



James Martin Center for Nonproliferation Studies  
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**Centre for Science  
& Security Studies**

# NPT Briefing Book

*(2012 Edition)*

## **CSSS JMCNS NPT BRIEFING BOOK (2012 Edition)**

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## Section 1

# Nuclear Energy and Nuclear Weapons: An Introductory Guide

Text by John Simpson

### Nuclear Materials

A chemical element consists of basic building blocks, called atoms, which themselves contain 'sub-atomic' particles. These particles are of three types: protons, neutrons and electrons. Protons (positively charged particles), together with neutrons (uncharged particles) make up an atom's core or nucleus. Electrons (negatively charged particles) are identical in number to the protons, but are found outside of the nucleus of the atom. All chemical elements are defined and distinguished from each other by the number of protons/electrons their atoms contain, termed their atomic number. Examples of atomic numbers are 1 for an atom of hydrogen and 93 for an atom of plutonium.

While all atoms of an element must have the same number of protons/electrons, they may contain differing numbers of neutrons. These variants are called isotopes of an element. They have different nuclear properties and masses/weights but their chemical properties are identical: thus they can only be separated by making use of their differing masses, and not by chemical means.

Isotopes are normally identified by the sum of their protons and neutrons. Thus 'Uranium 235', often shortened to the notation ' $U^{235}$ ' (or 'U-235') indicates the isotope of uranium that contains 235 (92+143) protons and neutrons in the nucleus of each atom. 'Plutonium 239', or ' $Pu^{239}$ ' (or 'Pu-239') indicates the isotope of plutonium that contains 239 (93+146) protons and neutrons in the nucleus of each atom.

### Nuclear Reactions

#### Fission

Nuclear fission is the splitting of the nucleus of an atom into two or more parts. This is a process which normally only occurs when heavy elements such as uranium and plutonium are bombarded by neutrons under favourable conditions. Not all isotopes of these elements fission under such circumstances; those that do are called fissile materials. The most frequently used fissile materials are the isotopes Uranium 235 (U-235) and Plutonium 239 (Pu-239).

These isotopes are not found in their pure form in nature. U-235 forms only 0.7 per cent of natural uranium ore which is mostly made up of non-fissile U-238. Plutonium does not exist at all in natural form and has to be manufactured from uranium. This is done by placing it inside a reactor, where some U-238 nuclei will capture slow moving neutrons to form fissile Pu-239.

When a fissile material is bombarded with neutrons, it splits into atoms of lighter elements. This process releases large quantities of energy and neutrons. If these neutrons hit and split additional 'fissile' nuclei, more neutrons are released to continue the reaction. If there is a sufficient concentration of atoms of fissile isotopes, known as a 'critical mass', this reaction will be self-sustaining. This is a 'chain reaction'.

A critical mass is the smallest amount of material required for a chain reaction. This may be affected by variables such as the concentration of the fissile isotopes in the material; its density — if it is compressed the critical mass is reduced; and its physical configuration — a sphere or some other shape.

#### Fusion

Fusion takes place when two nuclei of light elements such as hydrogen fuse together to make a heavier one. While this process releases much larger quantities of energy than the fission process, it also requires large amounts of energy to initiate it. For fusion to occur, the repellant forces that arise between the positively charged protons in the two nuclei have to be overcome, and temperatures of over 100 million degrees centigrade are normally required for this to occur. The most frequently used materials to generate fusion reactions are tritium (H-3), deuterium (H-2) and the solid Lithium-6 Deuteride, which when heated to the temperature of the fusion reaction, breaks down into tritium and deuterium.

### Nuclear Reactors

#### Fission Reactors

There are several features common to all fission or (as they are more usually termed) nuclear reactors.

The first of these is that they contain a core or mass of fissile material (the fuel) which may weigh tens of tons, within which energy is produced by sustaining a regulated chain reaction. The fissile material used varies between reactor types, but it may be natural uranium (which contains 0.7 per cent fissile U-235) or uranium which has been enriched to increase the percentage of U-235 to around 3 per cent. Alternatively, plutonium 239 produced by the irradiation of U-238 in a reactor, or uranium 233 (U-233) produced from thorium 232 (Th-232) may be used, or a combination of these mixed with uranium (mixed oxide fuels or MOX). This fuel is usually in rod or pin form, and is clad in a gastight containment material such as stainless steel.

A second related feature is the presence of a means of regulating the chain reaction. This normally takes the form of control rods which absorb neutrons, and which can be inserted into the core to reduce the rate of fission or to shut down the reactor.

The fissile core of a reactor is usually surrounded by a third common feature, a moderator. This material is chosen because it slows down some of the faster neutrons so that these can more easily hit nuclei and initiate fission, and thus maintain the chain reaction. The moderator can be ordinary (or light) water, heavy water (deuterium oxide) or graphite.

A fourth common feature is a means of removing the heat produced by the chain reaction from the core of the reactor. This cooling system can also provide the heat and steam to drive turbines and thus generate electricity.

Finally, there is a containment vessel which serves to shield the radioactive core from other parts of the reactor system. Lining this vessel is a reflector which increases the efficiency of the fission process. In addition, a reactor will itself normally be surrounded by a further thick containment structure, whose purpose is to contain any release of radioactivity and prevent it escaping into the surrounding environment.

Reactors have been built to serve four broad purposes. First, a significant proportion of the reactors in the world are large units designed to produce steam to drive turbo-generators, and thus to generate electricity for civil uses. Second, there are smaller units of a similar type which are used in naval vessels, especially submarines, to generate electricity for propulsion purposes or to drive turbines. Third, there are many small materials testing and research reactors, which usually have no turbo-generators attached and are used mainly for experimental purposes. For many years these used small kilogram quantities of highly enriched uranium as fuel, but its proliferation potential has led to a global attempt to replace it with fuel of lower enrichment. Finally, there are large units used by the nuclear-weapon states to produce plutonium for military explosive purposes, some of which do not have turbo-generators attached to them.

There exist five different nuclear reactor technologies:

#### Light Water Reactors (LWRs)

This is the most widespread power reactor type found in the world today. It uses low enriched (3%) uranium as fuel, which enhances its efficiency as an electricity generator by enabling the fuel to stay longer in the reactor. It also uses ordinary water as both a moderator and coolant. There are two variants of this reactor, Pressurized Water Reactors (PWRs) and Boiling Water Reactors (BWRs), the chief difference between them being in their method of producing steam to make electricity. Small LWRs are also used to power submarines and other naval vessels. LWRs are a costly and inefficient way of producing Pu-239.

#### Heavy Water Reactors (HWRs)

In these type of reactors, heavy water is used as both the moderator and coolant. Heavy water absorbs so few neutrons that it permits the

use of natural uranium as fuel. This type of reactor, the majority of which are called CANDUs, uses up so much of the fissile U-235 in its natural uranium fuel that it is probably uneconomic to reprocess and recycle it, and the preferred option is to store it and dispose of it as waste. It is also a good producer of plutonium, and this type of reactor has been used in the United States without any turbo-generators attached to produce materials for weapon purposes. To produce Pu-239, rather than to minimize electricity generation costs, fuel re-loading takes place more frequently. Thus a distinction between civil and military use is the length of time the fuel remains in the reactor.

#### *Gas Cooled Reactors (GCRs or MAGNOX)*

These are moderated with graphite and cooled with carbon dioxide gas. Most use natural uranium fuel encased in a magnesium oxide-based cladding called MAGNOX. As this corrodes if stored in water, it needs to be reprocessed for environmental and safety reasons. Its design originated in the reactors used to produce plutonium for military purposes in France, the United Kingdom and the USSR.

#### *High Temperature Gas Cooled Reactors (HTGRs)*

The HTGR is cooled with helium gas and moderated with graphite. Highly enriched uranium is used as fuel (93 per cent U-235), though this may be mixed with Th-232. The attraction of this type of reactor is that much of the uranium in the fuel is burned up, requiring infrequent reloading, and the extremely high operating temperatures enable it to be linked to very efficient, modern turbo-generators when used to produce electricity.

#### *Liquid Metal Fast Breeder Reactors (LMFBRs)*

Breeder reactors normally have a core of highly enriched uranium or plutonium, which can produce enough surplus neutrons to convert U-238 in a blanket around the core into Pu-239 at a rate faster than its own consumption of fissile material. They thus produce more fuel than they consume. They operate without a moderator, and at very high temperatures. The coolant is normally a liquid metal, such as sodium, which allows for the rapid removal of heat. These reactors have traditionally been seen as a means of utilising the plutonium produced by the other types of reactor, but are also capable of producing plutonium ideal for use in weapons.

#### **Fusion Reactors**

Although many attempts have been made to produce a working fusion reactor, these only exist in experimental form. The temperatures at which fusion is achieved are so great that no known material will hold the fusing materials. Containment of the material is being attempted using magnetic fields.

#### **Nuclear Weapons**

##### ***Fission Devices***

A fission weapon or device is designed so that a critical mass of fissile material can be assembled and held together before the device blows itself apart. The yield of the weapon is determined by the amount of fissile material involved, the number of nuclei fissioned, and the number of generations of fissions that can be achieved before disassembly takes place.

A simple fission weapon design, also known as a first-generation nuclear weapon, can be of either the 'gun barrel' or 'implosion type'. A gun device involves bringing together rapidly two sub-critical masses of highly enriched uranium by propelling one of them with an explosive along a thick tube or gun-barrel so that it impacts with considerable velocity upon the other. This creates conditions for a chain reaction. This method is conceptually simple but the explosive power of the weapon tends to quickly force the fissile material apart so that little of the material goes through the fission process. It is therefore relatively inefficient in its use of fissile material. This method cannot be used with plutonium.

An implosion weapon works by compressing a sub-critical spherical mass of fissile material until it becomes critical. The fissile material is surrounded by a neutron reflector, usually of beryllium, and a heavy metal tamper of either U-238 or tungsten. Surrounding this assembly is a further hollow sphere of conventional explosives. If the conventional explosive can be detonated so as to produce a uniform, symmetrical implosion, the tamper is propelled inwards into the sphere of fissile material, and compresses it into criticality. The forces generated by the conventional explosives then contain the gaseous sphere of fissile materials while many repetitions of the fissile reaction occur, and the full

yield of the device is produced.

##### ***Boosted-Fission Devices***

A fission device can be 'boosted' to increase its yield by placing within its core a small quantity of fusion material, such as tritium. At the great temperatures and pressures found within the gaseous core of an exploding device, this material fuses and releases an extra quantity of neutrons which, in turn, produce additional fissions in the uranium or plutonium used in the device. More of the fissile material is thus consumed than in a simple fission device, the efficiency of the fission process is improved and a higher yield produced.

##### ***Fusion (Thermonuclear) Devices***

The energy released by such a device, also known as a second-generation nuclear weapon, arises primarily from nuclear fusion in isotopes of hydrogen such as tritium and deuterium. A large energy source, such as a fission device, is needed to start a fusion reaction. A fusion weapon thus has at least two stages which contribute to the yield, the fission trigger or primary device and the thermonuclear secondary device. In addition, these two devices may be contained in a shell of U-238 which constitutes a third stage of the device. This material, whilst it cannot maintain a self-sustaining fission explosion, can be made to fission where there is a constant external supply of fast neutrons from other fission or fusion reactions. There can be any number of fission-fusion-fission-fusion steps, and so no limit in theory to the size and yield of a thermonuclear weapon.

#### **Nuclear Testing**

In order to develop and build an operational nuclear explosive device different types of testing are needed. It is possible to test the functioning of a nuclear weapon with a high degree of reliability not only in a full-scale nuclear explosion, but also through sophisticated tests conducted on a smaller scale. The implosion mechanism of a nuclear weapon can be studied with the help of hydrodynamic experiments (HDEs) where the fissile material in the core is replaced by non-fissile substances. The first stages of an explosive nuclear chain reaction may be observed in hydro-nuclear experiments (HNEs) where only a small amount of fissile material is placed in the core of a device, allowing it to sustain a nuclear chain reaction for a few generations only. Additionally, subcritical experiments and other laboratory experiments (e.g nuclear fusion induced by laser ignition) can be used to get a better understanding of the physical processes involved in the development, design and construction of a nuclear explosive device.

#### **Weapon-Grade Fissile Materials**

The size of a fission device is directly related to the concentration of fissile isotopes in the material in the core. For purposes of producing a practical weapon, the minimum enrichment required for uranium is about 50 per cent. However, to enable compact, light designs to be produced, the present nuclear powers are assumed to use in their weapons about 10–25 kilos of uranium enriched to over 90 per cent U-235. This enriched material is produced in an enrichment plant (see below).

Plutonium is often preferred to uranium in weapon designs, as less plutonium than uranium is required to produce a given yield — about 5–8 kilos is assumed to be required for a simple device. Plutonium with 93 per cent or above Pu-239 constitutes weapons grade material, though there are claims that devices have been exploded using plutonium with much lower concentrations of this isotope. Such weapons, however, tend to have uncertain yields and give off dangerous radiation, so the higher concentrations are preferred.

All fission reactors produce plutonium, but reasonably pure Pu-239 can only be obtained by withdrawing the uranium fuel after a short period (2–6 months) in the core. If the fuel is left in for a longer period, significant amounts of Pu-240 and other heavier isotopes are contained in the plutonium. Typically, Light Water Reactors (LWRs) will have plutonium in their used fuel which has a concentration of Pu-239 below 80 per cent. Plutonium is obtained from spent reactor fuel through a chemical process known as reprocessing.

#### **Enrichment**

Uranium must be enriched if it is to be used in certain reactor types and in weapons. This means that the concentration of fissile U-235 must be increased by physical, rather than chemical, means before it can be fabricated into fuel. The natural concentration of this isotope is 0.7 per cent, but a concentration of 3 per cent is necessary in order to sustain a chain reaction in an LWR. Some 90 per cent enrichment is required

before use in HTGRs, the majority of submarine propulsion units or fission weapons. This process of enrichment is not linear, and as much enrichment effort, or 'separative work' as it is usually termed, may be involved in achieving enrichment from, say 0.7 to 1 per cent as from 10–90 per cent.

There are six main techniques for increasing the concentration of U-235:

#### **Gaseous Diffusion**

This was the first method of enrichment to be commercially developed. The process relies on a difference in the mobility of different isotopes of uranium when they are converted into gaseous form. In each gas diffusion stage uranium hexafluoride gas (UF<sub>6</sub>) is pumped under pressure through a porous nickel tube (a cascade) which causes the lighter gas molecules containing U-235 to pass through the porous walls of the tube more rapidly than those containing U-238. This pumping process consumes large amounts of energy. The gas which has passed through the tube is then pumped to the next stage, while the gas remaining in the tube is returned to lower stages for recycling. In each stage, the concentration of U-235 is increased only slightly, and enrichment to reactor grade requires a facility of approximately 1200 stages. Enrichment to weapons grade requires about 4000 stages. Industrial scale facilities of this type require electricity supplies of hundreds of megawatts of power.

#### **Gas Centrifuge**

In this type of process uranium hexafluoride gas is forced through a series of rapidly spinning cylinders, or centrifuges. The heavier U-238 isotopes tend to move to the side of the cylinder at a faster rate than the lighter molecules containing U-235. The gas at the centre is removed and transferred to another centrifuge, where the process is repeated. As it moves through a succession of centrifuges, the gas becomes progressively richer in the U-235 isotope. Electricity requirements for this process are relatively low compared with gaseous diffusion, and as a consequence this process has been adopted for most new enrichment plants.

#### **Aerodynamic Separation/Becker Process**

The Becker technique involves forcing a mixture of hexafluoride gas and either hydrogen or helium through a nozzle at high velocity and then over a surface in the shape of a curve. This creates centrifugal forces which act to separate the U-235 isotopes from the U-238. Aerodynamic separation necessitates fewer stages to achieve comparative enrichment levels than either gaseous diffusion or gas centrifuges but consumes much more energy.

#### **Laser Enrichment**

The laser enrichment technique involves a three stage process; excitation, ionization and separation. There are two techniques to achieve these effects, the 'Atomic' approach, and the 'Molecular' approach. The Atomic approach is to vaporize uranium metal and subject it to a laser beam at a wavelength that excites only U-235 molecules. The vapour is then exposed to a second laser beam that ionizes the U-235 atoms, but not the unexcited U-238 atoms. Finally, an electric field sweeps the U-235 atoms onto a collecting plate. The Molecular approach also relies on differences in the light absorption frequencies of uranium isotopes, and begins by exposing molecules of

uranium hexafluoride gas to infra red laser light. U-235 atoms absorb this light, thereby causing an increase in their energy state. An ultra-violet laser can then be used to break up these molecules and separate the U-235. This process has the potential to produce very pure U-235 with minimum energy requirements, but has not yet advanced to an industrial scale level of production.

#### **Electro-Magnetic Isotope Separation (EMIS)**

The EMIS process of enrichment is based on the fact that an electrically charged atom, travelling through a magnetic field, moves in a circle whose radius is effected by the ion's mass. EMIS is achieved by creating a high current beam of low energy ions and allowing them to pass through a magnetic field created by giant electro- magnets. The lighter isotopes are separated from heavier isotopes by their differing circular movements.

#### **Chemical Separation**

'Chemical Separation' is something of a misnomer as the differing isotopes of an atom are chemically identical. This form of enrichment exploits the fact that ions of these isotopes will travel across chemical 'barriers' at different rates because of their different masses. There are two methods to achieve this: the method developed in France of solvent extraction; and the process of ion exchange used in Japan. The French process involves bringing together two immiscible liquids in a column, giving an effect similar to that of shaking a bottle of oil and water. The Japanese ion exchange process requires an aqueous liquid and a finely powdered resin which slowly filters the liquid.

#### **Reprocessing**

This is a process whereby the uranium and the plutonium in spent fuel discharged from a reactor is separated from the other 'fission products' by chemical means. It may then be recycled into reactor fuel or, in the case of plutonium, may be used in weapons. Reprocessing is usually carried out using mechanical and solvent extraction techniques, and occurs in three steps.

#### **Solution**

After a period of storage to reduce their radioactivity the fuel assemblies are cut into short sections in what is termed the 'head-end' stage. These pieces are then placed in a nitric acid solution to dissolve the fuel. This acid solution is centrifuged to remove undissolved solids, and chemically treated in preparation for the separation process.

#### **Separation**

In this separation stage the 'Plutonium Uranium Recovery by Extraction' (PUREX) method may be employed, with the solution being fed into extraction columns and mixed with various chemicals. The plutonium and uranium emerge from this in the form of nitrates.

#### **Purification**

The third stage involves purifying the recovered materials. Recovered uranium can be recycled into new fuel, although sometimes this involves further enrichment. Recovered plutonium may be used as fuel in breeder reactors, to make mixed oxide (MOX) fuel or, if of a suitable isotopic composition, to make weapons.

## **Section 2**

### **The Evolution of the Nuclear Non-Proliferation Regime, 1945-1970**

#### **Introduction**

In the mid-1960s, it was assumed by many knowledgeable commentators that as information on the design and manufacture of nuclear explosives became more accessible, and supplies of uranium increased, the number of states possessing nuclear weapons would rise. However, both superpowers, the United States (US) and the Soviet Union (USSR), were motivated to prevent this if they could. The US was concerned that it might be dragged by nuclear-armed allies into a catastrophic war that it could not control. The USSR had realised following the first Chinese nuclear test that unlike the US, several nuclear-weapon states (NWS) could soon border its territory.

The two most recent nuclear proliferators were France (1960) and

China (1964): those regarded as technically equipped to follow them within the next ten years were either allies of the United States (Australia, Canada, the Federal Republic of Germany, Italy and Japan); states pursuing policies of armed neutrality (Sweden and Switzerland); or states involved in acute regional conflicts (India, Israel, the Republic of Korea and Taiwan, Province of China). Perceptions of technological determinism held by many contemporary commentators suggested that "those who could, would". Confronted by this threat, the two superpowers sought to change these expectations by erecting a consensual, political and institutional barrier to further nuclear proliferation bulding on their intermittent negotiations since 1945 to limit their own nuclear arms race and engage in nuclear disarmament.

### Attempts to Control Nuclear Weapons, 1945-1965

In June 1946 the US had submitted the Baruch Plan to the UN Atomic Energy Commission. Its remit was to make proposals for both the elimination of nuclear weapons and the implementation of international control over the exploitation of all aspects of nuclear energy. This plan proposed international managerial control or ownership over all potential weapon-related nuclear facilities, as well as powers to licence and inspect all other atomic energy activities. The USSR responded by submitting a plan based on national, rather than international, ownership and control over nuclear facilities. Neither plan was to be implemented. The US meanwhile passed legislation imposing rigorous national controls over the transfer of nuclear-related information and materials, believing that there was a 'secret' surrounding atomic weapons which could be denied to others.

In September 1949 the USSR exploded its first atomic explosive device, and in October 1952 the United Kingdom followed. These events demonstrated that the 'secret' of creating a fission explosive was no longer the exclusive monopoly of the US and, could be acquired by the indigenous efforts of other states. In parallel, newly discovered uranium deposits in Canada, the US and Australia indicated that the ability of existing Belgian-Canadian-UK-US arrangements to monopolise world supplies and trade in uranium ore could not last. In parallel, any increased global supply of uranium would open the way to the use of nuclear energy as a civil power source. Moreover, such facilities could be operated to both produce civil power and weapon-usable plutonium, as the UK was doing at Calder Hall, its first nuclear power station, opened in 1956.

These developments, among others, led US President Eisenhower to make his 'Atoms for Peace' speech to the UN General Assembly in December 1953. This proposed that the NWS should assist other states in developing the peaceful uses of atomic energy. This would be accomplished by the US and USSR making matching transfers of weapon-usable fissile material to an international nuclear agency, which in turn would supply it to others for peaceful uses.

Negotiations on the creation of this agency started in 1954, based upon the USSR's 1946 concept of national ownership and management of all nuclear activities within a state. This was to be overlaid by international arrangements providing assurances that these activities were not being used for military explosive purposes. They culminated in a multilateral conference on the statute of the new International Atomic Energy Agency (IAEA), held in New York during September and October 1956. This agreed the details of a legal statute giving it the power to start its work in Vienna in July 1957. It had a triple remit of assisting in the development of nuclear energy for peaceful purposes; providing assurances that facilities and materials for such purposes were not being diverted to other uses; and providing early warning if they were.

By then, the US had embarked on two related bilateral activities made possible by changes contained in its Atomic Energy Acts of 1954 and 1958. The first was the negotiation of Agreements for Co-Operation in the Peaceful Uses of Atomic Energy with many states. These, legitimised transfers of information, technology and materials forbidden by earlier legislation. The second was the passing of specific information on its nuclear weapon designs to allies to facilitate the procuring of equipment to enable them to use their own aircraft and missiles to deliver US-owned nuclear bombs and warheads in times of war.

The first of these arrangements undermined the launch of the IAEA. States preferred to seek assistance and materials bilaterally from the US, rather than multilaterally through the IAEA, and arrangements to assure the agreed use of this US assistance were made on a bilateral, rather than multilateral, basis. As a consequence it was 1959 before the IAEA was given the opportunity to exercise its safeguarding powers over nuclear materials through an agreement for it to supply Canadian uranium to a Japanese research reactor.

There were several motivations behind the arrangements for supplying technical information on US weapons to allies. One was reduce the costs to the US of providing the West's nuclear deterrent capability. Another was to head-off the active national nuclear weapon programmes of its allies, with the French one being the most advanced. The hope was that potential US "nuclear sharing" would freeze these programmes. The nuclear weapons earmarked for transfer to allies were to be stored under US military custody in the countries involved, and no formal transfers were to occur unless hostilities were well established.

The US Atomic Energy Act of 1958 also made arrangements for collaboration with nuclear-weapon state allies which had made 'substantial progress in the development of atomic weapons'. It authorised collaboration in the development and manufacture of nuclear weapons to occur with such countries, but no transfer in peacetime of complete nuclear devices. At the time, only the United Kingdom qualified for this. In the 1970s similar arrangements were made with France.

An additional complication for the development of the IAEA's functions was the establishment in January 1958 of a regional nuclear organisation within the framework of the European Communities (EC), the European Atomic Energy Community (EURATOM). This was tasked with co-ordinating EC nuclear energy development and implementing a regional safeguards system to ensure that materials were not diverted 'to purposes other than for those which they are intended'. These safeguards were based on ideas similar to those in the Baruch Plan, with EURATOM having legal ownership over all the fissile materials in member states, except those in the French, and later the UK, military programmes. It dealt directly with the enterprises involved, rather than the governments within whose jurisdiction they were situated. The US negotiated an Agreement for Co-operation with EURATOM, and accepted that it, and not the IAEA, would safeguard materials and facilities transferred under this Agreement.

During the early 1960s, several developments relevant to nuclear non-proliferation were therefore occurring in parallel. One was the slow evolution of the IAEA and its international safeguarding activities; the second the implementation of plans to provide allies of the United States with nuclear weapons; a third the dissemination of nuclear knowledge to a wide range of states to enable them to develop the peaceful applications of nuclear energy; and a fourth the development of a nuclear disarmament negotiating process.

In 1961, spurred on by the request from Japan, the IAEA had promulgated its first set of arrangements for implementing Agency safeguards on nuclear materials and facilities, known by the number of their IAEA information document, Information Circular (INFCIRC) 26. This was soon superseded by INFCIRC/66. In its final form in 1968 this incorporated a set of technical principles and procedures for the verification of compliance with safeguards agreements. It covered research and power reactors, spent fuel reprocessing plants, fuel fabrication and conversion plants and fuel and materials storage facilities, but excluded uranium enrichment plants or production facilities for the heavy water used as a moderator in some nuclear reactors.

After 1962 the US started to transfer to the IAEA responsibility for monitoring the civil nuclear transfers it had made under its bi-lateral Agreements for Co-operation. In addition, as orders started to be placed for nuclear power reactors by states in Western Europe and elsewhere, a condition for their supply by the US and the United Kingdom became acceptance of INFCIRC/66 safeguards over their operations, thus further strengthening the authority of the Agency.

Nuclear disarmament negotiations between the US, the USSR and some of their allies were initiated in the mid-1950s when the theoretically unlimited destructive capacity of thermonuclear, as against atomic, weapons started to be fully appreciated. The aim was to first halt the nuclear arms race, and then reverse it through the dismantlement of existing nuclear weapons. Halting the nuclear arms race was seen to involve two distinct activities: the qualitative one of preventing further testing of nuclear devices, in order to freeze nuclear weapon development at its existing levels; and the quantitative one of halting the production of fissile materials for military purposes, thus limiting the numbers of nuclear weapons that could be built by the existing nuclear weapon states. Two other activities were also taking place on a wider, multilateral basis. In 1959 an attempt was made to reach agreement on measures to prevent the emplacement of nuclear weapons in a specific geographical area through the Antarctic Treaty, while in 1958 Ireland had initiated moves within the UN General Assembly to highlight the dangers posed by additional states acquiring nuclear weapons. Its efforts culminated in 1961 in the 'Irish Resolution' being adopted by the UN General Assembly. This called for agreed measures to prevent the transfer of nuclear weapons to additional countries (dissemination) and for all states to refrain from the transfer or acquisition of such weapons (proliferation).

