where we work to preserve and shape international rules and norms. It provides an opportunity to advance specific international security objectives, call out those that flout norms and bolster our non-proliferation and disarmament credentials. We seek your agreement to our approach on key issues and voting positions on anticipated resolutions. Our proposed positions on recurrent resolutions reflect our objective to strengthen the international system and regimes and almost all are consistent with previous years. In the case of text on the Treaty on the Prohibition of Nuclear Weapons, we recommend a changed approach to account for the Government's anticipated review process.

#### Recommendation:

That you:

- a) Agree to Australia's proposed approach to key issues set out in this submission and proposed voting recommendations at **Attachment A**.
- b) **s 33(a)(iii)**
- c) Agree that, within this framework, the head of delegation be authorised to act flexibly on the ground to respond to last-minute developments on voting and that we seek further instructions from you where necessary and where time permits.

#### Decision:

Agreed / Not Agreed

Noted

Agreed / Not Agreed

**Domestic/Media Considerations:** 1C resolutions rarely receive domestic media attention. However, ICAN has lobbied the Government to support resolutions on TPNW and humanitarian consequences and will likely criticise any decision not to do so. **s 33(a)(iii)**

#### Action:

Penny Wong

11/10/22

① Pls indicate to us for fmo

#### Information:

**s 33(a)(iii)**

**Noted**

Tim Watts

/ /

From: Sarah Roberts, GSG | ACD | Arms Control and Counter-Proliferation Branch

**s 22(1)(a)(ii)**

Contact: **s 22(1)(a)(ii)**

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Not Applicable

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: AKD, ELD, ISD, MAD, MPD, UNNY, Geneva UN





## Background:

The UN General Assembly's First Committee (1C - disarmament and international security) will convene from 3 October to 4 November to exchange views and consider over 60 resolutions, many of which are long-standing and repeated annually or biennially. 1C plays a critical role in shaping international rules and norms. We plan to use 1C to reinforce and strengthen these rules and norms, in good company call out those that flout these rules and norms, advance specific Australian security objectives, s 33(a)(iii), and bolster our reputation for constructive engagement on arms control, non-proliferation and disarmament.

2. Australia will participate constructively in debates and resolution negotiations, including on nuclear weapons, other weapons of mass destruction, space, conventional weapons, cyber, disarmament machinery, and gender and disarmament. As is custom, we will lead on resolutions on improvised explosive devices, with France, and on the Comprehensive Nuclear-Test-Ban Treaty, with Mexico and New Zealand.

3. Russia's invasion of Ukraine will feature heavily, as it has in other multilateral forums. s 33(a)(iii)

We will do likewise regarding the DPRK and Iran's nuclear activities, and Syria's use of chemical weapons. s 33(a)(iii)

Discussions on space and cyber provide opportunities to shape developing but contested global norms. We will welcome positive developments, including the finalisation of a political declaration on explosive weapons in populated areas (MS22-1515), a consensus outcome at the biennial meeting of states on small arms and light weapons, and consensus adoption of the first annual progress report of the 2021-25 cyber open-ended working group.

4. We propose to abstain from the annual TPNW resolution (which Australia previously opposed) and any other TPNW text that goes beyond welcoming its entry into force. This would be consistent with the ALP position while recognising the Government is still deciding its approach to the treaty. We propose to abstain on the unbalanced resolution on humanitarian consequences of nuclear weapons in line with MS22-1301 and as we did last year. Proponents conflate support for humanitarian consequences with support for the TPNW.

5. s 33(a)(iii)

6. **Attachment A** recommends voting positions for all anticipated resolutions. Co-sponsorship is registered on 13 October; voting is from 28 October to 4 November. Our proposed approach to recurrent resolutions reflects our objective to strengthen the international system and regimes and is generally consistent with previous years, except in the case of TPNW. There are several resolutions that are new, contentious, or engage key policy priorities and for which we provide detailed reasoning for our positions. If, as the meeting unfolds, the text of these resolutions varies substantially from expectations, or if new contentious resolutions or language emerges, we will seek your guidance. We propose HOM UNNY be given flexibility to determine final positions on last-minute developments if there is insufficient time to consult. s 33(a)(iii)

# Ministerial Submission

MS22-000191

Cleared: Justin Hayhurst  
Date sent to MO: 7 June 2022

FOR: Senator the Hon Penny Wong

Action Requested By: 10 June 2022

Reason for Urgency: To allow time for pre-briefing of key stakeholders ahead of the 14 June deadline for registration


## Treaty on the Prohibition of Nuclear Weapons: First Meeting of States Parties: attendance

**Key Issues:** Treaty on the Prohibition of Nuclear Weapons (TPNW) non-signatories, including Australia have been invited to observe the first Meeting of States Parties (1MSP) on 21-23 June in Vienna. Attendance would be consistent with the Australian Labor Party's pre-election position on the TPNW and attract praise from its proponents. s33(a)(iii)  
s33(a)(iii)

Recommendation:	Decision:
That you:	
a) Agree that Australia NOT attend 1MSP as an observer given the significant risk and drawing on the handling strategy at Attachment A; s33(a)(iii)	<del>Agreed / Not Agreed</del>
b) Should you disagree with recommendation a), agree that s33(a)(iii) attend 1MSP as an observer, drawing on the handling strategy at Attachment A, and sign the letter of credentials at Attachment B;	<del>Agreed / Not Agreed</del> As possible advise a per note
c) s33(a)(iii)	<del>Agreed / Not Agreed</del>

**Domestic/Media Considerations:** International media coverage expected. Strong domestic interest expected. Handling strategies attached. Media talking points will be prepared.

Action:

  
Penny Wong  
9/6/22

pls advise re. impact of  
of non-executive  
parliamentary.

From: Justin Hayhurst, Deputy Secretary, GSG  
62613611

Contact: s22(1)(a)(ii)

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Yes

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: , Defence, PM&C, AKD, USB, ELD, LGD, UNNY, Vienna UN, Geneva UN, Washington



**Background:**

The first biennial Meeting of States Parties (1MSP) to the Treaty on the Prohibition of Nuclear Weapons (TPNW) will take place in Vienna on 21-23 June. Australia and other non-signatories have been invited to observe the meeting and can deliver statements. Observers must contribute to the meeting costs (quantum based on number of attendees, up to \$130,000). Prior to the election, the ALP expressed an intention to sign and ratify the TPNW, taking into account three considerations (effective verification and enforcement, interaction with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and achieving universal support). s33(a)(iii)

s33(a)(iii)

2. There would be some benefits in attending 1MSP as an observer. It would attract praise from TPNW proponents, s33(a)(iii) and may help to offset criticism s33(a)(iii) about Australia's commitment to the international disarmament and non-proliferation regime. Attendance would also send an early signal of the Government's resolve to explore all possible options to pursue nuclear disarmament and engage constructively on the relationship between the NPT and the TPNW. We would be in the company of NATO members Germany and Norway, both of which plan to observe the meeting at officials level. s33(a)(iii)

s33(a)(iii)

3. However, in light of the ALP's pre-election position on TPNW, Australia's attendance as an observer could be misinterpreted as a first step in acceding to the Treaty. Accession to the TPNW could carry risks for our strategic interests, s33(a)(iii)

s33(a)(iii)

These risks require careful examination before moving forward. s33(a)(iii)

s33(a)(iii)

4. We recommend that Australia does not attend 1MSP as an observer at this early stage s33(a)(iii)  
 Attendance, even as an observer at a s33(a)(iii)

level, carries risks s33(a)(iii)

s33(a)(iii)

5. If you decide that Australia should attend 1MSP as an observer, a handling strategy would be required to mitigate the risks outlined above. This would need to include clear messaging that attendance was with a view to engaging constructively with TPNW parties, given our shared disarmament objectives, and highlighting that no decision had been made on actual accession. s 33(a)(iii)

s 33(a)(iii)

6. Handling strategies covering either course of action are included in Attachment A.



ATTACHMENT A

TPNW 1MSP handling strategies

NON-ATTENDANCE

A decision for Australia not to attend 1MSP as an observer presents far fewer risks than a decision to attend but will still require careful handling. TPNW advocates, s 33(a)(iii) will require particular attention as they are likely to criticise the decision as being inconsistent with the ALP's pre-election commitments.

Our core message would remain the same: that the Government has made no decision on accession to the TPNW. Non-attendance could be further explained by the new Government's desire to consider the issues carefully before engaging in the process. Consistent with past practice, DFAT plans to send a representative from post in Vienna to attend the Vienna Conference on the Humanitarian Consequences of Nuclear Weapons, taking place the day before the TPNW 1MSP. This would also help to reinforce our recognition of the humanitarian consequences of nuclear war, out of which the TPNW emerged, and offset the criticism outlined above.

s33(a)(iii)

*For all states and civil society stakeholders:*

- Australian officials will not attend the first meeting of state parties to the Treaty on the Prohibition of Nuclear Weapons (TPNW)
- Australia is not a party to the TPNW.
- In its pre-election platform, the Australian Labor Party (ALP) committed to joining the TPNW after taking account of:
  - the need to ensure an effective verification and enforcement architecture,
  - interaction of the Treaty with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and
  - achieving universal support.