Although negotiations on a comprehensive ban on nuclear testing (CTBT) sustained a test moratorium by the three existing NWS from 1958-61, they failed to produce agreement on a treaty. Irreconcilable differences existed over the intrusiveness of its verification system. In

1961 the USSR resumed testing, followed rapidly by the US. In 1963 the attempt to agree a CTBT immediately was abandoned in favour of a treaty which banned tests in all environments except underground, the Partial Test-Ban Treaty (PTBT). In the next year the attempt to reach an agreement on a cut-off of the production of fissile material for military purposes was shelved in the light of the increasing numbers of nuclear power plants under construction in the NWS. This appeared to make it impossible to provide credible assurances on compliance, especially in states such as the USSR where the state owned all its nuclear facilities, making the distinction between military and civil use somewhat arbitrary. This decision was communicated through unilateral statements on measures to limit their future production of fissile materials for military purposes made by the leaders of the three initial NWS in the Spring of 1964.

The demise of active attempts to place quantitative and qualitative limits on the existing nuclear arms race coincided with a more comprehensive attempt to address nuclear disarmament through the medium of UN negotiations on General and Complete Disarmament (GCD). This arose from NATO's commitment to fighting a ground war with nuclear weapons. Underpinning this was the Warsaw Pact's perceived qualitative superiority in conventional weaponry, and the realisation that agreement on nuclear disarmament would only be possible if both conventional and nuclear weaponry were addressed in parallel. In 1962 a set of guidelines for future nuclear disarmament negotiations was agreed, known as the Macloy-Zorin principles. It was also recognised that negotiating GCD as a single package was impractical, and that the most practical way forward was to disaggregate its elements and conduct work on them sequentially. The result was a new work-plan, the Decalogue, which started with a CTBT and moved on to agreements on termination of the production of fissile material for military explosive purposes (a Fissile Material Cut-off Treaty or FMCT) and a nuclear weapon non-dissemination and proliferation agreement. While these actions might not reduce the global numbers of deployed warheads, they would create a nuclear disarmament process and improve confidence between those involved in it.

The development by the US in the later 1950s of bombers with intercontinental range, ballistic missiles (ICBMs) with similar ranges and submarine-launched ballistic missiles (SLBMs) had generated concern among its Western European allies that a decoupling was imminent in the minds of US leaders between the collective defence of Europe and the unilateral defence of the US homeland. The Europeans therefore sought enhanced guarantees from the US that any USSR aggression in Europe would meet with a nuclear response. These focussed on the idea of creating a NATO or Western European strategic nuclear force, capable of both striking at Moscow and giving Western European governments direct involvement in its operation and decision making.

Initial proposals were for a mixed-manned force of surface vessels equipped with US Polaris ballistic missiles (the multilateral force or MLF). Later proposals included the creation of an Allied Nuclear Force (ANF) through which the UK and some US strategic forces would be committed for use by SACEUR. The USSR and its allies strongly opposed these proposals, and favoured the idea of negotiating a nuclear-weapon-free zone in Central Europe as proposed by the Polish Foreign Minister, (The Rapacki plan).

### The Negotiations on the NPT

It was in this international context of stalled nuclear disarmament negotiations, acute tensions over the nuclear aspects of European security, and proposals for delimiting specific geographical areas as nuclear-weapon-free zones that serious discussions, and then negotiations, started on a treaty on the Non-Proliferation of Nuclear Weapons (NPT). Both the US and the USSR had mutual interests in pursuing this item in the Decalogue, and after considerable informal consultations the 1965 UN General Assembly adopted Resolution 2028 containing guidelines for negotiation of such a Treaty. These stated:

- it should be void of any loopholes which might permit nuclear or non-nuclear weapon states to proliferate nuclear weapons in any form;
- it should embody an acceptable balance between the mutual responsibilities and obligations of the nuclear and non-nuclear weapon states;
- it should be a step towards the achievement of GCD, and more particularly nuclear disarmament;
- it should have acceptable and workable provisions to ensure its effectiveness; and

- nothing contained in it should adversely affect the right of any group of states to conclude nuclear-weapon-free zone(NWFZ) treaties.

In early 1966, the multilateral negotiating forum for disarmament agreements was the Eighteen Nation Disarmament Committee (ENDC). This contained several leading non-aligned states, as well as a number of allies of the two superpowers and was linked to, but not part of, the United Nations system, although it met in UN premises in Geneva. The US and USSR were co-chairmen, but the negotiations made relatively slow progress.

In the autumn of 1966 the US and USSR started bilateral discussions on how to word the sections of the treaty dealing with nuclear transfers from the NWS and the non-acquisition of such weapons by the non-nuclear weapon states (NNWS). This wording had to permit the continuance of existing US-UK collaboration, as well as existing NATO arrangements for the transfer of nuclear weapons in the event of hostilities. From a USSR perspective, the key issue was to prevent any MLF type of arrangement being authorised by the treaty. Early in 1967 language was agreed between the two states on these issues (articles I and II of the Treaty), based on the contemporary US nuclear energy legislation. This prohibited the transfer by its government of complete nuclear explosive devices to any other state or international entity in peacetime, and foreclosed on any move by the alliance to adopt multilateral nuclear-weapon sharing. It also meant that the NPT had no provision to explicitly prohibit the storage and deployment of NWS nuclear weapons in a NNWS.

Debate within the ENDC then focused throughout the remainder of 1967 on how to create an effective verification system for the Treaty. Although all parties to the negotiations were agreed that the IAEA should be responsible for its operation, there was disagreement over EURATOM. Several of the Western European states had no national systems for the monitoring and control of their nuclear energy activities, relying on EURATOM for this. The USSR considered this a form of self-policing, rather than independent monitoring, and argued that it did not offer it and its allies adequate assurances that Western European states, in particular West Germany, would uphold their non-proliferation obligations. It wanted full IAEA safeguards to apply to all states. The US's NNWS allies by contrast were arguing that any verification system should be as non-intrusive as possible, and above all offer no commercial advantages to the NWS who were not to be the subject of safeguards.. The dispute was settled in early 1968 through wording for Article III which to allow EURATOM to make an agreement with the IAEA over how Agency safeguards were to apply to EURATOM states.

The text of Article III eventually agreed left two issues undecided or ambiguous: the detailed nature of its IAEA verification system and the obligations of parties to the treaty in respect of transfers to non-parties. While the text indicated that the safeguards system was to focus only on materials, not facilities and materials as was the case with the INFCIRC/66 arrangements, the details were left to the IAEA Board of Governors to decide. In the case of the latter issue, it was unclear whether transfers to non-parties were permissible if the recipient state had an INFCIRC/66 safeguards agreement with the Agency, or whether it also had to accept safeguards over all nuclear materials within its jurisdiction (known variously as NPT, full-scope or comprehensive safeguards) before any transfer could be allowed.

Article IV was also open to differing interpretations. On the one hand it stated an obvious fact related to the nature of state sovereignty, namely that all states had an 'inalienable right' to economic development, and thus to 'develop research, production and use of nuclear energy for peaceful purposes'. On the other, the implementation of this right should be 'in conformity with Article I and II of this Treaty'. Thus although NPT NNWS parties were committing themselves voluntarily to conditions on the exercise of their peaceful right to nuclear energy, the Treaty also recognised the apparently contradictory fact that their rights to peaceful uses were intrinsically 'inalienable'.

Two further articles of the eventual treaty, Article V dealing with peaceful nuclear explosions and Article VII dealing with NWFZ proved relatively uncontroversial. In order to prevent any state acquiring a nuclear weapon under the guise of it being a device for use in a civil engineering project, all work by its NNWS parties on any type of nuclear explosive device was banned. However, Article V permitted the supply of such devices for 'peaceful' purposes by existing NWS. Negotiation of detailed arrangements for this was again left to the IAEA. In the case of NWFZs, Latin American states had decided by 1967 to go ahead with their own regional treaty, partly motivated by a belief that

early agreement on an NPT was unlikely. The resultant Treaty of Tlatelolco opened for signature in February 1967 and prohibited the acquisition, storage and deployment of nuclear *weapons*, rather than nuclear *devices*. However, it had its own regional verification system, which included provisions for challenge inspection, and a secretariat, OPANAL.

Two other elements of the draft Treaty continued to generate significant problems throughout 1967: Article VI and related parts of the Preamble; and Articles VIII and X. The debate over Article VI and the Preamble was essentially over the commitments that would be made by the three nuclear weapon states negotiating the Treaty to engage in nuclear disarmament. Neither China nor France was involved in the negotiations. Among other things, both regarded them as aimed at rolling-back their newly acquired nuclear weapon status.

The debate over the Preamble centred on attempts by the NNWS, particularly India and Mexico, to set out a clear list of priorities for future nuclear arms control negotiations, starting with a CTBT. This would determine the strength of the commitment by the NWS to move towards nuclear disarmament; what other related objectives they were to seek to achieve; and what priority might be attached to them. The outcome was that the achievement of a CTBT was listed first in the preamble, followed by references to the cessation of the manufacture of nuclear weapons, the liquidation of existing stockpiles and the elimination from national arsenals of nuclear weapons and their means of delivery.

By contrast, Article VI emerged as a commitment that:

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

This text left opaque whether it was to be read as a listing of priorities, or whether each action had equal priority. Also, it committed the NWS to 'negotiate in good faith' on such measures, but not agree or implement them.

The debates over Articles VIII and X were almost entirely conducted through bi-lateral consultations between the US and West Germany and the US and Italy, and in NATO forums. The uncertain nuclear security situation perceived to exist by some of these US allies; a lack of belief on their part in the permanence of the existing US nuclear extended deterrence commitments; and an unquestioned belief in the durability of the USSR nuclear threat made them unprepared to give up permanently the option of acquiring their own nuclear weapons. Although the draft treaty text contained provision for a state to give three months notice of withdrawal if '...extraordinary events, related to the subject matter of this Treaty, have jeopardised the supreme interests of its country...', this was not seen to cover situations where gradual changes in the international environment and in US policy made such withdrawal seem prudent. What was therefore sought by West Germany and Italy was a text giving all parties the right to withdraw from the Treaty at the end of fixed periods of time. Also, states would have to make positive decision to continue in membership, rather than this being automatic. This would allow the parties to review their security situation at these dates and decide to make a conscious decision to continue to accept the Treaty's constraints on acquiring nuclear weapons or making a decision, purposeful or otherwise, to abandon them.

Not unnaturally, the US and USSR were both opposed to the weakening of the text implied by such wording. However, the US was concerned that if these concerns were not addressed by the treaty some of its major NNWS allies, such as Italy, West Germany and Japan, might refuse to sign it. By a scheduled NATO summit at the end of 1967, a compromise west-west arrangement had been negotiated consisting of two elements. One was the insertion into Article VIII of a paragraph mandating the three NWS, who were also to be the depositary governments for the treaty, to convene a conference to review the implementation of the treaty five years after its entry into force. If the parties so chose, they could then request the convening of further review conferences at five year intervals. The second was an addition to Article X of paragraph 2, which stated:

twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

The intent of these elements was to offer the allies of the US the opportunity every five years to collectively review the security context for their non-possession of nuclear weapons. After twenty five years it gave them the possibility of making a collective decision to terminate the Treaty by agreeing that its duration should consist of a further short, fixed term or alternatively a series of renewable fixed periods.

In these circumstances, it was not surprising that the non-aligned members of the ENDC found their concerns less than fully reflected in the final text of the Treaty. Although their right to develop nuclear energy for peaceful purposes was emphasised, and partial commitments were made on nuclear disarmament, no mention was made in the text of a further issue they regarded as very significant: nuclear security assurances. Since both superpowers were providing their alliance partners with extended nuclear security guarantees, they argued that they should also provide the non-aligned states with similar legally binding commitments through the new treaty until such time as nuclear disarmament made them irrelevant. Specifically, they were seeking negative assurances that the NWS would not attack them with nuclear weapons, and positive ones that they would go to their aid if they were attacked with such weapons.

Such an insertion would have undermined the existing NATO doctrine of being prepared to initiate the use of nuclear weapons against the territory of the NNWS allies of the USSR in a European ground war. It could thus not be contemplated by the US or its allies. Positive assurances were equally difficult to contemplate, as they implied an open-ended commitment to aid all NNWS parties in all circumstances. More specifically, they would place the US in a difficult situation if Israel *in extremis* threatened its neighbours with such weapons. A further issue was whether the assurances should only apply to NPT parties, or to all states. As a consequence, the treaty text which the two co-chairmen submitted to the ENDC on 11 March 1968 contained no reference to such assurances. This omission was one reason, among others, why India indicated that it was not prepared to sign this text. However, the three NWS did give practical recognition to these non-aligned concerns particularly those of the Arab states, by passing through the UN Security Council on 19 June 1968 resolution 255, whereby the Security Council and 'above all its nuclear weapon State permanent members, would have to act in accordance with their obligations under the United Nations Charter' in the event of a nuclear attack upon a NNWS.

This resolution was passed a week after the co-chairmen's draft treaty, with further amendments, had been passed to the UN General Assembly for its commendation. As a consequence of the Assembly passing a resolution to this effect, the NPT was opened for signature on July 1 1968. It was signed that day by the three depositary states, and came into force on 5 March 1970 when the required 40 states had ratified it.

The NPT that eventually emerged in 1968 had several unique characteristics. One was that it recognised the existence of two classes of state, NWS and NNWS. The former were defined as those which had exploded a nuclear device prior to 1 January 1967. The two classes of state had different rights and duties under the Treaty. Thus non-proliferation was tacitly accepted as a positive objective even if nuclear disarmament continued to be a future goal.. A second was that the Treaty contained a delicate balance between three sets of commitments: the nuclear non-proliferation ones made by the NNWS; the nuclear disarmament ones made by the three NWS depositary states; and the 'inalienable' rights of the NNWS parties to develop or acquire all types of peaceful nuclear technology, in return for acceptance of IAEA safeguards over all fissile materials within their jurisdiction. This meant that it was open to any of its parties to place paramount or exclusive emphasis on any one of these aspects. A third was that while it prohibited the acquisition of all types of nuclear explosives by NNWS, its negotiating history indicates that in 1968 it was not the intention of the US, the UK and their western allies that the Treaty should proscribe the stationing of a NWS's nuclear weapons on the soil of an NPT NNWS; to prohibit plans for their transfer in the event of war; or to prevent assistance by one NWS to another.



## Section 3

### A Short History of the NPT Review Process, 1970-2000

#### Introduction

The entry into force of the NPT was a new departure for policies towards nuclear proliferation and non-proliferation. National policies of technology denial were being reinforced by international policies involving co-optation of, and collaboration with, potential proliferators. Although national technological denial activities and policies of offering security guarantees and transfers of conventional arms continued, the NPT provided a vehicle for states to make a binding legal commitment not to proliferate. This offered a solid basis for co-ercive action against them if, having made that commitment, they disregarded it. It also implied that the proliferation of nuclear weapons to an increasing number of states was no longer inevitable. The Treaty's effectiveness was, however, crucially dependent upon the number of states which became parties.

At first, attempts to persuade states to ratify the Treaty focused upon allies of the US, in particular West Germany and Japan. By 1977 both had become parties, along with other states on the potential proliferation lists of the early 1960s, such as Sweden, Switzerland and Australia. Attention then moved to bringing the large numbers of non-aligned states in Latin America, Africa and Southeast Asia into the Treaty. Numbers of parties slowly increased: 97 at the end of 1975; 114 at the end of 1980; 133 at the end of 1985 and 141 at the end of 1990. From 1990 onwards events moved swiftly, with China and France acceding as NWS in 1992, and two of the six contemporary 'suspect' nuclear-weapon states, South Africa and Argentina, in 1991 and 1995 respectively. Since Brazil had committed itself in 1994 to bring the regional NWFZ Treaty of Tlatelolco fully into force, this meant that it too had made a legal commitment not to acquire nuclear weapons. By 1995, only three states with nuclear capabilities, India, Israel and Pakistan, had made no legally-binding nuclear non-proliferation commitments.

The NPT was a framework treaty, and once it had entered into force efforts commenced to create agreements on the details of its implementation. The resulting collection of norms, rules, behaviours, institutions and arrangements is usually described as the nuclear non-proliferation regime.

#### NPT Safeguards

The first task facing the international community once the NPT had been signed was to negotiate and implement its detailed safeguarding /verification system. As the Treaty gave the IAEA responsibility for verifying that nuclear materials in NPT NNWS were not being used for nuclear explosive purposes, Agency officials had to draft, and gain agreement on its detailed arrangements from the IAEA's Board of Governors. This system was to focus upon accounting for the presence and use of all fissile material within the jurisdiction of the NNWS parties to the Treaty. It was based on NNWS States Parties declaring to the Agency their initial inventories of such materials, and any subsequent changes in their location and size due to transfers between and within states, operations of existing plants or the opening of new plants. Agreement was reached on this in April 1971, and it was known thereafter as INFCIRC/153. This was the number of the IAEA information circular containing details of the model agreement between the IAEA and all NPT NNWS. EURATOM states negotiated a collective agreement of this type, enabling the IAEA to safeguard activities within those states independently of EURATOM.

The INFCIRC/153 system was a compromise between those industrial NNWS which desired as little interference in the operation and cost of their nuclear power systems as possible, and those states wishing to have effective early warning of any diversion from a civil fuel cycle. It focused its activities on the misuse of declared materials and known facilities, rather than searching for undeclared materials and plants. As a result, most of its inspection effort focused upon Canada, West Germany and Japan, even though by the 1980s they appeared increasingly to be unlikely nuclear proliferators. Also, the three NWS made 'voluntary offers' to place elements of their civil industry under IAEA safeguards in order to participate in an exercise of 'equality of misery' with industrial NNWS by shouldering some of the burdens of accepting IAEA safeguards.

One consequence of these compromises became apparent in early

1991 when Agency activities mandated by the Security Council uncovered the full extent of Iraq's clandestine attempts to manufacture fissile material for nuclear weapons, despite its NPT non-proliferation commitments. The result was that member states sought to change some of the Agency's existing safeguarding procedures to enable it to handle future NPT renegades. This culminated in proposals by the Agency Secretariat, initially labelled 93+2, for additional measures specifically geared to detecting undeclared activities and materials.

One key point in the process of strengthening the implementation of safeguards after 1991 was the recognition that although some desirable changes could be made to the existing system of 'comprehensive safeguards' to move its focus from the 'correctness' of a state's declaration to its 'completeness', others would require new legal authority. The changes that did not require further authority included voluntary reporting on all nuclear activities within a state; analysis of open source and other information concerning a state's nuclear activities; and the use of environmental sampling and remote monitoring equipment at sites declared to hold nuclear material. Other changes were the subject of extended negotiations, and it was not until May 1997 that a 'Model Additional Protocol' incorporating them was approved by the IAEA Board of Governors.

The basic concept behind all these changes was that the Agency should provide indirect, as well as direct, assurances that a state's material declarations were complete by auditing *all* activities within a state, both nuclear and non-nuclear, that could indicate the presence of undeclared nuclear materials. The Additional Protocol (known as INFCIRC/540) provided the authority for these indirect activities. It covered information about mining and waste activities; comprehensive state declarations concerning all their nuclear activities; analysis of and comparisons between these state declarations and other sources of information available to the Agency, including open sources such as commercially acquired satellite images; environmental sampling covering the whole of a state's territory; and the right of access to other locations to confirm the status of decommissioned facilities and to resolve inconsistencies between a state's declarations and other information available to the Agency. States which had this protocol in force were described as under 'integrated safeguards'. These centred upon frequent reviews of individual country profiles to provide assurances that no evidence existed of a state diverting declared nuclear materials or being in possession of undeclared nuclear material or engaged in undeclared activities. The stated aim of this new safeguards system was to offer the optimum combination of all safeguards measures and achieve maximum effectiveness and efficiency within the Agency's available resources.

#### Export Controls

National export controls were not specifically mentioned in the text of the NPT, but India's 'peaceful nuclear explosion' of 1974 stimulated supplier states into action on this matter. As the materials for the explosive device had been manufactured in a Canadian-supplied research reactor, attention became focused on two distinct issues: the conditions surrounding the export of nuclear materials and equipment to states that were not parties to the NPT; and whether technology holders should withhold all exports of nuclear equipment which might assist in the production of nuclear weapons if a state decided to proliferate.

The oil crisis of 1973 and the entry of France and West Germany into the market for the export of nuclear technology created acute commercial competition in an expanding and apparently lucrative market. This raised fears that fuel reprocessing and uranium enrichment plants, termed 'sensitive technologies' in this context, would be provided to NNWS customers to enhance the attractiveness of a vendor's civil technology.. Moreover, some interpretations of the text of the NPT suggested that it did not prohibit exports of 'sensitive technologies' to either other NNWS parties to the Treaty or to non-parties. One consequence was that alarm started to be voiced, particularly in the US, that the normative and legal constraints contained in the Treaty were inadequate to deal with the opportunities for proliferation presented by an expanding global civil nuclear industry. This was reinforced by relatively few of the states of contemporary non-proliferation concern having signed and ratified the NPT at that point.

The solution to these evolving concerns was sought through international efforts to co-ordinate export policies; to agree on common guidelines for triggering IAEA safeguards on exports from NPT states; and in US domestic legislation. However, all these activities generated major West-West frictions between the US and its industrialised allies.

The attempt to co-ordinate export policy, and in particular agree a common policy with France and West Germany to prevent transfers of 'sensitive technologies', started with an East-West meeting of major technology suppliers in London in 1974. At French insistence, this and other initial meetings of this 'London Suppliers Club', later renamed the Nuclear Suppliers Group (NSG), were conducted without publicity. This resulted in suspicions in some quarters, particularly among the non-aligned states not members of this group, that this was a conspiracy to deny then the 'inalienable right' of access to all nuclear technology. After months of discussion, agreement was reached among participating states on a set of guidelines for nuclear transfers 'to any non-nuclear-weapon state for peaceful purposes'. They did this by creating 'an export trigger list and ...common criteria for technology transfers'. These guidelines were made public in February 1978 in the form of an IAEA information circular, INFCIRC/254.

This INFCIRC listed those plants and their components which the adherents agreed should in future require a licence before a state would permit their export. Adherents were also expected to ensure that their export control legislation conformed to the guidelines, which stated that suppliers 'should exercise restraint in the transfer of sensitive facilities, technology and weapons-usable materials'. The effect of the first was to make all nuclear transfers positive acts of state policy, thus highlighting the right of any state to refuse to sanction them if it believed they might be used to assist in nuclear proliferation. This, the suppliers argued, was necessary to implement their commitments under the NPT not to assist any state to proliferate. The effect of the second was to create a tacit understanding among all those we were parties to the NSG (as against "adherents"), that in future they would refrain from exporting any reprocessing or enrichment technology. One result was that France halted its assistance in the construction of reprocessing plants to both Pakistan and South Korea. Another that West Germany, constrained its efforts to transfer enrichment and reprocessing technology to Brazil.

The NSG guidelines of 1978 represented the high point of consensus in the later 1970s among the technology supplying states. Elsewhere, irreconcilable views existed over the interpretation of Article III.2 of the Treaty text. This stated that exports by NPT parties to non-parties were only to take place 'subject to the safeguards required by this Article'. Canada and the US argued that in this context 'safeguards' meant INFCIRC/153 safeguards (i.e. safeguards on all nuclear materials within the recipient state). Others argued that it meant INFCIRC/66 safeguards on exported items alone.

Little further movement took place to revise or strengthen the NSG guidelines until 1991, given the political sensitivities over claims by non-aligned states that its operations involved discriminatory activity and were non-compliant with Article IV of the NPT. In that year the revelations about Iraq's clandestine weapon activities led the Netherlands to organise a meeting of parties and adherents to the NSG guidelines to consider their revision. This created several working groups to consider the weaknesses in, and limitations of, the existing guidelines. These included engineering firms in Germany and elsewhere with no previous connections with the nuclear industry being used by Iraq to manufacture materials or components for their clandestine programme. In April 1992 agreement was reached amongst these states on significant amendments to the existing NSG guidelines, INFCIRC/254/Rev.1/Pts.1 and 2 published by the IAEA in July 1992.

These amendments included new guidelines covering exports of items of technology having both nuclear and non-nuclear uses (dual-use items). Also, NSG members agreed to consult with a central information point provided by the Japanese mission to the IAEA in Vienna before making such exports and to automatically reject export requests if another NSG state had recently done so. Finally, all members agreed to make comprehensive IAEA safeguards a condition for supply to non-NPT parties (they already were in respect of NPT parties). It was also agreed that the NSG would meet annually in future, and make positive attempts to expand its membership.

NSG activities were conducted entirely independently of the IAEA. However, Article III of the NPT gave the Agency the specific task of determining which items and materials supplied to non-NPT parties

should be subject to IAEA safeguards. The first version of this 'trigger list' of items, known as the Zangger List, was published in September 1974, and updates were subsequently made on a regular basis. These updates were consolidated into an amended document, INFCIRC/209/Rev.1 of November 1990, the content of which was very similar to the list of NSG guidelines items, though in theory the two lists remained independent of each other and performed different functions.

While the NSG guidelines and the Zangger lists went some way to limiting the nuclear proliferation dangers arising from the anticipated global expansion of nuclear power plants and their associated reprocessing and enrichment facilities US legislators believed that more action was needed. They introduced domestic legislation which both banned the reprocessing of nuclear fuel for civil purposes within the US and halted its national fast-breeder reactor (FBR) development programme, which providing a technical justification for such activities. Their Nuclear Non-Proliferation Act of 1978 mandated the administration to renegotiate the existing bi-lateral agreements for co-operation between the US and other states, and with EURATOM, to bring them into line with US policy. The consequence of these actions and of the election of President Carter in 1976, who had made new initiatives over nuclear non-proliferation a major campaign goal, was acute friction among the leading Western industrialised states over their nuclear energy and industrial policies.

The core disagreement was whether the types of civil nuclear power programmes being pursued by the allies of the US and their technologies, sometimes termed the 'plutonium economy', constituted too great a proliferation risk to be acceptable. No agreement could be reached on this divisive issue, and in October 1977 the International Fuel Cycle Evaluation (INFCE) was initiated to try to reduce these tensions. This was a technical and analytical study, based in Vienna, of the risks involved in the expanded nuclear power programmes. The hope was that this should arrive at some conclusive recommendations on the optimum fuel cycle when viewed from a non-proliferation perspective. By the time it reported in February 1980, however, the issue had become less pressing as the spate of new orders for nuclear power plants which had followed the 1973 oil crisis had peaked. However, the argument that all states should follow the lead the US had given in its domestic nuclear policies was to persist as an intermittent, if usually latent, source of disharmony with several of its major allies, such as Belgium, France, Japan and the UK, who had made significant investments in nuclear fuel cycles involving fuel reprocessing and plutonium recycling.

### Disarmament

When the NPT was signed in 1968, multilateral negotiations to cap the nuclear arms race and reduce nuclear weapon inventories had lost most of the momentum they possessed in the late 1950s. However, a new route to these goals was starting to emerge: direct bilateral negotiations between the US and USSR. These led to the SALT I Treaty of 1972 limiting certain types of strategic armaments; a treaty to limit ballistic missile defences (the ABM Treaty of 1972); agreements to limit both the yield of nuclear weapon test explosions (the Threshold Test-Ban Treaty of 1974) and all underground nuclear explosions for peaceful purposes (the Peaceful Nuclear Explosions Treaty of 1976); a further treaty limiting strategic offensive arms (the SALT II Treaty of 1979); a treaty banning short- and intermediate-range nuclear missiles (the INF Treaty of 1987); and two treaties to reduce the numbers of strategic nuclear warheads and launchers deployed by the US and USSR (later the Russian Federation) (START I of 1991 and START II of 1993). In addition, from 1978 to 1980 there was a trilateral attempt by the United Kingdom, US and USSR to negotiate a CTBT, without any positive result.

There was thus a continuing, if at times halting, effort from 1968 onwards to negotiate nuclear disarmament agreements between the two superpowers, with a focus on reducing numbers of delivery systems. However, in the absence of limits on the numbers of nuclear warheads to be carried on individual delivery systems, the numbers of such warheads in the US and USSR arsenals continued to increase until the early 1990s. Also, all attempts to make progress in multilateral nuclear disarmament negotiations were blocked, with no attempts to negotiate a FMCT and negotiations on a CTBT taking place for only a limited period of time.

With the end of the US-USSR ideological confrontation and the disintegration of the USSR in December 1991, the nuclear arms race between them ceased to exist. One of the direct effects was to stimulate both states into unilaterally retiring and then dismantling large

numbers of their existing nuclear warheads. Two other NWS, France and the UK, also pursued similar policies. More negatively, the situation created a new proliferation challenge. Although all USSR tactical nuclear weapons had been moved to the Russian Federation before its collapse, strategic missiles and bombers, together with their nuclear warheads and bombs, remained operational in Belarus, Kazakhstan and the Ukraine. However, by 1994 arrangements had been made to move all these warheads to the Russian Federation, and for all other states emerging from the demise of the USSR other than the Russian Federation to accede to the NPT as NNWS parties.

The end of the East-West ideological confrontation had several other important effects. One was to assist in making possible a change in regime in South Africa. This in turn enabled it to dismantle its clandestine programme for the production of nuclear devices, join the NPT as a NNWS and then in 1993 reveal details of its former weapon programme. Another may have been to cause the regime in the Democratic Peoples' Republic of Korea (DPRK) to push ahead with the separation of weapon-usable plutonium from indigenously produced reactor fuel, leading to a long confrontation from 1992 onwards between it, the IAEA and the US during which the DPRK gave notice of its intention to withdraw from the NPT, and then 'suspended' that decision. The confrontation was eventually resolved through a framework agreement negotiated between the US and the DPRK in October 1994 under which two large power reactors were to be supplied to the DPRK. In return, the DPRK agreed to freeze all activities involving its indigenously constructed nuclear facilities, and eventually dismantle them.

A further effect was to facilitate progress towards the disarmament objectives the non-aligned states had been seeking to achieve through the NPT. In January 1994 negotiations started in the Conference on Disarmament (CD) in Geneva on a CTBT, while a mandate was also agreed by the UN General Assembly for the negotiation of an FMCT. CTBT negotiations were completed in September 1996 with the signature of a Treaty. However, although the verification organisation associated with the Treaty, the CTBTO, had been brought into being in Vienna by 2000, the refusal of the US Senate to ratify the CTBT, along with several other states whose signature and ratification was necessary before it could come into force, meant that the existing informal moratorium on tests could not be given legal backing. Moreover, completion of negotiations on a CTBT did not lead to negotiations on an FMCT as had been planned, and since 1996 disagreement has persisted within the CD on the mandate and priority to be assigned to this measure, as against at least two other activities.

### Security Assurances and NWFZ

In 1968 an attempt was made by the three NPT depositary states, through Security Council resolution 255, to meet the demands of non-aligned states, particularly Egypt, for positive security assurances. However, the form in which they were offered (three national statements and a resolution which referred to them) was regarded by some states as no more than a restatement of commitments that already existed in the UN charter. Moreover, no attempt had been made at that point to provide NPT NNWS with collective negative security assurances. Pressure for them continued and in 1978 they were provided, though in a form that was again regarded by NAM states as inadequate. In that year the first United Nations General Assembly Special Session on Disarmament (UNSSOD) was held, with all five NWS making unilateral statements on negative security assurances. China's statement was an unconditional one; the French one was limited to states in NWFZs; that of the USSR covered all states that renounced the production and acquisition of nuclear weapons and did not have them on their territories. The UK and the US made a commitment not to attack or threaten to attack a NNWS with nuclear weapons, but excluded from it NNWS allied with a nuclear-weapon state. At the next UNSSOD, in 1982, France provided NNWS with a broadly similar commitment to the UK and US.

As the numbers of non-aligned NNWS party to the NPT increased, so too did their pressure on the NWS to offer enhanced security assurances. Two states took the lead on this issue: Egypt on positive assurances and Nigeria on negative ones. Four types of enhancement were being sought: a common assurance given collectively by all the NWS, rather than a collection of differing unilateral statements; one that was in a legally binding form, rather than just a statement of intent (this implied either an independent agreement or treaty, or a protocol attached to the NPT); one applying to all states, but if this was not forthcoming to all NPT NNWS parties; and one that contained no reservations. However, despite this issue being on the agenda of the

CD and being discussed actively at NPT review conferences, where both Egypt and Nigeria made positive proposals for such enhancements, it was not until 1995 that further changes were made to the existing multilateral security assurances.

The first change was that a new Security Council resolution, 984, was passed on 11 April 1995. This was similar to the 1968 one, in that it based itself on a series of national statements made in letters to the Secretary General on 5-6 April 1995, but it differed in encompassing both negative and positive assurances. Like previous assurances, they were not in treaty form, though some state representatives argued that Security Council Resolutions were legally binding, as therefore these commitments were too. The second change was that although China maintained its unconditional negative security assurance, the other four NWS modified theirs to bring them broadly into line with each other. However, several obstacles were still perceived by the western NWS to stand in the way of an unconditional assurance. One was a reluctance to give up the element of deterrence through uncertainty inherent in conditional negative security assurances. A second was a concern that such a commitment would unnecessarily inhibit a NWS faced with a threat of use of chemical or biological weapons from a NNWS, and indeed might even encourage such a threat.

The NWS also provided security assurances in two other contexts during this period. The first was that as part of the process of transferring to the Russian Federation the USSR's strategic nuclear weapons deployed in Belarus, Kazakhstan and the Ukraine, nuclear security assurances were provided to all of them on 5 December 1994 by the Russian Federation, the UK and the US; on the same day by France to the Ukraine; and in February 1995 by China to Kazakhstan. These commitments were in line with those later contained in Security Council Resolution 984.

The second context was that of NWFZs. The first of the NWFZ treaties covering inhabited areas (the 1967 Treaty of Tlatelolco) contained two additional protocols that were open to signature by states outside the region. The first was for states with dependent territories within the zone: the second was for signature by the NWS. The first effectively prevented any stationing of nuclear weapons within the zone, while the second provided the zonal states with unconditional security assurances. As all the NWS had signed this protocol by the end of 1979, all zonal states had been given unconditional negative security assurances in binding legal form through this route. However, until the 1990s US policy was negative towards the creation of further NWFZs as, among other things, it regarded them as threatening limitations on its freedom to deploy nuclear weapons on a global basis. By 1993 the only additional group of states that had negotiated a similar zone were those in the South Pacific through their Treaty of Rarotonga of 1985. Here, part of the motivation for negotiating the NWFZ was French nuclear testing in the area. As a consequence France, the UK and the US refused to sign any of the three protocols to the Treaty, one of which provided the zonal states with unconditional negative security assurances.

With the end of the global East-West confrontation, the US started to take a more positive view of NWFZs. As a consequence of this, and more importantly the change of regime in South Africa, rapid progress was made from 1993 onwards on the drafting of an African NWFZ treaty containing a protocol on negative security assurances. This work was completed in the summer of 1995, with the official signing ceremony for the document itself, known as the Treaty of Pelindaba, taking place in April 1996 in Cairo. By then a further NWFZ treaty, the Treaty of Bangkok, had been drafted and signed covering Southeast Asia, which also incorporated a protocol containing unconditional negative security assurances from the NWS. However, this protocol has yet to be signed by the NWS, for reasons connected with the wording in the Treaty and its protocols.

### NPT Review Conferences

Article VIII.3 of the NPT mandated that 'Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held ....in order to review the operation of this Treaty...'. The first of these review conferences took place in Geneva in 1975. Although it was a conference of the parties to the Treaty, not a UN one, it hired UN facilities and secretariat personnel for its meetings, as well as adopting rules of procedure based upon those of the UN. It set itself the task of reviewing the implementation of the NPT over the previous five years, rather than the text of the Treaty itself or the global nuclear proliferation and non-proliferation situation *per se*. It created a standard format for future conferences of starting 1-2 years before the event with several

short sessions of a Preparatory Committee (PrepCom) tasked with identifying conference officers and agreeing the agenda and other procedural and administrative arrangements, and then moving on to a main meeting of four weeks duration.

The organisational template used for the Review Conferences involved three phases of work by delegations. The first phase saw heads of delegation of participating state parties making plenary speeches, often drafted in capitals, outlining their initial positions on the issues they felt should be addressed by the Conference. In the second phase, the NPT text was divided between two Main Committees for detailed consideration of its implementation, and for the negotiation and drafting of a text reporting on the scope of a Committee's deliberations and its conclusions. The final phase involved attempts to integrate these Committee texts into a Final Declaration (later Document) of the Conference with the aim of having it agreed by consensus. Formally, this task was assigned to the Drafting Committee, though it also involved other, more *ad-hoc*, groupings and meetings of representatives of groups of interested parties convened by the President of the Conference. Finally, a central structural element of the 1975 conference and its successors was the existence of three Cold War caucus groupings, similar to those found within the UN structure: the Western European and Others Group (WEOG); the Eastern Group; and a Neutral and Non-Aligned Movement (NAM) one.

In the years through to 1995, it became accepted as standard practice that review conferences would be held every five years. The two main Committees were increased to three at the 1980 conference, *inter alia* to allow a representative of each of the caucus groups to chair a Main Committee, with the President nominated by the NAM. At later conferences, a new informal grouping based in Vienna started to emerge, sometimes called the 'white-angels', which consisted of smaller western states who wished to take a more active part in the proceedings than the caucus system allowed, and who performed a limited mediating role between those groups, especially over peaceful uses of nuclear energy. However, despite the existence of the 'white angels', the main issues tended to be addressed on an inter-group basis. Finally, Presidents of specific Review Conferences tended to take a differing view of their role, ranging from a non-interventionist and neutral perspective at one end of the spectrum, to drafting the Final Declaration and attempting to impose it on the conference at the other. In addition, they made differential use of informal consultative groupings centred upon themselves, in one case making extensive use of the 'Friends of the President' and in another no discernable attempt to create and use such a group at all.

The outcomes of the conferences also differed significantly, though the content displayed great consistency despite the gradual increase of the parties attending. At the first conference in 1975 a short Final Declaration was agreed by consensus, partly as a consequence of the strong leadership displayed by the Swedish President. In 1980, under Iraqi presidency, no such document could be agreed. In 1985, with an Egyptian president operating an effective informal consultative system, a final declaration was agreed by consensus, even though differences of view on a key issue was apparent within it. In 1990, under a Peruvian president, irreconcilable differences emerged over the CTBT that a last minute attempt at Presidential leadership could not overcome.

The content of the conference remained relatively static from 1975 through 1990. This was the only Treaty in which the NWS had made a legal commitment to negotiate on nuclear disarmament. The NAM states therefore regarded the NPT review conferences as major forums within which the NWS could be pressurised into moving forward on the disarmament agenda first articulated in the 1950s. As a consequence, action to negotiate a CTBT became the litmus test for them in evaluating compliance with the NPT by the NWS, and the one around which consensus was most likely to break down.

Other issues which had been prominent in the negotiation of the Treaty continued to have a significant role in the review conferences. Enhanced Security Assurances were demanded from the NWS, with little visible effect before 1995. Export Controls proved controversial, especially in 1980 when differences within the WEOG, and between members of it and the Eastern group on the one hand and members of the NAM group on the other, combined to make this a difficult issue to handle. IAEA safeguards also provided a fertile ground for limited disagreements, especially over whether INFCIRC/153 type arrangements should be a condition of supply to non-NPT parties. NWFZ and peaceful nuclear explosives, however, generated less friction, with the latter increasingly been seen as an obsolete element of

the Treaty which was best ignored.

Insofar as accusations of non-compliance with, and non-implementation of, the non-proliferation articles of the Treaty were concerned, debates on these matters focused on what were euphemistically described as 'regional issues'. These were triggered by the concerns Arab states had over Israel's nuclear capabilities, and African states over those of South Africa. Both regional groups viewed NPT conferences as relevant forums to highlight and debate these issues, and ventilate accusations that the Western NWS were aiding Israel and South Africa's alleged military nuclear programmes. The existence of these two regional nuclear proliferation concerns also served to bind the NAM group of states together, as each regional group had a mutual interest in providing the other with support. However, due to the political make-up of the NAM, these parties had little incentive to raise the issue of other potential proliferators, such as Argentina, Brazil, India and Pakistan, despite attempts by certain WEOG states to widen these regional discussions on 'suspect states' to a global level. Finally, acute conflicts between Middle Eastern states also generated complications for the negotiation of a Final Declaration on at least two occasions. In 1985 Iran accused Iraq of attacks on its nuclear facilities, while in 1990 Iraq's attack on Kuwait generated significant complications, although the conference took place before the UN became aware of Iraq's clandestine nuclear weapon programme. Disagreements over the credentials of delegations also played a persistent, if minor, role in such conferences, in particular whether the Palestine Liberation Organisation (PLO) should be granted observer status.

By 1995 NPT review conferences were thus operating within a well-established procedural and substantive pattern, based largely on East-West structures and concerns. Yet the international security and political environment had changed significantly. The 1995 Review and Extension Conference therefore not only had to deal with the issue of the further duration of the Treaty created by the existence of Article X.2; it also had to operate in a substantive context where the proliferation and disarmament debates were changing rapidly.

#### The 1995 NPT Review and Extension Conference (NPTREC)

The NPTREC was preceded by the normal series of PrepCom meetings, though in this case the final one did include some discussion of substantive issues. The objective of achieving agreement on an indefinite duration for the Treaty was the subject of intensive and systematic lobbying by the US, the EU states and other members of the Western Group and their associates. By contrast, members of the NAM were being urged to reject this in favour of more limited periods of extension, in the belief that this would generate periodic opportunities to force the NWS into political concessions over disarmament. At the same time, South Africa had been developing ideas on how to move debates over disarmament away from political rhetoric and towards gaining commitment from the NWS to an incremental process of nuclear disarmament, while Canada had been working on plans for making all the parties more accountable for their actions.

The consequence of these activities, and of perceptions that ultimately it was the NNWS that had more to gain from the NPT in security terms than the NWS, was a lengthy process of negotiations at the Conference on outcomes that would offer gains to most parties. These involved recognising that the majority of the parties favoured the Treaty having an indefinite duration; that a set of agreed *Principles and Objectives for Nuclear Non-Proliferation and Disarmament* should be accepted and implemented; and that *Strengthening of the Review Process for the Treaty* should be achieved through changes in the workings of the existing review process to provide for regular and more effective monitoring of the implementation of the *Principles*.

The overall objective of this unspoken bargain was seen by some of the NNWS involved in the negotiations as the achievement of 'permanence with accountability'. At a late stage in the negotiations, however, the Arab group of states indicated that they were dissatisfied with the outcome, which appeared to have deprived them of the option of threatening to terminate the Treaty if states parties failed to take collective action against Israel's alleged nuclear capabilities. This issue was eventually resolved by the three depositary states (the Russian Federation, the UK and the US) agreeing to sponsor a *Resolution on the Middle East* advocating *inter alia* that it be converted into a zone free of all weapons of mass destruction, and that all states in the region should be NPT parties and accept full-scope IAEA safeguards. Implicitly, the three depositaries could be argued to have committed themselves to implement this resolution. Thus the indefinite duration of

the Treaty was paralleled by all states making commitments to specific substantive actions and to a 'strengthened' review process covering their implementation.

In parallel with the negotiations on the duration of the Treaty, the normal review proceedings had also been taking place, though the main focus for heads of delegation until the final two days was the duration decision. As a consequence, no Final Declaration was forthcoming from the Conference, despite the DPRK and Iraq being in non-compliance with their safeguards agreements with the IAEA during the review period.

#### The Strengthened Review Process, 1997-1999

One effect of the decisions in 1995 was to create a set of general guidelines for the 'strengthened' NPT review process, though its detailed modalities remained to be addressed. One key change was that sessions of the PrepCom for a Review Conference were to be held in each of the three years preceding it, rather than immediately prior to it. Each session was instructed to consider 'principles, objectives, and ways to promote the full implementation of the Treaty, as well as its universality'. In order to do this, it was to consider specific matters of substance, with particular reference to the *Principles and Objectives* decision document, including 'the determined pursuit by the nuclear weapon States of systematic and progressive efforts to reduce nuclear weapons globally.' The PrepCom was also instructed to take into account the *Resolution on the Middle East*.

The Chairman of the 1997 PrepCom session modelled its structure on that of the Review Conferences, with a Plenary and then three 'cluster' discussions, whose focus closely resembled that of their three Main Committees. An attempt was made at this first meeting to develop two documents: a consensus 'rolling text', which some believed was intended to form the basis for recommendations to the Review Conference, and a compendium of proposals made by states parties during the session. In addition, it was proposed that 'special time' should be allocated to three specific topics at the 1998 PrepCom

session. Ultimately, a report was agreed on all these issues for transmission to the next session.

The 1998 PrepCom session implemented the proposal for 'special time', though this was allocated within the clusters rather than separate from them as some states were concerned, *inter alia*, that this would set a precedent for the creation at the Review Conference of the 'subsidiary bodies' which had been mentioned in the 1995 document. However, the session itself was beset by conflicts over the implementation of the *Resolution on the Middle East* and the powers of the PrepCom sessions, in particular whether their discussions and recommendations had to be limited to issues relevant to the Review Conference or could also involve current but transient events. One consequence was that although very limited progress was made on updating the compendium of proposals and developing the "rolling text", the parties were unable to agree on a consensus report to the next session.

Consequently, the Chairman of the 1999 session was confronted with no formal guidelines from the previous sessions on how to generate recommendations to the Review Conference, or how to structure the meeting. However, the parties rapidly agreed an agenda and work plan, and also to the discussions on recommendations being based upon an amended version of the 1997/8 rolling text. All negotiations on the wording of the recommendations to the Review Conference all took place in plenary. No recommendations could be agreed either on substantive issues or the establishment of Review Conference subsidiary bodies, as had been mandated by the 1995 document. One result was that the PrepCom did not comment on the nuclear tests of India and Pakistan that had taken place immediately following the 1998 PrepCom, or the self-declared nuclear status of these states. Thus, although the sessions facilitated regular monitoring of the regime, they failed to achieve many of the objectives set for them in the 1995 documents, or produce consensus recommendations on urgent non-proliferation issues.

## Section 4

### The 2000 NPT Review Conference

#### The Negotiations

The 2000 RC opened positively. Presidential consultations had produced agreement on creating two 'subsidiary bodies', SBI on Disarmament within Main Committee I (MCI) and SBII on Regional Issues within Main Committee II (MCII). The three MCs and the two SBs started work in the middle of the first week, after the United States and Egypt agreed that the *Resolution on the Middle East* would be handled as a regional question in SBII, whose remit also included Israel and Iraq, as well as India, Pakistan and the DPRK.

After private negotiations in the margins of the CD in Geneva, and then in New York, all five NWS presented a joint statement to the RC at the start of the second week, signalling their willingness to shelve their differences on nuclear weapon issues in the interests to facilitate a consensus Final Document. The second week of the Conference was spent collecting ideas in the MCs and SBs, and converting them into draft texts. At the end of that week the President convened an informal plenary on possible changes to the implementation of the strengthened review process, proposals ranging from the third PrepCom session alone being required to produce recommendations to its RC; the creation of an NPT Management Board; and halving the time allocated for PrepCom sessions but convening an additional session in the year following a Review Conference.

Main Committee reports were scheduled for completion at the end of the third week. As all five reports contained sections of non-agreed text, the chairs of four of the five bodies were asked to continue seeking clean texts, while the President took over the task of producing a clean MCI text. Three types of activities then took place in parallel. MCII and III met in open informal session to seek clean texts of their reports. The President convened a meeting of a group of 'representative countries' to identify agreed language for the text of the MCI report, but by mid-week this activity had been abandoned. Also, private negotiations were convened at the request of the President of the Conference to address disagreements over the text on regional issues being negotiated in SBII.

In addition, private negotiations were initiated between the NWS and the NAC by mutual agreement outside the UN building. These concentrated on achieving agreement on a forward-looking document on disarmament. When their existence was discovered by accident by a television crew they were 'legitimised' by moving them into the UN building. By the Wednesday evening these discussions had become stalemated, though a core document did exist. When they reconvened on Thursday the UK and the US indicated that they were prepared to accept the document as it stood if the NAC would do so. Despite reservations over its content, Russia indicating it was prepared to go along with the UK – US proposal, and France followed its lead. China remained unhappy about a paragraph on transparency, but eventually accepted the text.

Negotiations on a backward-looking text between the NWS and the NAC, now joined by Indonesia, Germany and the Netherlands, continued throughout Thursday, and it was agreed to reconvene early the next morning. At that point the UK proposed that those involved should agree to accept the text that then existed as the consensus backward-looking document on disarmament, with some balanced amendments and deletions. France indicated its support for this approach and the specific proposals made by the UK. South Africa, speaking for the NAC, confirmed that they were in broad agreement with the UK approach, but made a counter-proposal for some modifications to the UK package. These were accepted by France, Russia, the UK and the US. Both China and Indonesia, representing the NAM in this context, were thus confronted with a *fait accompli*, which they eventually accepted. A consensus text had thus been agreed for both the forward- and backward-looking disarmament documents, the area that in the past had been the main stumbling-block to a consensus Final Document.

At this stage, the roadblock to a consensus Final Document became language on Iraq's non-compliance with the Treaty. Tortuous negotiations between US, Iraq and others, both in New York and capitals, eventually resulted in agreement on a text by mid-day on Saturday (the clock having been stopped late Friday). The Drafting

Committee then produced the text of a Final Document. This included a text on recommended changes to the review process, which up to that point had neither been formally presented nor discussed by delegations. The impetus to agree a text placed states under intense pressure to cut-out disputed language, and agreement was reached on the Final Document late on the Saturday afternoon, though several states indicated in their closing speeches their dissent over specific aspects of the consensus document..

## Substantive Issues and Products of the Conference

### i. Universality

The 2000 RC named for the first time all those states (Cuba, India, Israel and Pakistan) which were non-parties to the Treaty. It also 'deplored' the Indian and Pakistan nuclear test explosions, declaring that 'such actions do not in any way confer a nuclear-weapon State status or any special status whatsoever'. Universality also generated difficulties in the areas of technical co-operation with non-parties and the creation of reporting mechanisms. Some NAM states wished to see a total cessation of all nuclear-related assistance to non-parties, even though this appeared contrary to the text of the Treaty. The result was that that full scope (FSS) IAEA safeguards as a condition of material or equipment supply to such states was absent from the text. Although formal dialogues were proposed with non-parties, no agreement was possible, though all States Parties were requested to report on their efforts to realise the goals and objectives of the 1995 *Resolution on the Middle East*.

### ii. Non-Proliferation

Two parties to the Treaty were the subject of allegations of non-compliance with Articles II and III of the NPT: the DPRK and Iraq. As the former was absent, a text could be agreed noting that the IAEA had been unable to verify its initial declaration of nuclear material and thus could not conclude that no diversion had occurred. By contrast Iraqi delegates were present and it had been certified by the IAEA to be non-compliant with its safeguards agreement prior to 1991, though the IAEA had reported that all clandestine activities had been accounted for and a regular IAEA inspection had taken place in Iraq in early 2000. This led Iraq to argue that it had been fully compliant with the Treaty since 1995, and that its non-compliance with UNSC resolutions, including the non-implementation of the comprehensive system for monitoring WMD activities within Iraq, was irrelevant.

Some states, however, regarded it as unacceptable to say nothing about Iraq, especially given a statement by an IAEA representative that 'in all the years between 1991 and 1999, the Agency has not been able to conclude that Iraq complied with its safeguards agreement'. The compromise language eventually agreed noted that a regular inspection had been carried out in January 2000 of the material subject to safeguards and reaffirmed 'the importance of Iraq's full continuous cooperation with IAEA and compliance with its obligations'.

### iii. Disarmament

The debate over disarmament centred upon whether the NWS should make an unconditional commitment to disarm, and the practical steps that should be taken in the next five years to further this objective. On the first issue, two statements were agreed. One was an 'unequivocal undertaking by the nuclear weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under Article VI'. The second was a reaffirmation that 'the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control'. Those arguing that the first statement was unconditional pointed to it being number six in a list of thirteen points, with the second statement at number eleven. Those arguing it was conditional upon general and complete disarmament pointed to the wording of Article VI, which calls for the pursuit of negotiations on 'nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control'. Their argument was that the latter was legally binding whereas the 2000 document was only politically binding, and it mandated that both objectives had to be pursued in parallel.

On practical steps,, negotiations focused on how to enhance the 'action plan' contained in paragraphs 3 and 4 of the 1995 *Principles and Objectives* document. The forward-looking document that eventually emerged, usually termed 'the 13 steps', was much more comprehensive and wide ranging than that agreed in 1995. It was a practical and comprehensive nuclear disarmament agenda, containing

a mixture of unilateral, bilateral and multilateral activities, in contrast to the Treaty's focus upon engaging in multilateral negotiations and agreements. It also offered an incremental vision of how to move towards nuclear disarmament, in contrast to the 'time-bound framework' proposals prominent before 2000.

The backward-looking element of the disarmament debate concentrated on whether its pace had been satisfactory, and how to evaluate the significance of the numbers of nuclear weapons remaining; the proposal by the UN Secretary General for the convening of a conference on eliminating nuclear dangers; on the significance of the 1996 ICJ advisory opinion on *Legality of the threat or use of nuclear weapons*; on the inability of the CD to initiate negotiations on an FMCT; and on the significance of the de-targeting declaration contained in the joint statement by the NWS.

### iv. Nuclear-Weapon-Free Zones (NWFZ) and Security Assurances

The states parties found little difficulty agreeing language on the general desirability of additional NWFZ; on the need for relevant ratifications to bring existing treaties into full operation; and on welcoming and supporting efforts to set up a NWFZ in Central Asia. Arab states wanted Israel to be urged by name to take the steps needed to implement a NWFZ in the Middle East. This issue was resolved by restricting the naming of Israel to the regional issues part of the Final Document. Although it had been anticipated that security assurances would be a major issue at the RC, the Final Document merely called for recommendations on this to be made to the 2005 Review Conference..