- The Government will carefully consider these issues – in close consultation with our allies and partners, NPT States Parties and civil society — before further decisions about engaging with the TPNW are made.

s33(a)(iii)

- The Australian Government is committed to examining all possible pathways to a world without nuclear weapons

s33(a)(iii)



## ATTENDANCE

If Australia is to attend TPNW 1MSP as an observer, a concerted diplomatic effort will be required to mitigate the risks s33(a)(iii) Public messaging will also be necessary in light of strong domestic and international interest. Any decision to attend may become public as early as 14 June, the deadline for registration for the meeting.

Key to any messaging for TPNW supporters and opponents alike will be to minimise the significance of the decision to observe 1MSP and to highlight that no decision has been made on the broader issue of accession to the Treaty. Our explanation of the decision will also be an opportunity to reiterate Australia's commitment to the NPT and to highlight s33(a)(iii) the Government's resolve to explore all possible avenues to achieve our shared objective of a world free of nuclear weapons.

s33(a)(iii)





s33(a)(iii)

#### Media handling

We propose a low-profile approach in keeping with the intention that the attendance at 1MSP of a s33(a)(iii) as an observer would be an information gathering exercise to inform a broader, and as yet incomplete, policy process. s33(a)(iii)  
s33(a)(iii)

s33(a)(iii)

We will prepare media talking points for use following your decision that Australia attend and update these after the meeting.

s33(a)(iii)

#### Talking points

*For all states and civil society stakeholders:*

- Australia is not a party to the Treaty on the Prohibition of Nuclear Weapons (TPNW).



- In its pre-election platform, the Australian Labour Party (ALP) committed to joining the TPNW after taking account of:
  - the need to ensure an effective verification and enforcement architecture,
  - interaction of the Treaty with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and
  - achieving universal support.
- Questions of verification, enforcement, interaction with the NPT and universalisation are among the many important considerations that the Australian Government will need to take into account before any decisions are made.
- We will engage closely with our allies and partners, NPT States Parties, TPNW supporters and opponents alike, and civil society as part of this process.
- As a necessary first step to inform the Government's deliberations, Australia will observe the First Meeting of States Parties to the TPNW on 21-23 June s 33(a)(iii)
- Our attendance as an observer is primarily an information gathering exercise
  - it does not represent an intention to immediately, or automatically, join the TPNW
  - it does, however, reflect the Australian Government's resolve to explore all possible avenues to achieve our shared objective of a world free of nuclear weapons.

s33(a)(iii)





WHEREAS it is desired that Australia be represented as an observer at the First Meeting of States Parties to the Treaty on the Prohibition of Nuclear Weapons to be held in Vienna from 21 June to 23 June:

NOW THEREFORE THESE PRESENTS CERTIFY that the person whose name appears hereunder have been duly named, constituted and appointed by the Government of Australia to represent Australia at the said Meeting in the capacities respectively indicated:

Head of Delegation

s22(1)(a)(ii)

IN WITNESS WHEREOF, I, Penelope Ying-Yen Wong, have hereunto set my hand and affixed my seal.

DONE at Canberra, this  
two thousand and twenty two.

day of



Minister for Foreign Affairs





## Ministerial Submission

MS22-000236  
Cleared: Ian Biggs

FOR: Senator the Hon Penny Wong  
INFO:

Action Requested By: 15 June 2022  
Reason for Urgency: To allow time to  
execute handling strategy prior to meeting

### Treaty on the Prohibition of Nuclear Weapons (TPNW): First Meeting of States Parties (1MSP): Further advice on attendance

**Key Issues:** You (Minister Wong) did not agree to our recommendation in MS22-191 that Australia not observe TPNW 1MSP in Vienna on 21-23 June and sought further advice on the impact of a non-executive parliamentarian attending. **s 33(a)(iii)**

An expedited and concerted diplomatic handling strategy is required to mitigate the risks outlined previously.

#### Recommendation:

That you:

- Note our assessment that sending a parliamentarian to observe 1MSP could amplify risks **s33(a)(iii)** outlined in MS22-191 (Attachment A);
- Should you wish to proceed with sending a non-executive parliamentarian to observe 1MSP, agree that we liaise with your office regarding your chosen representative and to accredit, brief and assist that person with their travel and program arrangements;
- Agree to the attached handling strategy (Attachment B), **s33(a)(iii)**

#### Decision:

**Noted**

**Agreed / Not Agreed**

**Agreed / Not Agreed**

**Domestic/Media Considerations:** A decision to send a parliamentarian to observe TPNW would be reported internationally. We will prepare a media release and media talking points for your consideration.