### v. IAEA Safeguards and Export Controls

IAEA safeguards generated considerable controversy, both in their own right and because of their links to regional issues. Some states argued for this Protocol to become an integral part of Agency safeguards. Other wanted to continue to conduct trade with non-parties on the basis of INCIRC/66 safeguards alone. NAM countries wanted language calling for 'the total and complete prohibition' of the transfer of nuclear related equipment and materials, and of technical assistance, to non-parties (i.e. Israel). Other states argued that such acts would be contrary to the language of the Treaty. None of these differences were resolved.

Language on both the work of the Zangger Committee and the NSG was opposed by NAM states who claimed they were barriers to economic development. Iran also contested the right of the United States and others to refuse nuclear-related transfers to states whose non-compliance with the Treaty had not been verified by the IAEA.

### vi. Peaceful Uses

Debates on this topic centred upon the implementation of the 'inalienable right' of states to enjoy the peaceful benefits of nuclear energy. Issues here included whether all states, not just States parties to the Treaty, should enjoy these benefits and the role of nuclear energy in sustainable development.

## Some Implications of the Conference

As the products of the meeting started to be examined, questions emerged about what had actually been agreed; what the commitments in the 'programme of action' contained in the Final Document actually meant; and how they could be implemented.

### i. The Treaty and the Review Process

The messages for the Treaty and its review process contained in the Final Document of the 2000 RC were at best confusing. On the one hand, the outcome suggested that among the elements that generated success were effective chairmanship of the MCs and SBs; a President who pursued a non-interventionist policy and left the resolution of key issues to the parties to the Treaty; and one who held his nerve in the end game and was not panicked into accepting a suboptimal result. On the other hand, the problems encountered over the issue of Iraq's non-compliance with the Treaty pointed to an inherent flaw in the nature of the rules of procedure for RCs: those accused of non-compliance with the Treaty cannot be denied their voting rights, and thus can veto any statements about their actions they disagree with.

On a more specific level, some of the changes introduced into the review process in 1995 seemed to have been vindicated. The two SBs did focus attention on key issues at the Conference. What did not occur, however, was any conscious and visible updating of the 1995 *Principles and Objectives* document. While the contents of this 1995 document were reaffirmed, the amendments to it were spread

throughout the text. In addition, the contents of the 1995 Document were not used in any conscious way as yardsticks for assessing performance over the previous five years. As a result, the ties binding the ongoing review process to the 1995 document were partially cut, making it more open to change at future Review Conferences.

Perhaps more significantly, the PrepCom process was given little further guidance by the Final Document. Although the concept of the PrepComs preparing the ground for the RCs, other than in a very general way of educating participants about the issues, had not been implemented any effective way in 1997–99, the 2000 amendments offered little hope that this would occur in future. For they did not require the parties to arrive at any consensus recommendations for transmission from the first two PrepCom sessions to the third (their product was now to be a factual summary of the discussions). However, the third was still expected to provide draft recommendations to a Review Conference, though some new reporting commitments were created in areas such as disarmament and the *Resolution on the Middle East*.

#### iv. The Caucus Groups

While the three Cold-War caucus groups (NAM, Western and others and Eastern) appeared indispensable for allocating conference offices, one was a hollow shell and the others had predominantly information, rather than policy co-ordination, functions. As a consequence, regional and interest based groupings played a more significant role than before. In the case of the NAM, Arab and other regional groupings sought to pursue their specific interests through its consultative mechanisms, but agreed NAM positions were often coupled with contradictory regional and interest based ones. Interest based regional and global groupings also abounded: the NATO-5; Finland and Sweden; the Vienna-based G-10; Australia and Japan; the South Pacific States (SOPAC) and the Caribbean Island States (CARICOM). It was the seven states of the NAC, however, which stood out as the completely new and highly significant player in this context. They formed an interest based coalition, seeking agreement on an expanded range of commitments on disarmament, while also pulling together the traditional groupings over this issue on language they had proposed. To do this they had to negotiate with the loosely-linked grouping of the five NWS. It was in this context that the key issues of the forward-and backward-looking language on disarmament were resolved.

## Section 5 The 2005 NPT Review Cycle

### The First PrepCom Session, 2002

This took place after 9/11 the US decision to give notice to the Russian Federation of its withdrawal from the ABM Treaty.

#### **Administrative and Procedural Matters in the 2002 Session**

The 'cluster' discussions took place on the basis of the areas addressed by the three main committees at Review Conferences, with 'special time being allocated to:

- i) the implementation of nuclear disarmament;
- ii) regional issues, in particular implementation of the 1995 Resolution on the Middle East; and
- iii) safety and security of peaceful nuclear programmes.

The first week of the session saw no agreement on the indicative timetable, due to a refusal of France and the US to accept any version referring to the commitments on reporting contained in the disarmament and regional issues sections of the 2000 Final Document. This threatened to derail the session before it had started. The conference then proceeded on the basis of the existing draft timetable, and a compromise was reached on the Agenda at the end of the first week by omitting specific reference to the controversial activities.

The 2000 Review Conference Final Document had mandated that the 2002 PrepCom discussions be factually summarised and the results transmitted to the next PrepCom session for further discussion. However, guidance was lacking on who should write the report; whether and how the Chairman would consult delegations on its wording; and whether there should be an attempt to have it accepted as a consensus document.

The chairman resolved these issues late in the session by indicating that he was proposing to issue the text on his authority alone as an annex to its formal report, and that while he would consult informally on its substance it would not be open to negotiation or amendment. This text was issued to delegations late on the penultimate evening of the session. Although several states regarded it as unbalanced for a variety of reasons, all were prepared to accept that it should be 'transmitted to the next session for further discussion'.

#### **Substantive Issues in the 2002 session**

The 'discussions' at this session mainly focused upon providing information on the policies and attitudes of states parties towards a well-established and familiar range of topics. What was new was the decision, heavily influenced by the events of 9/11, to schedule 'special time' for a discussion on the safety and security of the nuclear fuel cycle (i.e. nuclear terrorism).

The 66 statements delivered during the general debate, including those of the EU, the NAM and the NAC, mainly concentrated on re-stating familiar positions rather than offering new ideas. Although spokespersons for the United States argued that the Bush

Administration was committed to nuclear disarmament, there was a widespread perception that its actions suggested otherwise, as did leaked elements from its still classified Nuclear Posture Review (NPR). No discussion occurred on recommendations on legally binding Security Assurances. This led to complaints of backtracking by some of the NWS on their existing unilateral nuclear security assurances provided to NNWS through the NPT and NWFZ treaties, triggered by statements from UK and US government ministers and officials that their existing commitments not to use nuclear weapons against NNWS might be inoperative in certain circumstances (i.e. Iraq).

Vigorous statements about Iraqi non-compliance with the NPT drew equally combative responses from their representatives, but, in the absence of a DPRK delegation, there were no similar interchanges over their actions. Israel was also discussed, but overt disagreements were avoided. Similarly concern was expressed over the delicate nuclear relationship between India and Pakistan, and the impact of the 'war on terrorism' upon this.

Statements on IAEA safeguards mainly focused upon the need for those parties that had not done so to sign and implement an INFCIRC/153 safeguards agreement, and for those who had done so to sign and implement an Additional Protocol. However, some states in the Middle East made it clear that they regarded Israeli signature of an INFCIRC/153 type safeguards agreement as having a greater priority than the acceptance of the Additional Protocol by other states in the region. The discussions on peaceful uses covered several new NPT issues, not least those relating to nuclear and radiological terrorism and theft. This gave a new dimension to discussions on physical protection and the sea transportation of nuclear waste, as well as raising the profile of ideas for a Convention on Nuclear Terrorism.

The reporting issue cloaked significant differences over how the disarmament provisions of the 2000 Final Document should be implemented, and the proposition that in 1995 the 'permanence' of the Treaty had been exchanged for 'accountability'. Some states, clearly regarded reporting to a common format at every NPT PrepCom session or Review Conference as a new core NWS commitment, and thus considered it to be a substantive, rather than purely procedural, issue. For their part, the NWS understood their reporting obligations in much less specific terms, with no standard format and 'regular' not necessarily meaning 'at each meeting'.

### The Second PrepCom Session, 2003

This took place in the context of several events which posed major challenges to the nuclear non-proliferation regime, including the DPRK's January 2003 NPT announcement of its intention to withdraw from the Treaty; U.S. allegations of undeclared Iranian nuclear activities; the December 2002 publication of the U.S. National Security Strategy; and the U.S.-led invasion of Iraq.

### Administrative and Procedural Matters in the 2003 Session

The 2003 session opened with the Hungarian Chairman using the procedural device of retaining the DPRK's nameplate in his custody to prevent any debate on whether or not it had met the necessary legal conditions for withdrawal from the NPT. The 2002 session had created a precedent for the 2003 document, and the Chairman's factual summary was appended as a draft annex (annex II) to the formal report of the session. Its text borrowed heavily from that of 2002, with many paragraphs being identical. Close reading of the text revealed, however, an attempt to distinguish between issues on which there was some consensus and those where it was lacking. During the session, the US prioritized allegations of Iranian non-compliance and undeclared nuclear activity. In contrast to 2002, the only direct reference to Iraq was in connection with progress in establishing a NWFZ in the Middle East.

### Substantive issues in the 2003 session

The 2003 PrepCom session again served to provide information on the policies and attitudes of states parties towards a well-established range of issues, the majority of which had already been addressed by the first PrepCom session. However, there were some new issues, many of them generated by the Iran and DPRK nuclear programmes and their implications, and some arising from the discussions at the 2002 session.

Several NNWS expressed scepticism of the NWS commitment to implement the '13 steps' agreed in 2000. The NWS for their part offered individual accounts of the progress that had been achieved in this direction in differing formats, and argued that expecting progress in all areas was unrealistic. The US and Russia highlighted their ratification of the Moscow Treaty/Treaty on Strategic Offensive Reductions (SORT), while the UK made a presentation of their research on verification of nuclear weapon dismantling and decommissioning. France described the progress of its plans to dismantle its fissile material facilities and nuclear weapons testing site. China criticized specific activities of other NWS, such as the development of low-yield nuclear weapons; failures to ratify the CTBT; and the weaponization of outer space. Although the Moscow Treaty was generally welcomed, it was argued that reductions in deployments and levels of operational readiness could not substitute for irreversible cuts in nuclear weapons. The continued deployment and development of non-strategic nuclear weapons was an issue singled out for condemnation by an increased number of states compared with 2002, including Austria, Germany, the NAC states and the Netherlands.

NNWS delegations such as those of Australia, Malaysia, Norway, the NAM, and several OPANAL states stressed the need for unconditional negative security assurances and no-first use policies. Malaysia, the NAM and Norway in particular reminded the session of the previous proposals for drafting a legal instrument and the recommendation that a subsidiary body be established within Main Committee I at the 2005 RC. The NAC states went further by submitting a working paper (*NPT/CONF.2005/PCII/WP.11*) containing a detailed draft protocol on this subject, similar in most respects to that submitted by South Africa during the 1999 PrepCom (*NPT/CONF.2000/PC.III/9*).

The perceived threat from nuclear terrorism resulted in great emphasis being placed on strengthening the safety and security of the nuclear material and facilities used in peaceful applications. Statements were also made by Australia, Japan and the United Kingdom concerning the maritime transport of nuclear material, which had relevance in both a safety and regional context.

Export controls were linked into discussions on both the peaceful uses of nuclear energy and the prevention of terrorist access to fissile material. Some states highlighted the importance of efficient export control organisations, especially the work of the NSG and Zangger Committee, in denying unauthorized access to fissile material. Iran argued that unilaterally enforced export control regimes contravene the NPT text and prevent developing states accessing nuclear materials and equipment for peaceful purposes.

The issue of universality generated both positive and negative reactions. While appropriation of the DPRK's nameplate limited debate on the issues surrounding its January 2003 withdrawal announcement, some felt this illustrated the NPT parties unwillingness to confront non-compliance with the Treaty. Calls for all the remaining non-NPT states (India, Israel and Pakistan) to accede to the Treaty as NNWS continued to be articulated.

The accession of Cuba to the Treaty of Tlatelolco and the NPT was widely welcomed as a positive development, particularly as it meant the NWFZ in Latin America and the Caribbean had become universal. Less obvious was the severing of the implicit linkage between condemnation of Iraq's activities and the naming of Israel that some regarded as underpinning the 2000 NPT Review Conference Final Document.

Procedural efforts to facilitate implementation of the Treaty continued to be a background issue during the session. Varied arguments were advanced for the need for greater transparency and accountability, and methods of reporting remained a source of considerable friction, particularly over the implementation by the NWS of the '13 practical disarmament steps'. The assumption that this would be an effective means of assessing disarmament implementation gave it significant substantive implications. In addition, attempts were made at instituting interactive exchanges on substantive matters, particularly on disarmament issues.

### The Third PrepCom Session, 2004

This meeting took place following the emergence of a series of new challenges to the nuclear non-proliferation regime, including the gradual unveiling of A.Q. Khan's clandestine nuclear procurement network based in Pakistan; the implications of Libya's decision to dismantle its clandestine WMD programmes; and the admissions of major failures in assessments of intelligence by the US and other states over alleged Iraqi WMD activities. It again saw the Chairman retaining the DPRK's nameplate in his custody. After the opening of the cluster discussions in closed sessions as had been the rule since 1997, the Committee agreed on its fifth working day of to allow NGO observers to attend the remaining meetings as observers and receive documents from these sessions.

No agreement was possible on the indicative timetable for the session until its fourth working day. The delay resulted from disagreements over the allocation of special time for security assurances (which was seen by some as a precursor to a subject being allocated subsidiary body status in the RC). Agreement was eventually achieved by allocating special time to discussions on disarmament; regional issues (including discussions on the 1995 Middle East resolution); and safety and security of peaceful nuclear programmes (but not to security assurances). However, the session failed to reach agreement on many of the procedural arrangements previously deemed necessary for a smooth start to a Review Conference, including its agenda and the provision of background documentation for delegations. This arose from the implicit linking by some delegations of the draft wording in these procedural decisions with several substantive issues, in particular the authority, status of, and significance to be attached to the 2000 Review Conference Final Document (and the "13 steps" therein). Also, it was not possible to agree recommendations on specific substantive matters as mandated in the decision on *Strengthening the Review Process for the Treaty* in 1995. Neither was there an agreed recommendation on the subsidiary bodies to be established within the Review Conference's Main Committees. Finally, no recommendations were agreed on legally binding security assurances, as mandated by the 2000 RC.

All that emerged from the session was a short, largely administrative, final report which made recommendations on those procedural issues which would allow planning for the 2005 Review Conference to proceed. The Chairman on his own initiative produced a factual summary of the substantive debates which generated considerable criticism, and there was no agreement on annexing it to the report of the session, as had happened in 2002 and 2003. Instead, a slightly amended version was issued as a working paper of the session on the Chairman's own authority. In a new development, US criticisms of the original text were also included in the official records as a working paper.

### Substantive issues in the 2004 session

While the NWS collectively continued to defend their progress in implementation of the 2000 '13 practical steps', the US and France attempted to exclude any prioritisation of them in recommendations to the Review Conference, and thus any recognition of these as commitments of indefinite duration. This stance contributed significantly to the lack of consensus on the final report and the Chairman's summary of the session. As in previous sessions, NNWS continued to stress the general importance of regular reporting by NWS, and their specific commitment to submit specific and regular reports to each PrepCom and RevCon session on their implementation of the '13



practical steps'.

A working paper, submitted jointly by Belgium, The Netherlands and Norway called for the periodic submission by NWS of 'the aggregated number of warheads, delivery systems and stocks of fissile material for explosive purposes in their possession'. The NAM argued that reporting by the NWSs should provide information on future intentions and developments. . Canada suggested that reporting on the progress on disarmament could be complemented by comprehensive reporting by all states on the implementation of the Treaty in its entirety.

The PrepCom had been tasked with making recommendations to the 2005 RevCon on legally binding security assurances. This issue proved so contentious that opposition to NAM demands for the allocation of 'special time' to the subject in 2004 not only delayed the adoption of the session's timetable, but also prevented any recommendations being sent to the 2005 Review Conference. Whilst some statements called for the adoption of an unconditional, legally binding legal instrument, others stressed the need to establish a subsidiary body on this at the 2005 RC. all stressed the importance of security assurances in addressing the concerns of NNWS and in strengthening the non-proliferation regime.

Brazil, Japan, and Nigeria all commented on the importance of compliance with both non-proliferation and disarmament commitments, and that the success and credibility of the regime rested on the reciprocal bargain between the NWS and NNWS over these issues. Many NNWS argued that they had an 'inalienable' right to develop and pursue peaceful uses of nuclear energy, and that this was equally important to the other two pillars of the NPT, disarmament and non-proliferation.

By contrast the US, and others argued that compliance with Article II provisions should take precedence over all other issues; be the criteria for providing assistance for peaceful nuclear programs; and that the standards for judging and enforcing non-compliance should be re-assessed and adjusted to prevent proliferation break-outs. They advocated limiting nuclear enrichment and reprocessing facilities to NPT states parties 'in good standing already in possession of such facilities that are full-scale and functioning'. France outlined seven conditions for the export of sensitive materials and equipment, including 'the highest standard of nuclear security and safety,' and 'an analysis of the stability of the country and the region'. Germany suggested that the role of the UN Security Council in judging and addressing acts of non-compliance should be strengthened and proposed the establishment of a 'Code of Conduct' with automatic provisions for responses to such acts, as well as including in supply agreements statements 'that the items delivered should remain under IAEA safeguards if the recipient state withdraws from the NPT'

Several States Parties argued for ratification of an Additional Protocol being a condition for all future nuclear transfers.. By contrast, the NAM state parties argued that the 'efforts towards achieving universality of comprehensive safeguards' should not 'wither in favor of pursuing additional measures and restrictions on non-nuclear weapon states'. In addition, the US argued that states parties under investigation for non-compliance should not vote on their case in hearings before the Agency's Board of Governors or any NPT Special Committee that might be created in future to consider compliance and verification matters

States parties emphasized the importance of strengthening physical protection measures applicable to nuclear material and facilities, including enhanced national legislation on physical protection; improved border controls; supporting IAEA efforts in this area; and amending the extending the Convention on the Physical Protection of Nuclear Material to go beyond nuclear material in transit. The US also proposed that domestic legislation should be passed by all states in response to the provisions of UN Security Resolution 1540. For their part, the NAM expressed concerns over nuclear waste dumping and called for 'effective implementation of the Code of Practice on the International Transboundary Movement of Radioactive Waste of the IAEA'.

In its working paper, the League of Arab States called for states 'to refrain from entering into any agreement with ...[Israel] in the nuclear field' as well as for the submission by states parties of 'reports on the steps taken by them for the implementation of the 1995 resolution on the Middle East'. There were also various calls for Iran to provide full and transparent cooperation with the IAEA to resolve any outstanding non-compliance questions, as well as for its prompt ratification of the Additional Protocol. The need for continuation of the Six-Party talks in order to achieve a peaceful resolution of frictions and a nuclear

weapons free Korean peninsula through regional dialogue was also stressed.

Many state parties continued to emphasise the importance of measures to strengthen existing nuclear export controls. Germany suggested the need for the IAEA 'to define the minimum standard of export controls in the nuclear field that is necessary to achieve the non-proliferation goals of the NPT'. It also proposed that the IAEA should have a larger role in assisting NPT member states to improve the effectiveness of their nuclear export control arrangements.

## **The 2005 NPT Review Conference (May 2-27, 2005)**

### **Organisational and Procedural Matters**

The president again took custody of the DPRK's nameplate to limit discussion on its status. No state sought to prevent the initial plenary debate from starting, but it was accepted that until outstanding issues from the 2004 PrepCom (the Agenda and the number and focus of the subsidiary bodies) were resolved meetings of the MCs could not proceed. An initial proposal was reportedly rejected by the Iranians, as it contained references to reviewing "recent" events. An attempt was then made to split the problem into two components. The first was to develop the agenda discussed in 2004 by stripping it of all references to the products of previous RCs, which would remove the objections of the US and France. The second was for the president to make an explanatory statement for the summary record which would contain "coded language" sufficiently opaque to be acceptable to these two states, but reflecting the NAM position on the agenda.

Efforts then became focused on agreeing the wording of this presidential statement, with Egypt insisting initial drafts were inadequate because they contained no overt reference to the 2000 Final Document. Proposals for allowing state parties to make their initial MC statements informally failed to generate support as they could not be included in the summary records. Attention therefore switched to extending the initial plenary debate to allow states to make their MC statements in that context.

Following intensive and extensive discussions among the regional groups, the president believed at the end of the first week that agreement was possible on the wording of both the agenda and his explanatory statement. However, when he presented these to the plenary, the Egyptian delegation objected to the wording of his statement and offered alternative language. Consultations then had to start anew on a revised version of the two-component mechanism, in an atmosphere of enhanced friction and accusations of bad faith.

By Wednesday afternoon of the second week the president announced that agreement existed on the president making his statement, followed by a statement from the Malaysian chair of the NAM group and the UK chair of the Western European and Others Group (WEOG) explaining their interpretations of his statement. (While this agreement to disagree resolved the immediate impasse, it became apparent in the final week of the RC that no clear understanding existed between the regional groups on how these statements were to be reflected in any Final Document).

Three hurdles still prevented an immediate start on the work of the MCs: procedural decisions on their allocation of work; the numbers and subject matter of their subsidiary bodies; and who would chair them. Their resolution only proved possible through an integrated package. This took another five working days to agree. The core problem was the allocation of subjects to the subsidiary bodies within the three MCs. Seven topics had been put forward as possible subjects: negative security assurances (NSAs); the 1995 Middle East Resolution; regional issues; disarmament; the NPT's institutional deficit; Article X and the process of withdrawal; and nuclear disarmament education.

An initial agreement was that there should be only one subsidiary body attached to each MC. SBI would cover both disarmament and NSAs; SBII would focus on regional issues (including the Middle East), as in 2000; while SBIII would focus on both Article X issues and the institutional deficit. The WEOG and Eastern Groups were largely supportive of this proposal, but the NAM argued for SBs on both disarmament and NSAs, the limitation of SBII to the Middle East Resolution, and no SB on Article X or the institutional deficit.

Discussions continued informally over the second weekend, but with little discernable result. Pressure was meanwhile building to find some way of starting the discussions normally undertaken through the MCs. A plenary meeting as convened on Tuesday, 16 May, to enable the 38 conference documents and 37 working papers then in existence to be

introduced formally. Five states introduced a range of papers, either on their own behalf or groups. At that point, Iran intervened to complain that the debate was extending into the areas normally covered by the MC debates and suggested this would make agreement to move forward into MC discussions impossible.

That afternoon, two documents that had been circulating informally since the previous Thursday were tabled, and all main groupings and states parties indicated they were reluctantly prepared to go along with them. The need for continued consultations within and between elements of the NAM as a result of their internal disagreements resulted in no final decisions being made for another 24hrs, at which point the president announced that unless the issue of the MCs and SBs was resolved that day, he would offer the conference an alternative way forward as it could no longer hope to complete its work using the traditional procedures. At the same time he proposed an indicative timetable giving the majority of the remaining available time to the subsidiary bodies in line with the NAM negotiating position.

The plenary then heard a series of statements nominally to introduce conference papers, but in practice papers prepared for the MCs. At the end of the afternoon the president announced that arrangements had been agreed to permit the MCs and SBs to start their work the next morning, Thursday, 18 May. This involved accepting the documents first circulated five days previously on the allocation of work, with the president declaring his understanding that "each of the MCs will allocate within themselves time to their SBs in a balanced manner on the basis of the proportions used in the last conference". The subsidiary bodies were "Nuclear disarmament and negative security assurances" (SBI), "Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East resolution" (SBII), and "Other provisions of the Treaty, including article X" (SBIII). The time remaining left these bodies with an impossibly short work period for an inherently difficult task. The three MCs and their SBs were allocated six sessions each instead of the possible seventeen that would have been available on the original schedule.

Friction continued to be visible over how time was to be allocated within the subjects assigned to SBI and SBII. Draft reports from chairs of the MCs and SBs had to be circulated before all parties had stated their positions. Also, there was no time in some instances for any discussion before decisions were made on whether these reports were to be forwarded to the Drafting Committee. All draft reports had square brackets around either sections of text not agreed or the whole text.

The first report to be considered for forwarding to the Drafting

Committee was from MCII and SBII on the afternoon of Tuesday, 24 May. The chair of MCII reported that as it was not possible to produce consensus reports from either body, and as two states (Egypt and Iran) had made it clear they would only allow consensus texts to go forward, he had no option but to send a short technical report to the Drafting Committee with no texts attached (the precedent from all previous Review Conferences was to allow such texts to be passed through to the final stages of the drafting process).

On Wednesday morning the reports from MCI and SBI came up for final consideration in parallel with those from MCIII and SBIII. The former received different treatment than that given to MCII and SBII. Those states that had opposed non-consensus texts from MCII being sent to the Drafting Committee were prepared to allow them to go forward from MCI and SBI, as they were in favour of texts on disarmament and security assurances being given a prominent status in the conference report. These reports were agreed first, there being no objection to the attachment of non-consensus texts.

In the case of MCIII and SBIII, which was taken last, it was argued that this text should not go forward as there was no consensus over it, due in part to an Egyptian tactic of tabling at a late stage a paper on another "provision" of the treaty. The MCIII text was much closer to a consensus document than any of the others, as it was strongly supported by the European Union (EU) and many industrialized states, though opposed by Iran and Egypt. However, the chair was prevented from trying to push the text through the committee by a last-minute objection from the United States. The only texts on substance that were sent forward to the Drafting Committee were thus those attached to the technical report from MCI/SBI.

As the Drafting Committee could use only the products from the committees to produce a Final Document, there was no substantive product from the conference. The only option that remained was for the president to put his own document to the conference, as had happened in 1975. This option had been discussed informally for some days, but he chose not to do so, no doubt influenced by indications from an Iranian diplomat at a Track II meeting the previous weekend that even the blandest of final declaratory statements would be opposed.

On Friday, 27 May 2005 the conference agreed on a technical report on its activities, with the MCI/SB1 non-consensus drafts attached, whilst a range of states seized the occasion to make statements reflecting on what had happened.

## Section 6 The 2010 NPT Review Cycle

### The First PrepCom Session, 2007

#### **Administrative and Procedural Matters**

In the light of events at the 2005 RC, the chairman made extensive efforts to agree the agenda for this meeting in advance. The situation was complicated, however, by ongoing negotiations and IAEA/UNSC activities to constrain Iran's indigenous nuclear enrichment and reactor programmes. When the meeting started the chairman believed he had agreement on his proposed agenda from all of the main players in 2005. This contained inclusive wording in its para.6, which read:

*Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3 of the Treaty, in particular consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East adopted in 1995, and the outcomes of the 1975, 1985, 2000 and 2005 Review Conferences, including developments affecting the operation and purposes of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty.*

This formula satisfied Egyptian wishes to highlight the issue of Israel's reputed nuclear weapon programme. It also covered the 13 practical disarmament steps of 2000 and at the same time accommodated US and French wishes not to see implementation of these steps singled out for special attention. It also allowed for discussions of current non-

proliferation issues, including the situation over Iran and the DPRK.