#### Action:

Penny Wong

/ /

From: Ian Biggs, Ambassador for Arms Control and Counter-Proliferation | GSG  
**s22(1)(a)(ii)**

Contact: **s22(1)(a)(ii)**

Can this proposal be funded from within your existing divisional allocation (departmental/aid)? Yes

If the proposal high risk/high value (over \$100m) concept has been approved by the Aid Governance Board? Not Applicable

Consultation: Defence, PM&C, AKD, USB, LGD, ELD, Washington, London, Tokyo, Geneva UN, UNNY, Vienna UN

**Background:**

In response to MS22-191, you (Minister Wong) did not agree to our recommendation that Australia not attend 1MSP as an observer nor with our alternative proposal to send a DFAT official. You sought advice on the impact of having a non-executive Australian parliamentarian attend the meeting. s33(a)(iii)

2. s33(a)(iii)

s33(a)(iii)

3. TPNW proponents would welcome a decision to observe 1MSP at any level as a step change in Australia's approach. Attendance could be used s33(a)(iii) to highlight the Government's resolve to engage actively and constructively on disarmament s33(a)(iii). NGOs s 33(a)(iii) are likely to paint the decision favourably as reflecting a decision to accede. These reactions will also need to be managed.

4. We are aware of six states planning to attend 1MSP as observers (Finland, Sweden, Switzerland, s 33(a)(iii) Germany and Norway, Singapore), none of which is expected to send parliamentarians. s 33(a)(iii) Germany and Norway have confirmed they are attending at officials level. If Australia is the only state to send a parliamentarian as an observer, we will need to manage potential perceptions s33(a)(iii)

5. s33(a)(iii)

6. Attendance at 1MSP by observers continues to be tracked closely and will be subject to significant scrutiny. s33(a)(iii)

7. We will need to move quickly to put arrangements in place s33(a)(iii)

8. We have consulted PM&C and Defence at agency level, s33(a)(iii)

ATTACHMENT B

**TPNW 1MSP attendance handling strategy**

Many of Australia's partners and TPNW proponents and opponents alike are watching closely Australia's approach to the TPNW following the Australian Federal election. Australia's attendance at TPNW 1MSP as an observer will require an expedited and concerted diplomatic effort to mitigate the risks s33(a)(iii) and shape the narrative. Public messaging will be necessary in light of strong domestic and international interest.

Key to any messaging for TPNW supporters and opponents alike will be to highlight that no decision has been made on our broader approach to the Treaty. s33(a)(iii)

As well as mitigating risks, we need to take maximum advantage of the benefits of a decision to attend. Conveying the decision to TPNW proponents and publicly will be an opportunity to:

- Highlight the Australian Government's resolve to explore all possible avenues towards nuclear disarmament
- Reiterate Australia's commitment to the Treaty on the Non-Proliferation of Nuclear Weapons (the NPT)
- Manage concerns s33(a)(iii) about s33(a)(iii) our commitment to disarmament and non-proliferation.

s33(a)(iii)



s33(a)(iii)



Media and NGO handling

We propose a ministerial press release to advise the decision once pre-briefing has concluded. It should highlight how observing would be an information gathering exercise to inform a broader, and as yet incomplete, policy process. We need to be ahead of any narrative, likely to be pushed s33(a)(iii) that attendance equates with support for the TPNW and an intention to accede.

We will also prepare media talking points for use and update them after the meeting.



Talking points

*For all states and civil society stakeholders:*

- Australia is not a party to the Treaty on the Prohibition of Nuclear Weapons (TPNW).
- In its pre-election platform, the Australian Labour Party (ALP) committed to joining the TPNW after taking account of:
  - the need to ensure an effective verification and enforcement architecture,
  - interaction of the Treaty with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), and
  - achieving universal support.
- Questions of verification, enforcement, interaction with the NPT and universalisation are among the many important considerations that the Australian Government will need to take into account before any decisions are made regarding Australia's position on the treaty.
- We will engage closely with our allies and partners, NPT States Parties, TPNW supporters and opponents alike, and civil society as part of this process.
- To inform the Government's deliberations, Australia will observe the First Meeting of States Parties to the TPNW on 21-23 June.
- Our attendance as an observer is primarily an information gathering exercise
  - it does not represent an intention to immediately, or automatically, join the TPNW
  - it does, however, reflect the Australian Government's resolve to explore all possible avenues to achieve our shared objective of a world free of nuclear weapons.

*If raised*

- DFAT plans to send representatives at officials-level to attend the Vienna Conference on the Humanitarian Consequences of Nuclear Weapons, taking place the day before the TPNW 1MSP.
  - this is consistent with past practice and with the Australian Government's recognition of the catastrophic humanitarian consequences of nuclear war.