During the chairman's consultations, Iran had voiced objections to the elements relating to 'developments affecting the operation of the Treaty' and the reaffirmation of 'the need for full compliance with the Treaty'. However, when he asked the PrepCom to adopt this draft agenda, the Iranian delegation responded by proposing changing the final phrase from 'reaffirming the need for full compliance with the Treaty' to 'reaffirming the need for full compliance with all articles of the Treaty', wording taken from the agenda agreed for the 2002-4 PrepCom cycle, in order to remove what they argued was its anti-Iranian focus. At least one key delegation regarded the two formulations as having the same meaning. Others were not prepared to accept any changes to the chairman's compromise agenda. The chairman therefore adjourned discussion of this issue to allow for further bilateral consultations.

By Thursday the general debate had concluded, and as in 2005 some delegations were discussing moving forward to the cluster discussions within the context of an extended plenary meeting. Pressure for starting the cluster sessions within the plenary continued to rise, as expectations increased that Iran was seeking to block any product arising from the meeting in order to prevent the record and products of the session containing any adverse statements about its nuclear policies.

At a plenary late on Friday intended to enable work to start in the clusters the following Monday. Iran refused to change its position. South Africa then proposed that the PrepCom should keep the chairman's language for the agenda, but adopt a decision that it understood the

contested language to mean 'full compliance with all the provisions of the Treaty'. Cuba, then chairing the NAM, indicated that they were not prepared to proceed with the substantive debate without agreement on the agenda, while Algeria raised the issue of how precisely the South African proposal would be documented. When participants reassembled on the Monday morning, many delegations were debating whether an early closure of the session was becoming inevitable. Even if there was a rapid agreement on the agenda, there might be further delay before a schedule of work could be agreed. Delegations therefore started to turn their attention to converting their planned cluster speeches into working papers to record their views in the formal report from the meeting. When the PrepCom reconvened in plenary on the Monday afternoon, it took a decision on the dates and venue for the next session, thus guaranteeing this event would occur. Meanwhile, informal discussions had become focussed on how to handle the anticipated choice between having too little time for effective cluster discussions and closing the session early without them.

Late on the Tuesday morning, the chairman re-opened the plenary session, and proposed that the meeting accept the South African compromise wording, and also take note of an indicative timetable allocating one 3hr session for each of the three cluster and three special time sessions. The special time items were to be on the topics covered in the subsidiary bodies established for the 2005 RC. Iran asked for the floor and complained about a number of aspects of the proceedings, but stated that in a display of good will, its government could accept the agenda if it included the footnote to item 6 of the provisional agenda that had been proposed by South Africa. The meeting then accepted the chairman's proposed agenda and noted his revised indicative timetable.

The three days of cluster debates that ensued proved to be very constructive in a number of ways. The collective will and positive atmosphere generated by the long-drawn out process of agreeing the agenda led to the chairman's proposal that speeches remain within time limits of 5 minutes for states and 8 minutes for groups being adhered to. This resulted in 30-36 speeches being delivered at each session. In some cases, this even left time at the end for spontaneous and unprepared interactions between states. It also made for sharper and more focussed debates. Due to the earlier delays the number of working papers reached a record 74 (including one for the first time from Palestine), greatly increasing the costs of the conference as many had to be sent to New York for translation.

The chairman was left with 75 minutes on Friday to finalise his factual summary of the proceedings, and distribute it to delegations. This proved to be an incisive, lengthy and balanced document. As was expected, many complained about its detail, but almost all states were prepared to support it given their collective determination to reverse the lack of visible agreement from the 2005 Review Conference, and the problems created by Iran over the agenda.

Caucus meetings were then held over how to handle both the substance of the report and the formal procedure for handing it on to the 2008 session. Some states had difficulty with annexing the summary to the formal report from the meeting as had happened in 2002 and 2003, but they were prepared to give it the status of a working paper from the conference, as had happened in 2004. Iran, however, was not prepared to accept this compromise. This threatened to prevent any product emerging from the session, including the placing on the record of the agreement reached on the current and future PrepCom agendas. After some hours of argument and both bilateral and multilateral meetings between the chairman and key states and caucus group chairmen, Iran was persuaded to go along with a compromise consensus view that the formal report contained the future agenda and the chairman's factual summary be recorded as a working paper of the PrepCom session.

#### **Substantive issues at the 2007 PrepCom Session**

See *First Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Chairman's Working Paper (NPT/CONF.2010/PC.1/WP.78)*, reproduced in Part II, Section B, pp8-11 below.

#### **The Second PrepCom Session, 2008**

The political context of this meeting included the continued stand-off between Iran and other parties over its enrichment programme and the contested existence of an alleged Syrian reactor built with DPRK assistance that had been attacked from the air by Israel.

#### **Administrative and Procedural Matters**

As the Agenda for this PrepCom session had been agreed in 2007, and no state sought to re-open the issues which had arisen over it, there were no procedural delays in moving from the plenary to the cluster discussions. The result was that an indicative timetable was adopted of: three sessions for general debate; one session for NGOs to address the PrepCom; two sessions to debate "cluster 1" issues; two sessions to address nuclear disarmament and security assurances; two sessions on "cluster 2" issues (i.e. IAEA safeguards and nuclear weapon free zones); two sessions on Regional issues including the resolution on a Middle East Nuclear Weapon Free Zone; two sessions for "cluster 3" issues including nuclear energy for peaceful purposes and its safety and security; and two final sessions on "other provisions of the treaty including article X" and the right to withdraw from the treaty, and issues such as UN Security Council Resolution 1540.

The chairman's uncontested decision to operate under the same speaking rules as in 2007, (i.e. 5 minutes for individual statements by states party), maximised the time available for interactive debate and resulted in the meeting finishing its detailed work by the middle of the second week, well ahead of its indicative timetable. The time made available did however enable a number of key procedural decisions to be made including the location and date of the 2009 PrepCom; its chairman; the location and date of the 8<sup>th</sup> Review Conference; and the Secretary-General of the Conference. Questions were also raised regarding how the presidency of the 2015 RC should be decided though there was no challenge to the NAM nominating the president from one of its regional groups in 2010. The cumulative problems arising from states parties not paying their contributions to NPT, resulted in a request that the UN provide a report on outstanding contributions.

Although the atmosphere of the meeting had been relatively low key and harmonious, in contrast to 2007, the soundings taken by the chairman indicated that he was unlikely to gain a consensus for his factual summary to be annexed to the formal report of the meeting as had happened in 2002 and 2003. He therefore decided to issue his summary as a working paper, as in 2007. This attempted to represent the views of the parties in a balanced manner, and as had become normal at such meetings, a number of states made final statements highlighting their disagreements with it.

#### **Substantive issues at the 2008 PrepCom Session**

See *Second Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Chairman's Working Paper (NPT/CONF.2010/PC21/WP.43)*, reproduced in Part II, Section B, MCIS CNS NPT Briefing Book 2010 Edition, pp19-23

#### **The Third PrepCom Session, New York, May 4-15 2009**

The political context of this session included the continued stand-off between Iran and other parties over its enrichment programme and the ongoing attempts by the IAEA to clarify whether a building in Syria destroyed by Israeli military action had contained an undeclared nuclear reactor. Also, the entry into office of US President Obama and his April 5 Prague speech about nuclear disarmament was seen to herald a new US willingness to engage constructively on this issue, thus improving the atmospherics of the meeting.

#### **Administrative and procedural matters at the 2009 PrepCom Session**

The Chair's proposals for the Agenda of the 2010 Review Conference and on specific issues to be addressed by Main Committees I, II and III of the RevCon were agreed on the third day of the meeting, thus guaranteeing that there would be no repeat in 2010 of the prolonged lack of agreement on these issues and the delay in starting committee discussions experienced by the 2005 RevCon. Furthermore, the states parties reached agreement on almost all the outstanding procedural and administrative issues. The only procedural issues left undecided were the subject matter of the Subsidiary Bodies within the three Main Committees, and whether there would be a single Final Document from the conference or more than one.

States parties also engaged in discussions in the PrepCom's three "clusters" and the special time within them, on the basis of the "5 minute Rule" introduced in 2007. The resultant focussed and fast-moving discussions enabled the Chair to circulate a set of draft substantive recommendations to delegations towards the end of the first week. During the second week the Chair engaged in discussions on these

among interested parties, which led to a revised version being issued in the middle of that week. Requests were made to the Chair that he produce a final version to see if it was possible for the PrepCom to accomplish something which none of its predecessors since 1995 had managed to achieve: sending a consensus set of recommendations to the RevCon. However, when this third version was opened to debate on the final morning of the session it rapidly became clear that some parties wished for further textual changes. At that point the Chair judged that no further progress was possible, and moved to gain agreement on the formal report from the meeting and close the session

### Substantive issues at the 2009 PrepCom Session

See the three versions of the Draft Recommendations to the 2010 NPT Review Conference (*Final Draft Version of Chair's Recommendations to the 2010 NPT Review Conference*; *Draft Recommendations to the Review Conference – Revision 1*; and *Draft Recommendations to the Review Conference*). in Part II, Section B, MCIS CNS NPT Briefing Book 2010 Edition, pp 4-10

### The 2010 NPT Review Conference (May 3-28, 2010)

#### International Context

The atmospherics of the 2010 conference were much more positive than in either 2000 or 2005. Its three preparatory meetings had been held in a generally co-operative atmosphere, and many states and commentators had emphasised their concerns over the negative consequences for non-proliferation of a 'failed conference', and the global significance of it producing a positive result. In stark contrast to 2005, the preparatory process had left only one immediate procedural issue to be resolved: the subject matter of the Subsidiary Bodies (SBs) attached to each of the three Main Committees (MCs).

The Obama Prague speech; his convening of a nuclear security summit at heads of state level; the Russia-US agreement on a follow-on to START I; the constructive public actions of both the French and UK governments in making their nuclear stockpile numbers more transparent; and the early presentation of a P5 statement all indicated that the nuclear weapon states (NWS) were prepared to engage seriously on nuclear disarmament and warhead reductions. They had made significant efforts to discuss with Egypt and the Arab states possible steps to implement the 1995 Resolution on a Middle East Nuclear Weapon Free Zone, while Egypt and the Arab states had offered practical ideas on how an ongoing process of engagement on this issue might be started. However, the IAEA had highlighted alleged nuclear activities in the DPRK, Iran and Syria as sources of concern, suggesting that consensus on any references to them in a Final Document from the Conference would be difficult to achieve.

#### Substantive Issues

As was to be expected, the process of creating bargaining positions during the initial weeks of the conference led to considerable friction and several polarised positions and apparently irresolvable policy differences. Key issues that emerged for both the review of the treaty and any forward-looking action plan included:

- o non-compliance with treaty obligations;
- o a time-bound framework for disarmament, and starting work on a Nuclear Weapons Convention to replace the NPT;
- o de-legitimising nuclear weapons on both human rights and legal grounds; giving them a diminishing role in security policies; and reducing their operational status;
- o transparency by NWS of their nuclear weapon capabilities, including inventories of weapons; implementation of confidence building measures; and development of nuclear disarmament verification systems;
- o CTBT ratification and entry into force;
- o moratoria on the production of fissile materials for weapons and starting FMCT negotiations within the CD;
- o NATO nuclear "sharing" and the stationing of US nuclear weapons outside national territories;
- o nuclear security assurances and no first use commitments;
- o ratification of NWFZ protocols and removal of their conditionality;
- o a NWFZ in the Middle East;
- o India, Israel and Pakistan becoming members of the treaty as NNWS, and the DPRK situation;
- o the voluntary/mandatory status of the IAEA additional protocol, both as an integral part of the safeguards standard for NPT parties and a condition of exports to non-parties;
- o enhancing technical co-operation over peaceful uses with

- developing states;
- o the 'Renaissance' of nuclear power and its consequences, including the need for a new generation of proliferation resistant reactors;
- o multilateral approaches to the nuclear fuel cycle;
- o nuclear security and the Washington nuclear security summit;
- o a legally binding instrument to outlaw attacks on nuclear facilities;
- o NPT institutional reforms;
- o universality of the treaty; export controls; and new supply arrangements, including the US-India deal and nuclear assistance to non-parties (i.e. Israel); and
- o Article X and the legal consequences of withdrawal, including continuation of safeguards, the role of the Security Council and the inclusion of dismantling/return clauses in supply contracts.

#### Decision Making Processes and Conference Products

One of the first decisions of the President was to repeat the tactic used in all NPT meetings since 2003 of avoiding discussion of the DPRK's NPT status by taking custody of its nameplate. Agreement was then reached in the middle of the first week on the subject matter of the Subsidiary Bodies, with SBI focussing on Nuclear Disarmament and Security Assurances; SBII on Regional Issues, including the Middle East and the Middle East Resolution; and SBIII on Other Provisions of the Treaty (Articles IX and X) and Institutional Issues. These bodies were to operate in informal session, with representatives of NGOs and international organisations excluded, in contrast to the situation with the Main Committees.

Iran played a major pro-active role both before and during the conference, in an apparent effort to prevent adverse wording on its policies appearing in any written output. It's game plan over the first three weeks appeared to be to prevent any consensus on the draft documents produced by the Main Committees and their Subsidiary Bodies by insisting that initial NAM positions should not be changed. In parallel, it was able to exclude any direct or indirect criticism of its enrichment programme in written drafts, and to focus attention on Israel's failure to accede to the NPT. It also argued for a totally transparent and inclusive decision-making process at the conference, thus allowing it to maximise its control over the drafting of any final document. When the deadline for the Main Committees to report was reached at the end of the third week of the conference, Friday 21 May, its representatives insisted that all Committee and Subsidiary Body Chairs should report to the President that a) there was no agreement on their existing draft texts, and b) none of those texts should be forwarded to him, thus giving them no formal status and seeming to block any consensus product emerging from the traditional reporting channels.

At that point in the proceedings, Iran had to go along with the President's decision that the Committees and Subsidiary Bodies would continue their work for a further day, and accept the circulation at midnight on Monday 24 May of an annotated "Draft Presidential Final Declaration" based on previous committee work. They clearly were unhappy when the President started to work through this text section by section in plenary late on the morning of Tuesday 25 May and, having failed to prevent this move, indicated that they wanted to be free to challenge this procedure and any documents emerging from it later. Aided by others, they then responded by seeking to insert a large number of amendments into the Presidential draft. One result was that this read-through process continued into the afternoon of Wednesday 27th May.

At its conclusion, the President requested that three informal groups should restart negotiations over wording on nuclear disarmament; peaceful uses; and Article X and institutional change, with a deadline of submitting agreed language by 1300 on Thursday 28th. In all these discussions, the Iranians ensured no agreed texts resulted for report to the President. In parallel, negotiations including Iran had been taking place in private in the Egyptian mission among 16-20 key delegations on wording on key issues in the outcome documentation.

Late on Thursday afternoon a plenary was convened at which the President's "Draft Final Document" was circulated. This was in two parts. The first was a non-consensus report on the review of the treaty containing language describing the nature of disputed evaluations of the implementation of treaty commitments, with a footnote in an extremely small font indicating that "The review is the responsibility of the President and reflects to the best of his knowledge what transpired with regard to matters of review". The second section entitled "Conclusions and recommendations for follow on-actions" was

intended to be a consensus document, given that the footnote to the first implied it only covered the review of the Treaty.

This separate section covered 64 "Actions" in the three NPT issue areas (pillars) of Nuclear Disarmament (22), Nuclear Non-Proliferation (24), and Peaceful Uses of Nuclear Energy (18). It also contained a 10 point document on "The Middle East, particularly implementation of the 1995 Resolution on the Middle East" containing five "practical steps", with a final paragraph on "other regional issues" to address the DPRK situation. (The non-consensus report also contained six action statements, three of which duplicated ones in the Action plan and three of which were unique to it). The President then announced that the conference would meet one final time the next day to either accept his text as the Final Document from the conference, or reject it.

This final Plenary eventually met on Friday afternoon, being held up, it was suggested, by the need for the Iranians to receive instructions from Tehran, President Obama having already signed off on the document (even though it contained no negative comments about Iran's activities). At this meeting the President justified the non-consensual nature of the review of the treaty by reference to the precedent set in 1985, when the issue of completing a CTBT had been treated in this way. Iran chose not to block acceptance of the document circulated the previous night, as the Arab states had made it clear that they were satisfied with the 10 point document on the Middle East Resolution incorporated within it, and would not support any attempt by Iran to place this in jeopardy. This enabled the "Final Draft Document" to be agreed without opposition (i.e. by consensus) for inclusion in the Conference final report. (In the Final Document placed on the UN website after the Conference, the non-consensual view was stated to have been "noted" by the Conference, while the consensual part was "adopted".) However, Iran did make its disappointment clear over the limited movement on nuclear disarmament in its explanation of vote afterwards, as did a number of other states.

The unique structure of the 2010 Final Document was important, as for 35 years NPT parties had been constrained by the procedural understanding of always seeking a mandatory consensus document as the product of an NPT Review Conference. The clear division made in 2010 between the review of the operations of the Treaty, which contained "some think this, some think that" language to handle areas of acute disagreement and was not a consensus document (but was agreed by consensus), and the consensus forward looking action plan covering all pillars of the Treaty, is a precedent that could be adopted in future years. This would enhance the chances of arriving at future outcomes that can be characterised as successful. Indeed this may prove to be the main "institutional change" generated by this Review Conference. Suggestions for more extensive changes only resulted in a proposal in the review section of the document for the creation of a dedicated NPT post within the UN Office of Disarmament Affairs. Voluntary funding will be required for this, and its implementation is to be addressed in the next review cycle.

Any text of 28 pages agreed in 20 working days of negotiation and bargaining with little prior preparation will inevitably have drafting flaws, repetitions and omit language that many regarded as desirable: it will be a compromise. The 2010 Final Document is no exception. For example, the language in the action section of the document lacks precision in many areas over which states are being enjoined to act in relation to the recommendations. The words "all states" and "nuclear weapon states" are frequently used without qualification as to whether it is "all UN states" or "all NPT states parties", while the term "nuclear weapon states" often fails to distinguish between "NPT nuclear weapon states" and non-NPT "nuclear weapon states". The result is that some actions appear to be the responsibility of states with no legal obligation to carry them out (i.e. those states non-parties to the Treaty).

For the first time, the review document covered implementation of all articles of the Treaty by including Article X on withdrawal. Although this did not translate into an element in the action plan, the precedent it set for further attempts to clarify how this article should be translated into practical actions (and the concerted actions by Iran to have it removed when at one point it appeared the text would imply that all fissile material created before withdrawal from the treaty should remain under safeguards in perpetuity), may also prove to be significant in future.

In the same context, it should be noted that whereas in 2000 the principle of irreversibility was to apply to "nuclear disarmament, nuclear and other related arms control and reduction measures", this has now been widened to all parties being committed to apply through Action 2 "the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations". Arguably, this moves the States parties closer to having IAEA safeguards continue to apply in perpetuity to all materials and facilities acquired or created before a withdrawal from the NPT.

However, it is Action 5 which displayed the most significant changes compared with the 2000 text. It committed individual P5 states to **engage** with each other bilaterally or multilaterally on disarmament issues. As these are the only NPT states with nuclear weapons, this approach offers a more practical and realistic chance of progress than previous commitments made within the larger inclusive NPT context. Over the previous 45 years this encouraged diplomatic game playing but produced little practical action. Action 5 commits the NWS to "accelerate concrete progress on the [13] steps leading to nuclear disarmament".

More significantly it lists an additional 7 practical steps with which they should "promptly engage". For example, Action 5b committed the NWS to address the issue of nuclear weapons "regardless of their type and location". This effectively committed the Russian Federation to address (though not negotiate) the issue of non-strategic nuclear weapons as part of a "general nuclear disarmament process" and the United States the weapons it stores in NATO states. Action 5d committed them to discuss policies that could "prevent the use of nuclear weapons and eventually lead to their elimination"; 5e to "consider... reducing the operational status of nuclear weapon systems"; and 5g to "further enhance transparency and increase mutual confidence". In addition, the NWS were called upon to "report the above undertakings to the Preparatory Committee at (sic) 2014". Each P5 state therefore made an individual obligation to implement the seven actions through each progressing towards them when their analysis of the security situation determines that the conditions were ripe for this.

Action 5 therefore involves a marked departure from the situation created in 2000. In that year, all the NPT states agreed a list (para.15.9) of only six practical steps, and called on all states parties had to produce regular reports on progress (with "regular" undefined). In 2010 the states parties legitimised and delegated the NWS individually and collectively to address, consider or discuss the seven enhanced specific steps and report on this activity within a time - bound framework: the 2014 PrepCom session. In effect, they were given authority to discuss these steps among themselves, rather than in a wider multilateral forum, as well as committing themselves to report on them to the much wider NPT forum by a set date. Finally, Action 23 "encourages" all the NWS to agree as soon as possible a standard reporting form to provide information on nuclear disarmament voluntarily and invites the UNSG to establish a publicly accessible repository for it.



## A — The Nuclear Non-Proliferation Treaty (NPT)

### Treaty on the Non-Proliferation of Nuclear Weapons

[Opened for signature 1 July 1968,  
entered into force 5 March 1970]

The States concluding this Treaty, hereinafter referred to as the 'Parties to the Treaty',

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to co-operate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in co-operation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

Urging the co-operation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the 1963 Treaty banning nuclear weapons tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

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,

Have agreed as follows:

#### Article I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

#### Article II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

#### Article III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfilment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide:

- (a) source or special fissionable material, or
- (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

#### Article IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also co-operate in contributing alone or together with other States or international organisations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

#### Article V

Each Party to the Treaty undertakes to take appropriate measures

to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

#### Article VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

#### Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

#### Article VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depository Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depository Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realised. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depository Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

#### Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depository Governments.

3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositories of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depository Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depository Governments pursuant to Article 102 of the Charter of the United Nations.

#### Article X

1. Each 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 jeopardised the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardised its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

#### Article XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depository Governments. Duly certified copies of this Treaty shall be transmitted by the Depository Governments to the Governments of the signatory and acceding States.

**IN WITNESS WHEREOF** the undersigned, duly authorized, have signed this Treaty.

**DONE** in triplicate, at the cities of London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight.

#### Parties to the NPT

[as at 31 January 2012]

Country	Signature	Ratification/ Accession/ Succession
Afghanistan	1 July 1968	4 Feb. 1970
Albania	—	12 Sept. 1990
Algeria	—	12 Jan. 1995
Andorra	—	7 June 1996
Angola	—	14 Oct. 1996
Antigua and Barbuda	—	17 June 1985
Argentina	—	17 Feb. 1995
Armenia	—	15 July 1993
Australia	27 Feb. 1970	23 Jan. 1973
Austria	1 July 1968	27 June 1969
Azerbaijan	—	22 Sept. 1992
Bahamas	—	11 Aug. 1976
Bahrain	—	3 Nov. 1988
Bangladesh	—	31 Aug. 1979
Barbados	1 July 1968	21 Feb. 1980
Belarus	—	22 July 1993
Belgium	20 Aug. 1968	2 May 1975
Belize	—	9 Aug. 1985
Benin	1 July 1968	31 Oct. 1972
Bhutan	—	23 May 1985
Bolivia	1 July 1968	26 May 1970
Bosnia and Herzegovina	—	15 Aug. 1994
Botswana	1 July 1968	28 Apr. 1969
Brazil	—	18 Sept. 1998
Brunei Darussalam	—	26 Mar. 1985
Bulgaria	1 July 1968	5 Sept. 1969
Burkina Faso	25 Nov. 1968	3 Mar. 1970
Burundi	—	19 Mar. 1971
Cambodia	—	2 June 1972
Cameroon	17 July 1968	8 Jan. 1969
Canada	23 July 1968	8 Jan. 1969
Cape Verde	—	24 Oct. 1979



Central African Rep.	—	25 Oct. 1970	Mexico	26 July 1968	21 Jan. 1969
Chad	1 July 1968	10 Mar. 1971	Micronesia (Fed. States of)	—	14 Apr. 1995
Chile	—	25 May 1995	Monaco	—	13 Mar. 1995
China**†	—	9 Mar. 1992	Mongolia	1 July 1968	14 May 1969
Colombia	1 July 1968	8 Apr. 1986	Montenegro	—	3 June 2006
Comoros	—	4 Oct. 1995	Morocco	1 July 1968	27 Nov. 1970
Congo	—	23 Oct. 1978	Mozambique	—	4 Sept. 1990
Costa Rica	1 July 1968	3 Mar. 1970	Myanmar	—	2 Dec. 1992
Côte d'Ivoire	1 July 1968	6 Mar. 1973	Namibia	—	2 Oct. 1992
Croatia	—	29 June 1992	Nauru	—	7 June 1982
Cuba	—	4 Nov. 2002	Nepal	1 July 1968	5 Jan. 1970
Cyprus	1 July 1968	10 Feb. 1970	Netherlands	20 Aug. 1968	2 May 1975
Czech Republic	—	1 Jan. 1993	New Zealand	1 July 1968	10 Sept. 1969
Democratic People's Republic of Korea***	—	12 Dec. 1985	Nicaragua	1 July 1968	6 Mar. 1973
Democratic Republic of Congo	22 July 1968	4 Aug. 1970	Niger	—	9 Oct. 1992
Denmark	1 July 1968	3 Jan. 1969	Nigeria	1 July 1968	27 Sept. 1968
Djibouti	—	16 Oct. 1996	Norway	1 July 1968	5 Feb. 1969
Dominica	—	10 Aug. 1984	Oman	—	23 Jan. 1997
Dominican Republic	1 July 1968	24 July 1971	Palau	—	14 Apr. 1995
Ecuador	9 July 1968	7 Mar. 1969	Panama	1 July 1968	13 Jan. 1977
Egypt	1 July 1968	26 Feb. 1981	Papua New Guinea	—	13 Jan. 1982
El Salvador	1 July 1968	11 July 1972	Paraguay	1 July 1968	4 Feb. 1970
Equatorial Guinea	—	1 Nov. 1984	Peru	1 July 1968	3 Mar. 1970
Eritrea	—	16 Mar. 1995	Philippines	1 July 1968	5 Oct. 1972
Estonia	—	31 Jan. 1992	Poland	1 July 1968	12 June 1969
Ethiopia	5 Sept. 1968	5 Feb. 1970	Portugal	—	15 Dec. 1977
Fiji	—	14 July 1972	Qatar	—	3 Apr. 1989
Finland	1 July 1968	5 Feb. 1969	Republic of Korea	1 July 1968	23 Apr. 1975
France†	—	2 Aug. 1992	Republic of Moldova	—	11 Oct. 1994
Gabon	—	19 Feb. 1974	Romania	1 July 1968	4 Feb. 1970
Gambia	4 Sept. 1968	12 May 1975	Russian Federation*†	1 July 1968	5 Mar. 1970
Georgia	—	7 Mar. 1994	Rwanda	—	20 May 1975
Germany	28 Nov. 1969	2 May 1975	Saint Kitts and Nevis	—	6 Nov. 1984
Ghana	1 July 1968	4 May 1970	Saint Lucia	—	28 Dec. 1979
Greece	1 July 1968	11 Mar. 1970	Saint Vincent and the Grenadines	—	6 Nov. 1984
Grenada	—	2 Sept. 1975	Samoa	—	17 Mar. 1975
Guatemala	26 Jul 1968	22 Sep 1970	San Marino	1 Jul 1968	10 Aug 1970
Guinea	—	29 Apr. 1985	Sao Tome and Principe	—	20 July 1983
Guinea-Bissau	—	20 Aug. 1976	Saudi Arabia	—	3 Oct. 1988
Guyana	—	19 Oct. 1993	Senegal	1 July 1968	17 Dec. 1970
Haiti	1 July 1968	2 June 1970	Serbia	—	5 Sep 2001
Holy See	—	25 Feb. 1971	Seychelles	—	12 Mar. 1985
Honduras	1 July 1968	16 May 1973	Sierra Leone	—	26 Feb. 1975
Hungary	1 July 1968	27 May 1969	Singapore	5 Feb. 1970	10 Mar. 1976
Iceland	1 July 1968	18 July 1969	Slovakia	—	1 Jan. 1993
Indonesia	2 Mar. 1970	12 July 1979	Slovenia	—	20 Aug. 1992
Iran (Islamic Rep. of)	1 July 1968	2 Feb. 1970	Solomon Islands	—	17 June 1981
Iraq	1 July 1968	29 Oct. 1969	Somalia	1 July 1968	5 Mar. 1970
Ireland	1 July 1968	1 July 1968	South Africa	—	10 July 1991
Italy	28 Jan. 1969	2 May 1975	Spain	—	5 Nov. 1987
Jamaica	14 Apr. 1969	5 Mar. 1970	Sri Lanka	1 July 1968	5 Mar. 1979
Japan	3 Feb. 1970	8 June 1976	Sudan	24 Dec. 1968	31 Oct. 1973
Jordan	10 July 1968	11 Feb. 1970	Suriname	—	30 June 1976
Kazakhstan	—	14 Feb. 1994	Swaziland	24 June 1969	11 Dec. 1969
Kenya	1 July 1968	11 June 1970	Sweden	19 Aug. 1968	9 Jan. 1970
Kiribati	—	18 Apr. 1985	Switzerland	27 Nov. 1969	9 Mar. 1977
Kuwait	15 Aug. 1968	17 Nov. 1989	Syrian Arab Republic	1 July 1968	24 Sept. 1968
Kyrgyzstan	—	5 July 1994	Tajikistan	—	17 Jan. 1994
Lao People's Democratic Republic	1 July 1968	20 Feb. 1970	Thailand	—	7 Dec. 1977
Latvia	—	31 Jan. 1992	The former Yugoslav. Republic of Macedonia	—	30 Mar. 1995
Lebanon	1 July 1968	15 July 1970	Timor Leste	—	5 May 2003
Lesotho	9 July 1968	20 May 1970	Togo	1 July 1968	26 Feb. 1970
Liberia	1 July 1968	5 Mar. 1970	Tonga	—	7 July 1971
Libyan Arab Jamahiriya	18 July 1968	26 May 1975	Trinidad and Tobago	20 Aug. 1968	30 Oct. 1986
Liechtenstein	—	20 Apr. 1978	Tunisia	1 July 1968	26 Feb. 1970
Lithuania	—	23 Sept. 1991	Turkey	28 Jan. 1969	17 Apr. 1980
Luxembourg	14 Aug. 1968	2 May 1975	Turkmenistan	—	29 Sept. 1994
Madagascar	22 Aug. 1968	8 Oct. 1970	Tuvalu	—	19 Jan. 1979
Malawi	—	18 Feb. 1986	Uganda	—	20 Oct. 1982
Malaysia	1 July 1968	5 Mar. 1970	Ukraine	—	5 Dec. 1994
Maldives	11 Sept. 1968	7 Apr. 1970	United Arab Emirates	—	26 Sept. 1995
Mali	14 July 1969	10 Feb. 1970	United Kingdom*†	1 July 1968	29 Nov. 1968
Malta	17 Apr. 1969	6 Feb. 1970	United Republic of Tanzania	—	31 May 1991
Marshall Islands	—	30 Jan. 1995	United States of America*†	1 July 1968	5 Mar. 1970
Mauritania	—	26 Oct. 1993	Uruguay	1 July 1968	31 Aug. 1970
Mauritius	1 July 1968	8 Apr. 1969	Uzbekistan	—	7 May 1992
			Vanuatu	—	24 Aug. 1995

Venezuela	1 July 1968	25 Sept. 1975
Viet Nam	—	14 June 1982
Yemen	14 Sept. 1968	14 May 1986
Zambia	—	15 May 1991
Zimbabwe	—	26 Sept. 1991
* Depository State	† Nuclear-Weapon State	

\*\* Taiwan – Province of China, signed the Treaty on 1 July 1968 and ratified on 27 January 1970

\*\*\* On 10 January 2003, the DPRK announced its withdrawal from the NPT. On 9 October 2006 and 25 May 2009, the DPRK conducted tests of nuclear explosive devices.

## B — Materials Relevant to the 2012 NPT Preparatory Committee for the 2015 NPT Review Conference

### 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee

[A/RES/66/33]

[Eds – footnotes not included]

*The General Assembly,*

*Recalling* its resolution 2373 (XXII) of 12 June 1968, the annex to which contains the Treaty on the Non-Proliferation of Nuclear Weapons,

*Noting* the provisions of article VIII, paragraph 3, of the Treaty regarding the convening of review conferences at five-year intervals,

*Recalling* the outcomes of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and of the 2000 Review Conference of the Parties to the Treaty,

*Recalling also* the decision of the 2000 Review Conference of the Parties to the Treaty on improving the effectiveness of the strengthened review process for the Treaty, which reaffirmed the provisions in the decision on strengthening the review process for the Treaty, adopted by the 1995 Review and Extension Conference of the Parties to the Treaty,

*Noting* the decision on strengthening the review process for the Treaty, in which it was agreed that review conferences should continue to be held every five years, and noting that, accordingly, the next review conference should be held in 2015,

*Recalling* the decision of the 2000 Review Conference that three sessions of the Preparatory Committee should be held in the years prior to the review conference,

*Welcoming* the successful outcome of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held from 3 to 28 May 2010, and reaffirming the necessity of fully implementing the follow-on actions adopted at the Conference,

1. *Takes note* of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to hold the first session of the Preparatory Committee in Vienna from 30 April to 11 May 2012;
2. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee.

### Draft rules of procedure

[NPT/CONF.2010/1 Annex III]

#### I. Representation and credentials Delegations of Parties to the Treaty

##### Rule 1

1. Each State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter “the Treaty”) may be represented at the Conference of the Parties to the Treaty (hereinafter the “Conference”) by a head of delegation and such other representatives, alternate representatives and advisers as may be required.

2. The head of delegation may designate an alternate representative or an adviser to act as a representative.

##### Credentials – Rule 2

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week

before the date fixed for the opening of the Conference. Credentials shall be issued either by the head of the State or Government or by the Minister for Foreign Affairs.

##### Credentials Committee – Rule 3

The Conference shall establish a Credentials Committee composed of the Chairman and two Vice-Chairmen elected in accordance with rule 5, and six members appointed by the Conference on the proposal of the President. The Committee shall examine the credentials of representatives and report to the Conference without delay.

##### Provisional participation –Rule 4

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

#### II. Officers

##### Election –Rule 5

The Conference shall elect the following officers: a President and thirty-four Vice-Presidents, as well as a Chairman and two Vice-Chairmen for each of the three Main Committees, the Drafting Committee and the Credentials Committee. The officers shall be elected so as to ensure a representative distribution of posts.

##### Acting President –Rule 6

1. If the President is absent from a meeting or any part thereof, he shall designate a Vice-President to take his place.
2. A Vice-President acting as President shall have the same powers and duties as the President.

##### Voting rights of the President –Rule 7

The President, or a Vice-President acting as President, shall not vote, but shall appoint another member of his delegation to vote in his place.

#### III. General Committee

##### Composition –Rule 8

1. The General Committee shall be composed of the President of the Conference, who shall preside, the thirty-four Vice-Presidents, the Chairmen of the three Main Committees, the Chairman of the Drafting Committee and the Chairman of the Credentials Committee. No two members of the General Committee shall be members of the same delegation and it shall be so constituted as to ensure its representative character.

2. If the President is unable to attend a meeting of the General Committee, he may designate a Vice-President to preside at such meeting and a member of his delegation to take his place. If a Vice-President is unable to attend, he may designate a member of his delegation to take his place. If the Chairman of a Main Committee, the Drafting Committee or the Credentials Committee is unable to attend, he may designate one of the Vice-Chairmen to take his place, with the right to vote unless he is of the same delegation as another member of the General Committee.

##### Functions –Rule 9

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference, shall ensure the coordination of its work.

#### IV. Conference Secretariat

##### Duties of the Secretary-General of the Conference –Rule 10

1. There shall be a Secretary-General of the Conference. He shall act in that capacity in all meetings of the Conference, its committees and subsidiary bodies, and may designate a member of the Secretariat to act in his place at these meetings.
2. The Secretary-General of the Conference shall direct the staff required by the Conference.

**Duties of the Secretariat –Rule 11**

The Secretariat of the Conference shall, in accordance with these rules:

- (a) Interpret speeches made at meetings;
- (b) Receive, translate and circulate the documents of the Conference;
- (c) Publish and circulate any report of the Conference;
- (d) Make and arrange for the keeping of sound recordings and summary records of meetings;
- (e) Arrange for the custody of documents of the Conference in the archives of the United Nations and provide authentic copies of these documents to each of the depository Governments; and
- (f) Generally perform all other work that the Conference may require.

**Costs –Rule 12**

The costs of the Conference, including the sessions of the Preparatory Committee, will be met by the States Parties to the Treaty participating in the Conference in accordance with the schedule for the division of costs as shown in the appendix to these Rules.

[Footnote – It is understood that the financial arrangements provided by rule 12 do not constitute a precedent.]

**V. Conduct of business****Quorum –Rule 13**

1. A majority of the States Parties to the Treaty participating in the Conference shall constitute a quorum.
2. To determine whether the Conference is quorate, any State Party may call for a roll-call at any time.

**General powers of the President –Rule 14**

1. In addition to exercising the powers conferred upon him elsewhere by these Rules, the President shall preside at the plenary meetings of the Conference; he shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these Rules, accord the right to speak, ascertain consensus, put questions to the vote and announce decisions. He shall rule on points of order. The President, subject to these Rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each State may speak on the question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.
2. The President, in the exercise of his functions, remains under the authority of the Conference.

**Points of order –Rule 15**

A representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these Rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

**Speeches –Rule 16**

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 15, 17 and 19 to 22, the President shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall be confined to the subject under discussion and the President may call a speaker to order if his remarks are not relevant thereto.
3. The Conference may limit the time allowed to speakers and the number of times the representative of each State may speak on a question; permission to speak on a motion to set such limits shall

be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, the President shall limit interventions on procedural questions to a maximum of five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

**Precedence –Rule 17**

The Chairman of a committee may be accorded precedence for the purpose of explaining the conclusion arrived at by his committee.

**Closing of list of speakers –Rule 18**

During the course of a debate the President may announce the list of speakers and, with the consent of the Conference, declare the list closed. When the debate on an item is concluded because there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure pursuant to rule 22.

**Right of reply –Rule 19**

Notwithstanding rule 18, the President may accord the right of reply to a representative of any State participating in the Conference. Such statements shall be as brief as possible and shall, as a general rule, be delivered at the end of the last meeting of the day.

**Suspension or adjournment of the meeting –Rule 20**

A representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 23, be immediately put to the vote.

**Adjournment of debate –Rule 21**

A representative may at any time move the adjournment of the debate on the question under discussion. Permission to speak on the motion shall be accorded only to two representatives in favour of and to two opposing the adjournment, after which the motion shall, subject to rule 23, be immediately put to the vote.

**Closure of debate –Rule 22**

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 23, be immediately put to the vote.

**Order of motions –Rule 23**

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

**Submission of proposals and substantive amendments –Rule 24**

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, proposals and substantive amendments shall be discussed or decided on no earlier than twenty-four hours after copies have been circulated in all languages of the Conference to all delegations.

**Withdrawal of proposals and motions –Rule 25**

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

**Decision on competence –Rule 26**

Any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be decided upon before a decision is taken on the proposal in question.

**Reconsideration of proposals –Rule 27**

Proposals adopted by consensus may not be reconsidered unless the Conference reaches a consensus on such reconsideration. A proposal that has been adopted or rejected by a majority or two-thirds vote may be reconsidered if the Conference, by a two-thirds majority, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

**VI. Voting and elections**

**Adoption of decisions –Rule 28**

1. The task of the Conference being to review, pursuant to paragraph 3 of article VIII of the Treaty, the operation of the Treaty with a view to ensuring that the purposes of the preamble and the provisions of the Treaty are being realized, and thus to strengthen its effectiveness, every effort should be made to reach agreement on substantive matters by means of consensus. There should be no voting on such matters until all efforts to achieve consensus have been exhausted.

2. Decisions on matters of procedure and in elections shall be taken by a majority of representatives present and voting.

3. If, notwithstanding the best efforts of delegates to achieve a consensus, a matter of substance comes up for voting, the President shall defer the vote for fortyeight hours and during this period of deferment shall make every effort, with the assistance of the General Committee, to facilitate the achievement of general agreement, and shall report to the Conference prior to the end of the period.

4. If by the end of the period of deferment the Conference has not reached agreement, voting shall take place and decisions shall be taken by a two-thirds majority of the representatives present and voting, provided that such majority shall include at least a majority of the States participating in the Conference.

5. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall immediately be put to the vote and the President’s ruling shall stand unless the appeal is approved by a majority of the representatives present and voting.

6. In cases where a vote is taken, the relevant rules of procedure relating to voting of the General Assembly of the United Nations shall apply, except as otherwise specifically provided herein.

**Voting rights –Rule 29**

Every State party to the Treaty shall have one vote.

**Meaning of the phrase “representatives present and voting” – Rule 30**

For the purposes of these Rules, the phrase “representatives present and voting” means representatives casting an affirmative or negative vote. Representatives who abstain from voting are considered as not voting.

**Elections –Rule 31**

All elections shall be held by secret ballot, unless the Conference decides otherwise in an election where the number of candidates does not exceed the number of elective places to be filled.

**Rule 32**

1. If, when only one elective place is to be filled, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates having obtained the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among the candidates obtaining the second largest number of votes, a special ballot shall be held among such candidates for the purpose of reducing their number to two; similarly, in the case of a tie among three or more candidates obtaining the largest number of votes, a special ballot shall be held; if a tie again results in this special ballot, the President shall eliminate one candidate by drawing lots and thereafter another ballot shall be held in accordance with paragraph 1.

**Rule 33**

1. When two or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot the majority required and the largest number of votes shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, provided that if only one place remains to be filled the procedures in rule 32 shall be applied. The ballot shall be restricted to the unsuccessful candidates having obtained the largest number of votes in the previous ballot, but not exceeding twice the numbers of places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required number; if a tie again results among more than the required number of candidates, the President shall reduce their number to that required by drawing lots.

3. If such a restricted ballot (not counting a special ballot held under the conditions specified in the last sentence of paragraph 2) is inconclusive, the President shall decide among the candidates by drawing lots.

**VII. Committees**

**Main Committees and subsidiary bodies –Rule 34**

The Conference shall establish three Main Committees for the performance of its functions. Each such Committee may establish subsidiary bodies so as to provide for a focused consideration of specific issues relevant to the Treaty. As a general rule each State Party to the Treaty participating in the Conference may be represented in the subsidiary bodies unless otherwise decided by consensus.

**Representation on the Main Committees –Rule 35**

Each State Party to the Treaty participating in the Conference may be represented by one representative on each Main Committee. It may assign to these Committees such alternate representatives and advisers as may be required.

**Drafting Committee –Rule 36**

1. The Conference shall establish a Drafting Committee composed of representatives of the same States that are represented on the General Committee. It shall coordinate the drafting of and edit all texts referred to it by the Conference or by a Main Committee, without altering the substance of the texts, and report to the Conference or to the Main Committee as appropriate. It shall also, without reopening the substantive discussion on any matter, formulate drafts and give advice on drafting as requested by the Conference or a Main Committee.

2. Representatives of other delegations may also attend the meetings of the Drafting Committee and may participate in its deliberations when matters of particular concern to them are under discussion.

**Officers and procedures**

**Rule 37**

The rules relating to officers, the Conference secretariat, conduct of business and voting of the Conference (contained in chaps. II (rules 5-7), IV (rules 10-11), V (rules 13-27) and VI (rules 28-33) above) shall be applicable, mutatis mutandis, to the proceedings of committees and subsidiary bodies, except that:

- (a) Unless otherwise decided, any subsidiary body shall elect a chairman and such other officers as it may require;
- (b) The Chairmen of the General, the Drafting and the Credentials Committees and the Chairmen of subsidiary bodies may vote in their capacity as representatives of their States;
- (c) A majority of the representatives on the General, Drafting and

Credentials Committees or on any subsidiary body shall constitute a quorum; the Chairman of a Main Committee may declare a meeting open and permit the debate to proceed when at least one quarter of the representatives of the States participating in the Conference are present.

## VIII. Languages and records

### Languages of the Conference –Rule 38

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages of the Conference.

### Interpretation –Rule 39

1. Speeches made in a language of the Conference shall be interpreted into the other languages.

2. A representative may make a speech in a language other than a language of the Conference if he provides for interpretation into one such language. Interpretation into the other languages of the Conference by interpreters of the Secretariat may be based on the interpretation given in the first such language.

### Language of official documents –Rule 40

Official documents shall be made available in the languages of the Conference.

### Sound recordings of meetings –Rule 41

Sound recordings of meetings of the Conference and of all committees shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the Main Committee concerned, no such recordings shall be made of the meetings of a subsidiary body thereof.

### Summary records –Rule 42

1. Summary records of the plenary meetings of the Conference and of the meetings of the Main Committees shall be prepared by the Secretariat in the languages of the Conference. They shall be distributed in provisional form as soon as possible to all participants in the Conference. Participants in the debate may, within three working days of receipt of provisional summary records, submit to the Secretariat corrections on summaries of their own interventions, in special circumstances, the presiding officer may, in consultation with the Secretary-General of the Conference, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after consulting, where necessary, the sound recordings of the proceedings. Separate corrigenda to provisional records shall not normally be issued.

2. The summary records, with any corrections incorporated, shall be distributed promptly to participants in the Conference.

## IX. Public and private meetings

### Rule 43

1. The plenary meetings of the Conference and the meetings of the Main Committees shall be held in public unless the body concerned decides otherwise.

2. Meetings of other organs of the Conference shall be held in private.

## X. Participation and attendance

### Rule 44

#### 1. Observers

(a) Any other State which, in accordance with article IX of the Treaty, has the right to become a Party thereto but which has neither acceded to it nor ratified it may apply to the Secretary-General of the Conference for observer status, which will be accorded on the decision of the Conference. [Footnote – It is understood that any such decision will be in accordance with the practice of the General Assembly.] Such a State shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees other than those designated closed meetings and to receive documents of the Conference. An observer State shall also be entitled to submit documents for the participants in the Conference.

(b) Any national liberation organization entitled by the General Assembly of the United Nations [Footnote – Pursuant to General Assembly resolutions 3237 (XXIX) of 22 November 1974, 3280 (XXIX) of 10 December 1974 and 31/152 of 20 December 1976] to participate as an observer in the sessions and the work of the General Assembly, all international conferences convened under

the auspices of the General Assembly and all international conferences convened under the auspices of other organs of the United Nations may apply to the Secretary-General of the Conference for observer status, which will be accorded on the decision of the Conference. Such a liberation organization shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees other than those designated closed meetings and to receive documents of the Conference. An observer organization shall also be entitled to submit documents to the participants in the Conference.

### 2. The United Nations and the International Atomic Energy Agency

The Secretary-General of the United Nations and the Director General of the International Atomic Energy Agency, or their representatives, shall be entitled to attend meetings of the plenary and of the Main Committees and to receive the Conference documents. They shall also be entitled to submit material, both orally and in writing.

### 3. Specialized agencies and international and regional intergovernmental organizations

The Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the South Pacific Forum, other international and regional intergovernmental organizations, the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization and any specialized agency of the United Nations may apply to the Secretary-General of the Conference for observer agency status, which will be accorded on the decision of the Conference. An observer agency shall be entitled to appoint officials to attend meetings of the plenary and of the Main Committees, other than those designated closed meetings, and to receive the documents of the Conference. The Conference may also invite them to submit, in writing, their views and comments on questions within their competence, which may be circulated as Conference documents.

### 4. Non-governmental organizations

Representatives of non-governmental organizations who attend meetings of the plenary or of the Main Committees will be entitled upon request to receive the documents of the Conference.

[Eds – Appendix (to rule 12), schedule of division of costs, omitted]

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## Organization of the work of the Review Conference (Final Report of the Preparatory Committee for the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons)

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[Excerpts reproduced from NPT/CONF.2005/1]

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### Draft rules of procedure

27. At its third session, the Committee considered the draft rules of procedure for the Conference and agreed to recommend to the Conference the draft rules of procedure as contained in annex III to the present report.

28. Also at its third session, the Committee agreed to recommend to the Conference that, notwithstanding rule 44.3 of the draft rules of procedure recommended to the Conference, specialized agencies and international and regional intergovernmental organizations be invited to make oral presentations to the Conference upon the decision of the Conference, on a case-by-case basis.

29. At its third session, the Committee agreed to recommend to the Conference that, in accordance with the draft rules of procedure, representatives of nongovernmental organizations be allowed to attend meetings, other than those designated as closed, and to receive documents of the Conference; that, in accordance with past practice, non-governmental organizations be allowed to make written material available, at their own expense, to the participants of the Conference; and that non-governmental organizations be allowed to address the Conference, consistent with the Final Document of the 2000 Review Conference.

**Agenda of the First Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (Vienna, 30 April-11 May 2007)**

[Excerpts reproduced from NPT/CONF.2010/PC.I/15]

(Adopted at the 12th meeting of the Preparatory Committee on 8 May 2007)

1. Opening of the session.
2. Election of the Chairman.
3. Adoption of the agenda.
4. General debate on issues related to all aspects of the work of the Preparatory Committee.
5. Statements by non-governmental organizations.
6. Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000 and 2005 Review Conferences, including developments affecting the operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty. (The Committee decides that it understands the reference in the agenda to "reaffirming the need for full compliance with the Treaty" to mean that it will consider compliance with all the provisions of the Treaty.)
7. Organization of work of the Preparatory Committee:
  - (a) Election of officers;
  - (b) Dates and venues for further sessions;
  - (c) Methods of work:
    - (i) Decision-making;
    - (ii) Participation;
    - (iii) Working languages;
    - (iv) Records and documents.
8. Report on the results of the session to the next session of the Preparatory Committee.
9. Organization of the 2010 Review Conference:
  - (a) Dates and venue;
  - (b) Draft rules of procedure;
  - (c) Election of the President and other officers;
  - (d) Appointment of the Secretary-General;
  - (e) Provisional agenda;
  - (f) Financing of the Review Conference, including its Preparatory Committee;
  - (g) Background documentation;
  - (h) Final document(s).
10. Adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.
11. Any other matters.

**Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Indicative Timetable**

[NPT/CONF.2010/PC.II/INF.2, 17 March 2008]

Monday, 28 April

10:00 am – 1:00 pm Opening of the session (item 1 of the agenda)

General debate (item 4)

3:00 pm – 6:00 pm General debate (item 4)

Tuesday, 29 April

10:00 am – 1:00 pm General debate (item 4)

3:00 pm – 6:00 pm Statements by NGOs (item 5)

Wednesday, 30 April

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Cluster 1 issues** (NPT/CONF.2005/DEC.1, issues under point 1: implementation of the provisions of the Treaty relating to nonproliferation of nuclear weapons, disarmament and international peace and security: Articles I and II and preambular paragraphs 1 to 3, Article VI and preambular paragraphs 8 to 12, security assurances).

3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Cluster 1 issues** (NPT/CONF.2005/DEC.1, issues under point 1: implementation of the provisions of the Treaty relating to nonproliferation of nuclear weapons, disarmament and international peace and security: Articles I and II and preambular paragraphs 1 to 3, Article VI and preambular paragraphs 8 to 12, security assurances).

Thursday, 1 May – UN and public holiday

Friday, 2 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Specific issue** - Nuclear disarmament and security assurances

3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and

thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Specific issue** - Nuclear disarmament and security assurances

#### Monday, 5 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Cluster 2 issues** (NPT/CONF.2005/DEC.1, issues under point 2: implementation of the provisions of the Treaty relating to nonproliferation of nuclear weapons, safeguards and nuclear-weapon-free zones: Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7; articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV; article VII).

3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Cluster 2 issues** (NPT/CONF.2005/DEC.1, issues under point 2: implementation of the provisions of the Treaty relating to nonproliferation of nuclear weapons, safeguards and nuclear-weapon-free zones: Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7; articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV; article VII).

#### Tuesday, 6 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Specific issue** - Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East Resolution

3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality,

including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Specific issue** - Regional issues, including with respect to the Middle East and implementation of the 1995 Middle East Resolution

#### Wednesday, 7 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Cluster 3 issues** (NPT/CONF.2005/DEC.1, items under point 3: implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II: Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2), (4) and preambular paragraphs 4 and 5, and article V, other provisions of the Treaty).

3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6) \*

**Cluster 3 issues** (NPT/CONF.2005/DEC.1, items under point 3: implementation of the provisions of the Treaty relating to the inalienable right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II: Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2), (4) and preambular paragraphs 4 and 5, and article V, other provisions of the Treaty).

#### Thursday, 8 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to



realize its purpose, reaffirming the need for full compliance with the Treaty (item 6)\*

**Specific issue** - Other provisions of the Treaty, including Article X

3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty (item 6)\*

**Specific issue** - Other provisions of the Treaty, including Article X

Friday, 9 May

10:00 am – 1:00 pm Organization of the work of the Preparatory Committee (item 7)

Organization of the 2010 Review Conference (item 9)

Consideration of the draft report of the Preparatory Committee (item 8)

3:00 pm – 6:00 pm Consideration and adoption of the draft report of the Preparatory Committee (item 8)

Any other matters (item 11)

\* The Committee decides that it understands the reference in the agenda to “reaffirming the need for full compliance with the Treaty” to mean that it will consider compliance with all the provisions of the Treaty.

**Report of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on its First Session (Vienna, 30 April-11 May 2007)**

[Reproduced from NPT/CONF.2010/PC.I/22, 11 May 2007]

**I. Introduction** – [Eds...]

**II. Substantive and procedural issues**

**A. Organization of work of the Preparatory Committee**

7. With regard to the chairmanship of the various sessions of the Preparatory Committee and the presidency of the 2010 Review Conference, an understanding had been reached among delegations, according to which a representative of the Western Group should be proposed to chair the first session, a representative of the Group of Eastern European States should be proposed to chair the second session, a representative of the Group of Non-Aligned and other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed to chair the third session and a representative of the Group of Non-Aligned and other States parties to the Treaty should be proposed for the presidency of the 2010 Review Conference. All groups were encouraged to propose the representatives for the chairmanship of the various sessions of the Preparatory Committee and for the presidency of the 2010 Review Conference at their earliest possible convenience.

8. Pursuant to that understanding, Yukiya Amano (Japan), the representative of the Western Group, was proposed to chair the first session. At its 1st meeting, on 30 April, the Committee unanimously elected Mr. Amano to serve as Chairman of the first session. Also at the same meeting, the Committee decided that Volodymyr Yelchenko (Ukraine), the representative of the Group of Eastern European States, would be the Chairman of its second session. It was further decided that, when not serving as Chairman,

the Chairmen of the sessions of the Preparatory Committee would serve as Vice-Chairmen of the Committee.

9. At its 12th meeting, on 8 May, the Committee adopted the following agenda (NPT/CONF.2010/PC.I/15):

1. Opening of the session.
2. Election of the Chairman.
3. Adoption of the agenda.
4. General debate on issues related to all aspects of the work of the Preparatory Committee.
5. Statements by non-governmental organizations.
6. Preparatory work for the review of the operation of the Treaty in accordance with article VIII, paragraph 3, of the Treaty, in particular, consideration of principles, objectives and ways to promote the full implementation of the Treaty, as well as its universality, including specific matters of substance related to the implementation of the Treaty and Decisions 1 and 2, as well as the resolution on the Middle East, adopted in 1995, and the outcomes of the 1975, 1985, 2000, and 2005 Review Conferences, including developments affecting the operation and purpose of the Treaty, and thereby considering approaches and measures to realize its purpose, reaffirming the need for full compliance with the Treaty. (The Committee decides that it understands the reference in the agenda to “reaffirming the need for full compliance with the Treaty” to mean that it will consider compliance with all the provisions of the Treaty.)
7. Organization of work of the Preparatory Committee: [Eds...]
8. Report on the results of the session to the next session of the Preparatory Committee.
9. Organization of the 2010 Review Conference: [Eds...]
10. Adoption of the final report and recommendations of the Preparatory Committee to the Review Conference.
11. Any other matters.

10. In connection with the adoption of the agenda, the Committee adopted the following decision: “The Committee decides that it understands the reference in the agenda to ‘reaffirming the need for full compliance with the Treaty’ to mean that it will consider compliance with all the provisions of the Treaty”. The Committee also decided that the text of the above decision would be included as the footnote to item 6 of the agenda. Furthermore, the Committee took note of the indicative timetable (NPT/CONF.2010/PC.I/INF.3/Rev.2), which was subsequently revised in accordance with the adopted agenda (NPT/CONF.2010/PC.I/INF.3/Rev.3).

11. In the course of the discussion on the organization of work of the Preparatory Committee, the following decisions were taken:

**(a) Dates and venues of further sessions**

At its 11th meeting, the Committee decided that it would hold its second session from 28 April to 9 May 2008 in Geneva.

**(b) Methods of work**

- (i) *Decision-making* – [Eds...]
- (ii) *Participation* – [Eds...]
- (iii) *Working languages* – [Eds...]
- (iv) *Records and documents* – [Eds...]

12. The Committee set aside five meetings for a general debate on issues related to all aspects of the work of the Preparatory Committee, in the course of which 47 statements were made. The statements are reflected in the summary records of those meetings (NPT/CONF.2010/PC.I/SR.1-4 and 6).

13. At its 5th meeting, on 2 May, the Committee heard 7 statements by non-governmental organizations.

14. The Committee held a total of 6 meetings for a substantive discussion under agenda item 6.

15. The discussion was structured according to an indicative timetable (NPT/CONF.2010/PC.I/INF.3/Rev.3), which provided equal time for the consideration of three clusters of issues and three specific blocs of issues.

16. The Committee considered the following three clusters of issues based on the allocation of items to the Main Committees of the 2005 Review Conference (NPT/CONF.2005/DEC.1):

(a) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security;

(b) Implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free zones;

(c) Implementation of the provisions of the Treaty relating to the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination and in conformity with articles I and II.

17. The Committee considered the following three specific blocs of issues:

(a) Nuclear disarmament and security assurances;

(b) Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution;

(c) Other provisions of the Treaty, including article X.

18. During the session, the Committee had before it the following documents: - [Eds...]

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**First Session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Chairman's Working Paper**

[Reproduced from NPT/CONF.2010/PC.I/WP.78,  
11 May 2007]

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[Editorial note: Footnote not included]

1. States parties reaffirmed that the Treaty on the Non-Proliferation of Nuclear Weapons was the cornerstone of the global non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament. In the face of grave challenges to the non-proliferation regime, preserving and strengthening the Treaty was vital to international peace and security. States parties stressed the importance of the first session of the preparatory committee for laying a solid foundation for a successful new review cycle.

2. States parties reaffirmed that the Treaty rested on three pillars: nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy. The importance of balanced, full and non-selective application and implementation of the Treaty was stressed. Emphasis was placed on the mutually reinforcing nature of disarmament and non-proliferation.

3. States parties reiterated their commitment to the effective implementation of the objectives of the Treaty, the decisions and resolution of the 1995 Review and Extension Conference adopted without a vote, and the final document of the 2000 Review Conference, adopted by consensus. It was also noted that the current situation should be borne in mind.

4. States parties expressed that multilateralism and mutually agreed solutions, in accordance with the Charter of the United Nations, provided the only sustainable method of dealing with the multiplicity of disarmament and international security issues. States parties also expressed that multilateralism based on the concept of shared commitments and obligations provided the best way to maintain international order.

5. States parties expressed concern over the possibility that non-State actors could gain access to weapons of mass destruction and their means of delivery. The gravity of the dangers of weapons of mass destruction falling into the hands of terrorists further reinforced the need to strengthen the Treaty and its implementation.

6. States parties further stressed that continued support to achieve universality of the Treaty remained essential. Concern was

expressed about the lack of achievement in universality. States parties called upon States outside the Treaty to accede to the Treaty as non-nuclear-weapon States, promptly and without condition. They were also called upon to bring into force the required comprehensive safeguards agreements, together with additional protocols, for ensuring nuclear non-proliferation, and to reverse clearly and urgently any policies to pursue any nuclear weapons development, testing or deployment, and to refrain from any action that could undermine regional and international peace and security and the international community's efforts to achieve nuclear disarmament and the prevention of nuclear weapons proliferation. States parties called upon India and Pakistan to maintain moratoriums on testing, and called upon India, Israel and Pakistan to become party to the Comprehensive Nuclear-Test-Ban Treaty.

7. States parties continued to attach great importance to achieving compliance with the Treaty on the Non-Proliferation of Nuclear Weapons. The importance of compliance by all States parties with all the provisions of the Treaty was stressed. The view was expressed that non-compliance with the Treaty's provisions by States parties to the Treaty could undermine non-proliferation, disarmament, universality and peaceful uses of nuclear energy.

8. States parties remained committed to implementing article VI of the Treaty. The full implementation of the 13 practical steps including the unequivocal undertaking contained in the final document of the 2000 Review Conference was called for. While recent moves towards nuclear disarmament were recognized, concern continued to be expressed over the slow pace of progress made in implementing the steps.

9. States parties stated that the total elimination of nuclear weapons was the only absolute guarantee against their use or threat of use. Concern was expressed that, despite the intentions of and past achievements in bilateral and unilateral reductions, the total number of nuclear weapons deployed and stockpiled still amounted to thousands. It was stressed that the indefinite extension of the NPT did not imply the indefinite possession of nuclear arsenals.

10. The advisory opinion of the International Court of Justice regarding the obligations of nuclear-weapon States was recalled and support was voiced for the development of a nuclear weapons convention. A subsidiary body dealing with nuclear disarmament at the 2010 Review Conference was sought.

11. States parties also attached significance to reducing the deployed status of nuclear weapons through de-alerting, to reducing reliance on nuclear weapons and to securing greater information from nuclear-weapon States on the active and reserve status of nuclear arsenals.

12. Concern and disappointment were voiced about plans to replace or modernize nuclear weapons and their means of delivery or platforms, the increased role of nuclear weapons in strategic and military doctrines, and the possibility of lowering the threshold for the use of nuclear weapons. In response to concerns addressed to the United States and the United Kingdom, they provided their clarifications and explanations on their efforts to achieve nuclear disarmament. Concern was also expressed about nuclear cooperation with States not party to the NPT, and calls were made for adherence to obligations under the Treaty.

13. Nuclear-weapon States reiterated their commitment to nuclear disarmament under article VI of the Treaty. A number of them delivered presentations, in particular with concrete figures, to other States parties of their respective measures taken in accordance with article VI of the Treaty, underscoring reductions of nuclear weapons arsenals, reduced reliance on nuclear weapons, reductions in their status of alert and an accelerated programme of dismantlement.

14. In that regard, the Treaty on Strategic Offensive Reductions (the Moscow Treaty) was acknowledged as a positive trend towards nuclear disarmament. While noting those achievements and presentations, States parties called for further reductions beyond those required by the Moscow Treaty and stressed that reductions in deployments and in operational status could not be a substitute for irreversible cuts in, and the total elimination of, nuclear weapons. States parties noted that START I and the Moscow Treaty were due to expire in 2009 and 2012 respectively,

and called for bilateral follow-up agreements. It was stressed that the principles of irreversibility, verifiability and transparency should guide all nuclear disarmament measures. The need to create an environment conducive to nuclear disarmament was noted.

15. Increased transparency with regard to nuclear weapons capabilities as a voluntary confidence-building measure was strongly advocated. Nuclear-weapon States were called upon to increase transparency and accountability, such as through annual briefings, with regard to their nuclear weapons arsenals, implementation of disarmament measures and security doctrines. An additional idea suggested was the compilation by the secretariat of a comparative table recording measures undertaken by nuclear-weapon States in complying with their obligations under article VI, for tabling at the 2010 Review Conference.

16. Reporting by all States parties on the implementation of article VI was encouraged. It was noted that this would promote increased confidence in the overall Treaty regime through increasing transparency, and at the same time would help address compliance concerns.

17. States parties welcomed the impetus that had developed in the Conference on Disarmament in 2006 under the six Presidents for that year and that had continued under their successors in 2007. It was emphasized that the Conference should agree on the proposal tabled on 23 March by the six Presidents for 2007.

18. Strong support was expressed for the Comprehensive Nuclear-Test-Ban Treaty. The importance and urgency of its early entry into force was underscored. States that had not ratified the Treaty, especially the remaining 10 States whose ratification was necessary for its entry into force, were urged to do so without delay and without conditions. It was stressed that the testing of a nuclear weapon by the Democratic People's Republic of Korea highlighted the need for an early entry into force of the Treaty. States parties reaffirmed the importance of maintaining a moratorium on nuclear-weapon test explosions or any other nuclear explosions. States parties noted the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in establishing the international monitoring system.

19. The termination of the Anti-Ballistic Missile Treaty and the development of missile defence systems drew concern as adversely affecting strategic stability and having negative consequences on nuclear disarmament and non-proliferation. Concern was also expressed about the risk of a new arms race on Earth and in outer space.

20. States parties stressed the importance of further reductions in non-strategic nuclear weapons in a transparent, accountable, verifiable and irreversible manner, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process, for example through the Presidential Nuclear Initiatives of 1991 and 1992 by the United States and the Russian Federation. There were calls for the formalization of those initiatives. The need to deny terrorists access to non-strategic nuclear weapons was also noted.

21. The importance of the immediate commencement of negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices was stressed as a logical step in the process of nuclear disarmament. Calls were made to address the verifiability of such an instrument and the need for coverage of existing stocks. The hope was expressed that such a treaty might be concluded prior to the 2010 Review Conference. States that had not yet done so were called upon to declare moratoriums on the production of fissile material for nuclear weapons or other nuclear explosive devices.

22. Stress was put on the importance of arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under the International Atomic Energy Agency (IAEA) or other relevant international verification, and on arrangements for the disposition of such material for peaceful purposes. Some nuclear-weapon States reported on the actions they had taken in that regard. In that context, the Trilateral Initiative was regarded as an important measure. The ongoing efforts of nuclear-weapon States to convert excess highly enriched uranium for civilian use was commended and encouraged.

23. States parties recognized the importance of the Group of Eight Global Partnership as a positive contribution towards cooperation in reducing threats from all weapons of mass destruction through practical initiatives.

24. The importance of education on disarmament and non-proliferation to strengthen the disarmament and non-proliferation regime for future generations was stressed. In that regard, States parties were encouraged to make efforts based on the recommendations contained in the report of the Secretary-General on disarmament and non-proliferation education (A/57/124). Steps and means as well as new initiatives to implement the recommendations were introduced at the meeting.

25. States parties noted that, pending the elimination of nuclear weapons, nuclear-weapon States should provide security assurances to non-nuclear-weapon States that they would not use nuclear weapons against them. It was expressed that security assurances could play an important role in the NPT regime and serve as an incentive to forgo the acquisition of weapons of mass destruction. It was also expressed that security assurances could serve as an incentive to achieve universality. It was recalled that both the 1995 Review and Extension Conference and the 2000 Review Conference had underscored the importance of security assurances. It was further recalled that the final document of the 2000 Review Conference called upon the Preparatory Committee to make recommendations to the 2005 Review Conference on security assurances. It was emphasized that the need for negative security assurances, a key basis of the 1995 extension decision, remained essential should be reaffirmed. Reaffirmations were expressed of commitments under Security Council resolution 984 (1995). Some States parties, including one nuclear-weapon State, emphasized the importance of a no-first-use policy.

26. States parties stressed that efforts to conclude a universal, unconditional and legally binding instrument on negative security assurances to non-nuclear-weapon States should be pursued as a matter of priority, without prejudice to legally binding security assurances already given in respect of nuclear-weapon-free zones. In that regard, references were made to pursuing a protocol to the NPT and to the prospect of substantive discussions envisaged by the current draft decision put forward by the six Presidents of the Conference on Disarmament. Pending the conclusion of any new instrument, nuclear-weapon States were called upon to honour their respective commitments under Security Council resolution 984 (1995). Concern was expressed that recent developments in respect of nuclear doctrines might undermine those commitments. The eligibility of a State party to security assurances in circumstances where such a party was not in good standing under, or had withdrawn from, the Treaty on the Non-Proliferation of Nuclear Weapons was regarded as warranting discussion. The need for a subsidiary body on security assurances at the 2010 Review Conference was urged.

27. It was stressed that the non-proliferation of nuclear weapons was a fundamental goal of the Treaty. Concern was expressed that serious proliferation events strained the NPT regime by eroding confidence in the compliance of all States parties with their obligations under the Treaty. States parties reaffirmed that IAEA was the competent authority responsible for verifying and assuring, in accordance with the statute of the Agency and the IAEA safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1 of the Treaty, with a view to preventing the diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. States parties underlined the need for strengthening the role of IAEA and reaffirmed that nothing should be done to undermine the authority of IAEA in verifying non-diversion. States parties noted the need for effectively addressing violations of safeguards obligations in order to uphold the integrity of the Treaty.

28. States parties congratulated IAEA on its fiftieth anniversary and welcomed the efforts of the Agency in strengthening safeguards and its completion of the conceptual framework for integrated safeguards, as well as the steps taken towards their application. States parties stressed the importance of IAEA safeguards as a fundamental pillar of the nuclear non-proliferation regime and commended the important work of IAEA in implementing safeguards to verify compliance with the non-proliferation obligations of the Treaty. The IAEA safeguards thereby promoted

further confidence among States, helped to strengthen their collective security and played a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices. States parties expressed the need to strive towards the universalization and strengthening of the IAEA safeguards system. While welcoming the recent entry into force of comprehensive safeguards agreements and additional protocols with a number of States parties, concern was expressed that some 30 States parties had yet to bring into force safeguards agreements, as required by Article III, and that only 80 had additional protocols in force. States that had not yet concluded comprehensive safeguards agreements with IAEA were called upon to do so without further delay.

29. The importance of the model additional protocol as an essential and indispensable tool for effective functioning of the IAEA safeguards system was underlined. It was stressed that States parties must have both a comprehensive safeguards agreement and an additional protocol in place for IAEA to be able to provide credible assurance of both the non-diversion of declared material and the absence of undeclared nuclear material or activities in the States concerned.

30. States parties reaffirmed the need for the model additional protocol to be universalized, and noted that further efforts in promoting that goal were needed to increase confidence in the compliance by States parties with their non-proliferation obligations. States parties that had not yet concluded additional protocols were called upon to do so as soon as possible. It was also stated that efforts to achieve universal application of the model additional protocol should not hamper efforts towards achieving universality of comprehensive safeguards agreements. Views were expressed that the strengthened safeguards system — a comprehensive safeguards agreement coupled with the Additional Protocol — constituted the Non-Proliferation Treaty's verification standard, and that this standard could be used as a precondition for new supply arrangements. In that regard, views were also expressed that concluding an additional protocol should remain voluntary. New arrangements on the Small Quantities Protocols agreed in 2005 at IAEA were welcomed and considered an important step in the process of strengthening safeguards; all concerned States were called upon to adopt that new standard.

31. It was reiterated that export controls were a key element of the non-proliferation regime under the Treaty. States parties underlined that effective export controls, together with comprehensive safeguards, were recognized as forming an integral part of the non-proliferation regime and would facilitate peaceful nuclear cooperation. The important role played by the international export control framework for nuclear-related materials and technologies, namely the Zangger Committee and the Nuclear Suppliers Group, were noted, in particular their utility in guiding States in setting up their national export control policies.

32. Support was expressed for the concept of internationally recognized nuclear-weapon-free zones established on the basis of arrangements freely arrived at among States in the regions concerned and on the basis of established United Nations guidelines. The contribution of such zones to enhancing global and regional peace and security, including the cause of global nuclear non-proliferation, was emphasized. It was noted that the number of States covered by the nuclear-weapon-free zones exceeded 105. The establishment of nuclear-weapon-free zones created by the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba was considered a positive step towards attaining the objective of global nuclear disarmament. The importance of the entry into force of all those nuclear-weapon-free zone treaties was stressed. Nuclear-weapon States were called upon to provide security assurances to nuclear-weapon-free zones by signing and ratifying protocols to those treaties.

33. Continuing and increased cooperation among the parties of the zones was encouraged, as was the development of a nuclear-weapon-free southern hemisphere. The fortieth anniversary of the signing of the Treaty of Tlatelolco was recognized. States parties welcomed the conclusion of the Central Asia Nuclear-Weapon-Free Zone treaty. The need for further consultations among concerned countries in accordance with the 1999 United Nations Disarmament Commission guidelines to resolve outstanding issues was expressed. Support for nuclear-weapon-free status of Mongolia was reiterated. States parties underlined the importance of establishing new nuclear-weapon-free zones, especially in the

Middle East and South Asia.

34. States parties reaffirmed the importance of the resolution on the Middle East adopted at the 1995 Review and Extension Conference, and recognized that the resolution remained valid until its goals and objectives were achieved. The resolution was both an essential element of the outcome of the 1995 Conference and an essential part of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons had been indefinitely extended without a vote in 1995. States parties reiterated their support for the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction and their delivery systems. Strong concern was voiced at the lack of measurable implementation of the resolution. Renewed, action-oriented determination to implement the resolution was urged. States parties affirmed the importance of establishing practical mechanisms within the Non-Proliferation Treaty review process to promote the implementation of the 1995 resolution on the Middle East, particularly through reporting to the Secretary-General on the steps that they had taken to promote the achievement of a nuclear-weapon-free zone in the Middle East and the realization of the goals and objectives of the 1995 resolution on the Middle East. A subsidiary body within Main Committee II of the 2010 Review Conference was sought, together with the establishment of a standing committee of the members of the bureau of that conference to report to the 2015 Review Conference. Support was also expressed for the arrangements to convene a forum requested at the forty-fourth IAEA General Conference with a view to facilitating a nuclear-weapon-free zone in the Middle East, as well as the ongoing efforts under the 1995 Barcelona Declaration.

35. States parties noted that all States of the region of the Middle East, with the exception of Israel, were States parties to the Non-Proliferation Treaty. Great concern was expressed regarding the nuclear capability of Israel. States parties called upon Israel to accede to the Treaty as soon as possible as a non-nuclear-weapon State and to place its nuclear facilities under comprehensive IAEA safeguards.

36. The importance of the creation of an environment conducive for implementation of the resolution was underlined. The continued possession of nuclear weapons or ambitions to possess such weapons by States in the region was seen as an impediment to aspirations for the Middle East to become a nuclear-weapon-free zone. States parties welcomed the voluntary decisions by the Libyan Arab Jamahiriya to abandon its programmes for developing weapons of mass destruction and their means of delivery, as well as its ratification of the Additional Protocol. More generally, States parties also expressed full support for taking forward the Middle East peace process. It was also noted that a solution to the Iranian issue would contribute to the objective of establishing a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

37. Serious concern was expressed over the nuclear programme of Iran (Islamic Republic of), which was strongly urged to comply with all the requirements in Security Council resolutions 1737 (2006) and 1747 (2007) and the relevant resolutions of the IAEA Board of Governors without further delay. It was noted that these multiple unanimous Council resolutions on that country's nuclear programme demonstrated the resolve of the international community on that issue. States parties believed that the issue should be resolved peacefully through diplomatic efforts and negotiations. For its part, Iran (Islamic Republic of) indicated its readiness, provided the Security Council disengaged, to resolve issues in the framework of IAEA.

38. States parties expressed grave concern over the nuclear programme of the Democratic People's Republic of Korea and its announcement of a nuclear test in October 2006, which represented not only a clear threat to international security but also a serious challenge to the nuclear non-proliferation regime. They urged that country to comply with Security Council resolutions 1695 (2006) and 1718 (2006) and the joint statement of September 2005, abandoning all nuclear weapons and existing nuclear programmes as well as ballistic missiles programmes in a complete, verifiable and irreversible manner, returning promptly to compliance with the obligations under the NPT and the IAEA safeguards agreement. States parties stressed the importance of achieving the goal of the denuclearization of the Korean peninsula. They underlined the need for a peaceful solution of this issue and

welcomed the diplomatic efforts undertaken in the framework of the six-party talks. They welcomed the agreement reached on 13 February 2007 regarding initial actions towards the implementation of the joint statement, and called on the parties to faithfully and expeditiously implement the agreement.

39. States parties reaffirmed the inalienable right under article IV of all States 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. It was noted that, as part of the fundamental bargain, nothing in the NPT should be interpreted as affecting that right. It was stressed that participating in and facilitating the exchange of nuclear technology for peaceful uses must be consistent with the Treaty's non-proliferation obligations.

40. In view of climate change and the growing demand for nuclear energy and sustainable development, a call was also made to fully ensure the free, unimpeded and non-discriminatory transfer of nuclear technology for peaceful purposes. Concern was expressed about the potential effect on the right to peaceful uses of nuclear energy, particularly in the context of strengthening the non-proliferation regime. It was reiterated that additional restrictions should not be applied to the peaceful uses of nuclear energy, especially in developing countries or for political purposes.

41. In that context, States parties emphasized the value and importance of the IAEA technical cooperation programme, underlining that technical cooperation played an important role in further developing the application of nuclear energy for peaceful purposes. Appreciation was expressed for the assistance rendered, particularly for developing countries through the programme. It was stressed that States parties ensured the programme remained firm and sustainable through adequate resources. It was also stressed that full compliance with articles I, II and III of the Treaty was the basic condition for benefiting from article IV. Concern was expressed that the programme could be used as a political tool. Attention was drawn to the significance of developing proliferation-resistant nuclear technologies. States parties acknowledged the wide application of nuclear technology for areas in health, industry, agriculture and environmental protection.

42. The importance of strengthening nuclear safety, radiation protection, the safety of radioactive-waste management and the safe transport of nuclear and radioactive materials, including maritime transport, was stressed. The need for maintaining the highest standards of safety at civilian nuclear installations through national measures and international cooperation was also emphasized. The role of IAEA in the promotion of safety in all its aspects was underlined and it was noted that further efforts were needed in that regard. States parties that had not yet done so were called on to accede to all relevant conventions on nuclear safety, safe waste management and physical protection of nuclear material and the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. States parties supported efforts to enhance the security of existing stockpiles of highly enriched uranium, while minimizing its use in the civilian nuclear sector. The importance of maintaining dialogue on facilitating safe maritime transport of radioactive material was stressed.

43. States parties noted the importance of combating nuclear terrorism and strongly supported existing IAEA initiatives in that regard. The IAEA action plan on protection against nuclear terrorism was widely noted and supported. States parties called for full implementation of Security Council resolutions 1540 (2004) and 1673 (2006) and noted the adoption of the convention against nuclear terrorism as well as other initiatives, including the Global Initiative to Combat Nuclear Terrorism. The Agency's work in support of States' efforts to prevent the illicit trafficking of nuclear and other radioactive material was also commended. In that context, States noted the new proliferation threat posed by clandestine networks for the supply of nuclear goods and technologies. It was emphasized that only through proactive and full cooperation and assistance to IAEA could those threats be curbed. States parties stressed the importance of contributions to

the Nuclear Security Fund of IAEA. States expressed support for measures to prevent terrorists from acquiring weapons of mass destruction and related material and welcomed the principles of the Group of Eight in that regard.

44. States parties urged the strengthening of the physical protection of nuclear material and facilities as an element of the non-proliferation regime that should be emphasized, particularly in the light of the heightened risk of nuclear terrorism. They welcomed the amendment to the Convention on the Physical Protection of Nuclear Material and urged States that had not yet done so to accede to the amended convention. All States were urged to implement the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

45. States parties emphasized the need to increase international cooperation in respect of the promotion of multilateralism in the nuclear fuel cycle and the supply of nuclear fuel. The ongoing and forthcoming discussions at IAEA on fuel supply assurance mechanisms were noted, and some States parties made reference to the various proposals submitted on that subject, expressing their willingness to participate in and contribute to such discussions. It was stressed that such proposals should be addressed in a multilaterally negotiated, comprehensive and non-discriminatory manner under the auspices of IAEA, without restrictions on access to nuclear material, equipment and technology for peaceful purposes. The need to ensure participation by States in full compliance with their safeguards obligations was also stressed. Some States expressed the hope that the NPT review process would encourage further progress. It was noted that a balanced multilateral mechanism could significantly contribute to confidence-building in the field of non-proliferation and to peaceful uses of nuclear energy. Some States noted that multilateralization of the fuel cycle should not deny States parties' choices regarding the development of national fuel cycles.

46. States parties were reminded about discussions held at the 2005 Review Conference on the need for disincentives on and response to withdrawal from the Treaty. While reaffirming the sovereign right of each State party to withdraw from the NPT as provided for in article X (1), it was noted that article X envisaged that withdrawal would be exercised only in the face of extraordinary events. Importance was attached to the need for any withdrawal to be made in a manner consistent with the purposes and objectives of the Treaty and that its consequences would be subject to international scrutiny.

47. Views were expressed that a State that withdraws from the NPT should not be able to benefit from nuclear materials, equipment and technology acquired while party to the Treaty. It was emphasized that, under international law, a withdrawing party was liable for breaches of the Treaty that occurred prior to withdrawal. It was also stressed that nuclear material, equipment and technology acquired by States for peaceful purposes prior to withdrawal must remain subject to peaceful uses under IAEA safeguards.

48. The need was noted for States parties to undertake consultations and conduct every diplomatic effort, including on a regional basis, to encourage a party to reconsider its sovereign position to withdraw. Given the particular circumstances envisaged in article X for the exercise of the right to withdraw, the role of the Security Council as provided for in that article was also underlined.

49. The need to strengthen the Treaty and its review process was expressed. Institutional improvements suggested included annual or extraordinary meetings of States parties, a small standing bureau or standing committee, and an enhanced secretariat.

50. There was an exchange of views on rotation among regional groupings of the chairpersonship of the preparatory committees and the review conferences for future cycles.

51. States parties emphasized the value of the involvement and contribution of civil society in the process of Treaty review. Substantive proposals were made for the enhanced participation of non-governmental organizations.



## C — Materials from Previous Review Conferences

### 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Final Document. Volume I. Parts I and II

[NPT/CONF.2010/50 (Vol. I), New York 18 June 2010]

[Editorial note: Footnotes, except 1<sup>st</sup>, not included]

#### Part I

**Review of the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference\***

#### Articles I and II and first and third preambular paragraphs

1. The Conference reaffirms that the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons and the regime of non-proliferation in all its aspects has a vital role in promoting international peace and security. The Conference reaffirms that every effort should be made to implement the Treaty in all its aspects and to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty. The Conference remains convinced that universal adherence to the Treaty and full compliance of all parties with all its provisions are the best way to prevent the spread of nuclear weapons and other nuclear explosive devices.

2. The Conference recalls that the overwhelming majority of States entered into legally binding commitments not to receive, manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices in the context, inter alia, of the corresponding legally binding commitments by the nuclear-weapon States to nuclear disarmament in accordance with the Treaty.

3. The Conference notes that the nuclear-weapon States reaffirmed their commitment not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices directly, or indirectly, and not in any way to assist, encourage or induce any non-nuclear-weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

4. The Conference notes that the non-nuclear-weapon States parties to the Treaty reaffirmed their commitment not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly, not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

5. The Conference reaffirms the commitment of States parties to the effective implementation of the objectives and provisions of the Treaty, the decisions and resolution of the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons adopted without a vote, and the Final Document of the 2000 Review Conference, adopted by consensus.

6. The Conference reaffirms that the strict observance of all the provisions of the Treaty remains central to achieving the shared objectives of the total elimination of nuclear weapons, preventing, under any circumstances, the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security.

\* The present review is the responsibility of the President and reflects to the best of his knowledge what transpired at the Review Conference with regard to matters under review.

7. The Conference emphasizes that responses to concerns over compliance with any obligation under the Treaty by any State party should be pursued by diplomatic means, in accordance with the provisions of the Treaty and the Charter of the United Nations.

8. The Conference recognizes that breaches of the Treaty's obligations undermine nuclear disarmament, non-proliferation and peaceful uses of nuclear energy.

#### **Article III and fourth and fifth preambular paragraphs, especially in their relationship to article IV and the sixth and seventh preambular paragraphs**

9. The Conference reaffirms that the International Atomic Energy Agency (IAEA) is the competent authority responsible for verifying and assuring, in accordance with the statute of IAEA and the IAEA safeguards system, compliance by States parties with their safeguards agreements undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. It is the conviction of the Conference that nothing should be done to undermine the authority of IAEA in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. The Conference reaffirms the importance of access to the United Nations Security Council and the General Assembly by IAEA, including its Director General, in accordance with article XII.C of the statute of IAEA and paragraph 19 of IAEA document INFCIRC/153 (Corrected), and the role of the United Nations Security Council and the General Assembly, in accordance with the Charter of the United Nations, in upholding compliance with IAEA safeguards agreements and ensuring compliance with safeguards obligations by taking appropriate measures in the case of any violations notified to it by IAEA.

11. The Conference recognizes that IAEA safeguards are a fundamental component of the nuclear non-proliferation regime, play an indispensable role in the implementation of the Treaty and help to create an environment conducive to nuclear cooperation.

12. The Conference recalls paragraph 12 of decision 2, entitled "Principles and objectives for nuclear non-proliferation and disarmament", of the 1995 Review and Extension Conference, which provides that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the comprehensive IAEA safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. The Conference reaffirms that the implementation of comprehensive safeguards agreements pursuant to article III, paragraph 1, of the Treaty should be designed to provide for verification by IAEA of the correctness and completeness of a State's declaration, so that there is a credible assurance of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

14. The Conference welcomes that 166 States have brought into force comprehensive safeguards agreements with IAEA in compliance with article III, paragraph 4, of the Treaty.

15. The Conference welcomes the fact that since May 1997, the IAEA Board of Governors has approved additional protocols (INFCIRC/540 (Corrected)) to comprehensive safeguards agreements for 133 States. Additional protocols are currently being implemented in 102 States.

16. The Conference welcomes that all nuclear-weapon States have now brought into force additional protocols to their voluntary-offer safeguards agreements incorporating those measures provided for in the model additional protocol that each nuclear-

weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the protocol.

17. The Conference recognizes that comprehensive safeguards agreements based on IAEA document INFCIRC/153 (Corrected) have been successful in their main focus of providing assurance regarding declared nuclear material and have also provided a limited level of assurance regarding the absence of undeclared nuclear material and activities. The Conference notes that the implementation of measures specified in the model additional protocol provides, in an effective and efficient manner, increased confidence about the absence of undeclared nuclear material and activities in a State as a whole. The Conference notes that numerous States were of the view that those measures have been introduced as an integral part of the IAEA safeguards system. The Conference also notes that it is the sovereign decision of any State to conclude an additional protocol, but once in force, the additional protocol is a legal obligation.

18. The Conference notes that many States recognize that comprehensive safeguards agreements and additional protocols are among the integral elements of the IAEA safeguards system. The Conference notes that in the case of a State party with a comprehensive safeguards agreement concluded pursuant to article III, paragraph 1, of the Treaty and supplemented by an additional protocol in force, measures contained in both instruments represent the enhanced verification standard for that State. The Conference notes that the additional protocol represents a significant confidence-building measure. The Conference encourages all States parties that have not yet done so to conclude and bring into force an additional protocol.

19. The Conference stresses the importance of maintaining and observing fully the principle of confidentiality regarding all information related to implementation of safeguards in accordance with safeguards agreements and the IAEA statute.

20. The Conference welcomes the important work being undertaken by IAEA in the conceptualization and development of State-level approaches to safeguards implementation and evaluation, and in the implementation of State-level integrated safeguards approaches, which result in an information-driven system of verification that is more comprehensive, as well as more flexible and effective. The Conference welcomes the implementation by IAEA of integrated safeguards in 47 States parties.

21. The Conference notes that bilateral and regional safeguards can play a key role in the promotion of transparency and mutual confidence between States, and that they can also provide assurances concerning nuclear non-proliferation.

22. The Conference notes the concerns expressed by numerous States parties with respect to matters of non-compliance with the Treaty by States parties, and their calls on those States that are non-compliant to move promptly to full compliance with their obligations.

23. The Conference underscores the importance of IAEA exercising fully its mandate and its authority to verify the declared use of nuclear material and facilities and the absence of undeclared nuclear material and activities in States parties in conformity with comprehensive safeguards agreements and, where relevant, with additional protocols, respectively.

24. The Conference is of the view that the implementation of additional protocols equips IAEA with efficient and effective tools for obtaining additional information about the absence of undeclared nuclear material and activities in non-nuclear-weapon States. The Conference notes that many States were of the view that additional protocols also equip IAEA with access that provides the basis for credible assurance.

25. The Conference welcomes the efforts of IAEA to assist the States parties in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of State systems of accounting for and control of nuclear material.

26. The Conference recognizes that national rules and regulations of States parties are necessary to ensure that the States parties are able to give effect to their commitments with respect to the transfer of nuclear and nuclear-related dual-use items to all States taking into account articles I, II and III of the Treaty, and, for States

parties, also fully respecting article IV. The Conference notes that numerous States underline that effective and transparent export controls are important for facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, which, in the view of those States, depends on the existence of a climate of confidence about non-proliferation.

27. The Conference notes the paramount importance of effective physical protection of all nuclear material and the need for strengthened international cooperation in physical protection. The Conference welcomes the adoption in 2005 of the amendments to the Convention on the Physical Protection of Nuclear Material.

28. The Conference emphasizes the important role of IAEA in fostering international cooperation in nuclear security in establishing a comprehensive set of nuclear security guidelines, and in assisting Member States, upon request, in their efforts to enhance nuclear security.

29. The Conference recognizes the need for enhanced international cooperation and coordination among States parties, in accordance with their national legal authorities and legislation, in preventing, detecting and responding to illicit trafficking in nuclear and other radioactive material. In this regard, the Conference notes the work of IAEA in support of the efforts of States parties to combat such trafficking, including the Agency's activities undertaken to provide for an enhanced exchange of information and the continued maintenance of its illicit trafficking database.

30. The Conference notes the entry into force in 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism.

#### **Article IV and sixth and seventh preambular paragraphs**

31. The Conference reaffirms that nothing in the Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II, III and IV of the Treaty. The Conference recognizes that this right constitutes one of the fundamental objectives of the Treaty. In this connection, the Conference confirms that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle policies.

32. The Conference reaffirms that all States parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy in conformity with all the provisions of the Treaty. States parties to the Treaty in a position to do so should also cooperate in contributing alone or together with other States parties or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for the needs of the developing areas of the world.

33. The Conference urges that in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment be given to the non-nuclear-weapon States parties to the Treaty, taking the needs of developing countries, in particular, into account.

34. The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes. Transfers of nuclear technology and international cooperation among States parties in conformity with articles I, II and III of the Treaty are to be encouraged. They would be facilitated by eliminating undue constraints that might impede such cooperation.

35. The Conference underlines the role of IAEA in assisting developing States parties in the peaceful uses of nuclear energy through the development of effective and efficient programmes aimed at improving their scientific, technological and regulatory capabilities.



### Peaceful uses of nuclear energy: nuclear energy and technical cooperation

36. The Conference emphasizes that cooperation, to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world, in the peaceful uses of nuclear energy, is one of the core objectives enshrined in the IAEA statute.

37. The Conference positively notes and further encourages active cooperation of States parties, among themselves and through IAEA, in the peaceful uses and applications of nuclear energy, including through international technical cooperation.

38. The Conference underlines that IAEA activities in the field of technical cooperation, nuclear power and non-power applications contribute in an important way to meeting energy needs, improving health, combating poverty, protecting the environment, developing agriculture, managing the use of water resources and optimizing industrial processes, thus helping to achieve the Millennium Development Goals, and that these activities, as well as bilateral and other multilateral cooperation, contribute to achieving objectives set forth in article IV of the Treaty.

39. The Conference affirms the importance of public information in connection with peaceful nuclear activities in States parties to help build acceptance of peaceful uses of nuclear energy.

40. The Conference emphasizes the importance of the technical cooperation activities of IAEA, and stresses the importance of nuclear knowledge-sharing and the transfer of nuclear technology to developing countries for the sustainment and further enhancement of their scientific and technological capabilities, thereby also contributing to their socio-economic development in areas such as electricity production, human health, including the application of nuclear technology in cancer therapy, and the use of nuclear techniques in environmental protection, water resources management, industry, food, nutrition and agriculture.

41. The Conference stresses that the IAEA technical cooperation programme, as one of the main vehicles for the transfer of nuclear technology for peaceful purposes, is formulated in accordance with the IAEA statute and guiding principles, as contained in INFCIRC/267, and in accordance with relevant directives of the General Conference and the Board of Governors.

42. The Conference notes the continuous collaborative efforts by IAEA and its member States to enhance the effectiveness and efficiency of the IAEA technical cooperation programme.

43. The Conference recognizes that regional cooperative arrangements for the promotion of the peaceful use of nuclear energy can be an effective means of providing assistance and facilitating technology transfer, complementing the technical cooperation activities of IAEA in individual countries. It notes the contributions of the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology, the Regional Cooperative Agreement for the Advancement of Nuclear Science and Technology in Latin America and the Caribbean, the Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology for Asia and the Pacific and the Cooperative Agreement for Arab States in Asia for Research, Development and Training related to Nuclear Science and Technology, as well as the strategy for the IAEA technical cooperation programme in the European region.

44. The Conference calls on States parties to make every effort and take practical steps to ensure that the IAEA resources for technical cooperation activities are sufficient, assured and predictable to meet the objectives mandated in article II of the IAEA statute, notes with appreciation the 94 per cent rate of attainment level by the end of 2009, and looks forward to reaching the rate of 100 per cent, which is central to reconfirming the commitment of IAEA member States to the IAEA technical cooperation programme, and thus recalls that the financing of technical cooperation should be in line with the concept of shared responsibility and that all members share a common responsibility towards financing and enhancing the technical cooperation activities of IAEA.

45. The Conference welcomes the commitment of the IAEA Director General to ensuring that the work of IAEA continues to meet the basic needs of human beings in the fields of, inter alia,

human health, including the application of nuclear technology in cancer therapy, water resources, industry, food, nutrition and agriculture, and especially the initiative of the IAEA Director General to highlight cancer control as a priority for IAEA during 2010.

46. The Conference welcomes the contributions already pledged by countries and groups of countries in support of IAEA activities. Such additional resources can contribute to the achievement of the Millennium Development Goals.

47. The Conference supports national, bilateral and international efforts to train the skilled workforce necessary for developing peaceful uses of nuclear energy.

### Nuclear power

48. The Conference acknowledges that each State party has the right to define its national energy policy.

49. The Conference recognizes that a diverse portfolio of energy sources will be needed to allow access to sustainable energy and electricity resources in all regions of the world, and that States parties may pursue different ways to achieve their energy security and climate protection goals.

50. The Conference recognizes the safety and security issues associated with nuclear energy, as well as the important issue of managing spent fuel and radioactive waste in a sustainable manner, while also recognizing the continuing international efforts to address those issues. Nuclear fuel suppliers are encouraged to work with and assist recipient States, upon request, in the safe and secure management of spent fuel.

51. The Conference recognizes that the development of an appropriate infrastructure to support the safe, secure and efficient use of nuclear power, in line with relevant IAEA standards and guidelines, is an issue of central importance, especially for countries that are planning for the introduction of nuclear power.

52. The Conference confirms that, when developing nuclear energy, including nuclear power, the use of nuclear energy should be accompanied by commitments to and ongoing implementation of safeguards, as well as appropriate and effective levels of safety and security, in accordance with IAEA standards and consistent with the national legislation and respective international obligations of States.

53. The Conference notes the importance, for countries developing their capacities in this field, of working to further develop and promote advanced nuclear technologies, nationally and through cooperation in all relevant international initiatives such as the International Project on Innovative Nuclear Reactors and Fuel Cycles (INPRO), the International Thermo-nuclear Experimental Reactor (ITER) and the Generation IV International Forum.

54. The Conference notes the High-level African Regional Conference on the Contribution of Nuclear Energy to Peace and Sustainable Development, held in Algiers in January 2007, the International Ministerial Conference on Nuclear Energy in the 21st Century, organized by IAEA in Beijing in April 2009, and the International Conference on Access to Civil Nuclear Energy, held in Paris in March 2010.

55. The Conference encourages the States concerned to further develop a new generation of proliferation-resistant nuclear reactors.

### Multilateral approaches to the nuclear fuel cycle

56. The Conference notes the adoption by the IAEA Board of Governors in November 2009 of its resolution on the establishment in the Russian Federation of a reserve of low-enriched uranium for the use of IAEA member States, and the signature in March 2010 of the relevant agreement between the Russian Federation and IAEA.

57. The Conference underlines the importance of continuing to discuss in a non-discriminatory and transparent manner under the auspices of IAEA or regional forums, the development of multilateral approaches to the nuclear fuel cycle, including the possibilities to create mechanisms for assurance of nuclear fuel supply, as well as possible schemes dealing with the back-end of the fuel cycle, without affecting rights under the Treaty and without

prejudice to national fuel cycle policies, while tackling the technical, legal and economic complexities surrounding these issues, including in this regard the requirement of IAEA full scope safeguards.

#### **Nuclear safety and nuclear security**

58. The Conference stresses the importance of nuclear safety and nuclear security for the peaceful uses of nuclear energy. While nuclear safety and nuclear security are national responsibilities, IAEA should play the key role in the development of safety standards, nuclear security guidance and relevant conventions based on best practice.

59. The Conference notes that a demonstrated global record of safety is a key element for the peaceful use of nuclear energy and that continuous efforts are required to ensure that the technical and human requirements of safety are maintained at the optimal level. Although safety is a national responsibility, international cooperation on all safety-related matters is important. The Conference encourages the efforts of IAEA, as well as of other relevant forums, in the promotion of safety in all its aspects, and encourages all States parties to take the appropriate national, regional and international steps to enhance and foster a safety culture. The Conference welcomes and underlines the intensification of national measures and international cooperation in order to strengthen nuclear safety, radiation protection, the safe transport of radioactive materials and radioactive waste management, including activities conducted in this area by IAEA. In this regard, the Conference recalls that special efforts should be made and sustained to increase awareness in these fields, through participation of States parties, particularly those from developing countries, in training, workshops, seminars and capacity-building in a non-discriminatory manner.

60. The Conference acknowledges the primary responsibility of individual States for maintaining the safety of their nuclear installations, and the crucial importance of an adequate national technical, human and regulatory infrastructure in nuclear safety, radiological protection and spent fuel and radioactive waste management, as well as an independent and effective regulatory body.

61. The Conference encourages all States that have not yet done so to become party to the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency and the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

62. The Conference endorses the principles and objectives of the non-legally binding Code of Conduct on the Safety and Security of Radioactive Sources and the Code of Conduct on the Safety of Research Reactors, and underlines the important role of the supplementary Guidance on the Import and Export of Radioactive Sources.

63. The Conference encourages all States that have not yet done so to become party to the Convention on the Physical Protection of Nuclear Material and to ratify its amendment so that it may enter into force at an early date.

64. The Conference encourages all States that have not yet done so to become party to the International Convention for the Suppression of Acts of Nuclear Terrorism.

65. The Conference notes the Nuclear Security Summit held in Washington, D.C., in April 2010.

66. The Conference welcomes the efforts by State parties on a voluntary basis to minimize the use of highly enriched uranium in the civilian sector.

67. The Conference recognizes the importance of applying best practice and basic principles, as developed by IAEA, in mining and processing, including those related to environmental management of uranium mining.

68. The Conference underlines the fundamental importance of sustainable programmes, through international efforts, such as IAEA, and regional and national efforts, for education and training in nuclear, radiation, transport and waste safety and nuclear security, while focusing on building institutional capacity and

technical and managerial capabilities in States parties.

69. The Conference encourages State parties to promote the sharing of best practices in the area of nuclear safety and nuclear security, including through dialogue with the nuclear industry and the private sector, as appropriate.

70. The Conference welcomes the attention to problems of safety and contamination related to the discontinuation of nuclear operations formerly associated with nuclear-weapons programmes, including, where appropriate, safe resettlement of any displaced human populations and the restoration of economic productivity to affected areas.

71. The Conference encourages all Governments and international organizations that have expertise in the field of clean-up and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in these affected areas, while noting the efforts that have been made to date in this regard.

#### **Safe transport of radioactive materials**

72. The Conference recognizes that, historically, the safety record of civilian transport, including maritime transport, of radioactive materials has been excellent, and stresses the importance of international cooperation to maintain and enhance the safety of international transport.

73. The Conference reaffirms maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments.

74. The Conference endorses the IAEA standards for the safe transport of radioactive material and affirms that it is in the interests of all States parties that the transportation of radioactive materials continues to be conducted consistent with international safety, security and environmental protection standards and guidelines. The Conference takes note of the concerns of small island developing States and other coastal States with regard to the transportation of radioactive materials by sea and, in this regard, welcomes efforts to improve communication between shipping and coastal States for the purpose of addressing concerns regarding transport safety, security and emergency preparedness.

#### **Armed attacks against nuclear installations devoted to peaceful purposes**

75. The Conference considers that attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety, have dangerous political, economic and environmental implications and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations. The Conference notes that a majority of States parties have suggested a legally binding instrument be considered in this regard.

#### **Nuclear liability**

76. The Conference recalls the Paris Convention on Third Party Liability in the Field of Nuclear Energy, the Vienna Convention on Civil Liability for Nuclear Damage, the Brussels Convention Supplementary to the Paris Convention, the Joint Protocol related to the Application of the Vienna Convention and the Paris Convention and the protocols amending these conventions, and the objectives thereof, and notes the intention of the Convention on Supplementary Compensation for Nuclear Damage to establish a worldwide nuclear liability regime based on the principles of nuclear liability law, without prejudice to other liability regimes.

77. The Conference recognizes the importance of having in place effective and coherent nuclear liability mechanisms at the national and global levels to provide compensation, if necessary, for damage inter alia to people, property and the environment due to a nuclear accident or incident, taking fully into account legal and technical considerations, and believing that the principle of strict liability should apply in the event of a nuclear accident or incident, including during the transport of radioactive material.

#### **Article V**

78. The Conference affirms that the provisions of article V of the Treaty with regard to the peaceful applications of any nuclear

explosions are to be interpreted in the light of the Comprehensive Nuclear-Test-Ban Treaty.

**Article VI and eighth to twelfth preambular paragraphs**

79. The Conference notes the reaffirmation by the nuclear-weapon States of their unequivocal undertaking to accomplish, in accordance with the principle of irreversibility, the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty.

80. The Conference, while welcoming achievements in bilateral and unilateral reductions by some nuclear-weapon States, notes with concern that the total estimated number of nuclear weapons deployed and stockpiled still amounts to several thousands. The Conference expresses its deep concern at the continued risk for humanity represented by the possibility that these weapons could be used and the catastrophic humanitarian consequences that would result from the use of nuclear weapons.

81. The Conference notes the new proposals and initiatives from Governments and civil society related to achieving a world free of nuclear weapons. The Conference notes the proposals for nuclear disarmament of the Secretary-General of the United Nations to inter alia consider negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.

82. The Conference affirms that the final phase of the nuclear disarmament process and other related measures should be pursued within an agreed legal framework, which a majority of States parties believe should include specified timelines.

83. The Conference reaffirms the essential role of the Comprehensive Nuclear-Test-Ban Treaty within the nuclear disarmament and non-proliferation regime and that by achieving the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, the Treaty combats both horizontal and vertical proliferation. The Conference calls on all States to refrain from any action that would defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty pending its entry into force, in particular with regard to the development of new types of nuclear weapons.

84. The Conference welcomes that 181 States have signed the Comprehensive Nuclear-Test-Ban Treaty and that 153 States, including 35 whose ratification is necessary for its entry into force, have deposited instruments of ratification. In this respect, the Conference welcomes the ratification by the Central African Republic and by Trinidad and Tobago during the Conference and welcomes the recent expressions by remaining States whose ratifications are necessary for the Treaty to enter into force of their intention to pursue and complete the ratification process, including by Indonesia and the United States of America. The Conference also welcomes the recent expressions by Iraq, Papua New Guinea and Thailand of their intentions to pursue and complete the ratification process.

85. The Conference welcomes the high-level political support for the Treaty expressed during the Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, convened in New York in September 2009, in accordance with article XIV of the Comprehensive Nuclear-Test-Ban Treaty, where specific and practical measures to promote the entry into force of that Treaty were adopted. The Conference stresses the importance of the international monitoring system and commends the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization towards its completion.

86. The Conference notes the need for further progress in diminishing the role of nuclear weapons in security policies.

87. The Conference, while welcoming the adoption by consensus of a programme of work in the Conference on Disarmament in May 2009, expresses deep concern that after more than a decade the Conference on Disarmament has been unable to commence negotiations and substantive deliberations pursuant to an agreed programme of work, and urges it to begin work without delay.

88. The Conference takes note of the International Court of Justice

advisory opinion on the *Legality of the Threat or Use of Nuclear Weapons*, issued at The Hague on 8 July 1996.

89. The Conference welcomes the signing of the Treaty between the United States and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, as well as the unilateral reduction measures announced and implemented by other nuclear-weapon States, including the closing and dismantling of nuclear weapons related facilities. The Conference also welcomes the reductions announced by some nuclear-weapon States in the role of nuclear weapons in their security doctrines, as well as statements by some nuclear-weapon States regarding measures related to strengthening negative security assurances, and notes that China maintains a declaratory policy based on no first use of nuclear weapons.

90. The Conference recognizes that reductions in the operational status of nuclear weapons and announced measures related to de-targeting contribute to the process of nuclear disarmament through the enhancement of confidence-building measures and a diminishing role for nuclear weapons in security policies.

91. The Conference welcomes the declared moratoriums by some nuclear-weapon States on the production of fissile material for nuclear weapons.

92. The Conference notes the regular reports submitted by States parties within the framework of the strengthened review process on the implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraph 4 (c) of the 1995 decision entitled “Principles and objectives for nuclear non-proliferation and disarmament”, and recalling the advisory opinion of the International Court of Justice of 8 July 1996.

93. The Conference notes the first meeting between nuclear-weapon States on confidence-building measures in the context of nuclear disarmament and non-proliferation, held in September 2009.

94. The Conference notes the increased transparency of some nuclear-weapon States with respect to the number of nuclear weapons in their national inventories and encourages all nuclear-weapon States to provide additional transparency in this regard.

95. The Conference welcomes efforts towards the development of nuclear disarmament verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world. The Conference notes the cooperation between Norway and the United Kingdom of Great Britain and Northern Ireland in establishing a system for nuclear warhead dismantlement verification.

96. The Conference underscores 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.

**Article VII and the security of non-nuclear-weapon States**

97. The Conference reaffirms 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.

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

99. The Conference welcomes the steps that have been taken since 2005 to conclude nuclear-weapon-free zone treaties and recognizes the continuing contributions that the Antarctic Treaty, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), the Treaty on the South-East Asia Nuclear Weapon Free Zone (Bangkok Treaty), the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia are making towards attaining the objective of nuclear disarmament and

nuclear non-proliferation.

100. The Conference welcomes the declaration by Mongolia of its nuclear-weaponfree status and supports the measures taken by Mongolia to consolidate and strengthen this status.

101. The Conference welcomes the entry into force of the Pelindaba Treaty on 15 July 2009. The Conference also welcomes actions by various nuclear-weaponfree zones to pursue their objectives, in particular the plan of action for the period 2007-2012 endorsed by the Southeast Asia Nuclear-Weapon-Free Zone Commission to strengthen the implementation of the Bangkok Treaty and the ongoing consultations between the Association of Southeast Asian Nations and nuclear-weapon States on the Protocol to the Bangkok Treaty.

102. The Conference welcomes the entry into force of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia on 21 March 2009. The Conference considers that the establishment of a nuclear-weapon-free zone in Central Asia constitutes an important step towards strengthening the nuclear non-proliferation regime and promoting cooperation in the peaceful uses of nuclear energy and in the environmental rehabilitation of the territories affected by radioactive contamination. The Conference urges the States concerned to resolve any outstanding issues regarding the functioning of the Zone in accordance with the guidelines adopted by the United Nations Disarmament Commission in 1999.

103. The Conference welcomes the ratification by some nuclear-weapon States of protocols to nuclear-weapon-free zone treaties and the announcement of the United States of its intention to start the process aimed at the ratification of the protocols to the Pelindaba and Rarotonga treaties and the intention to conduct consultations with the parties to the nuclear-weapon-free zones in Central and South-East Asia, in an effort to sign and ratify relevant protocols. The Conference stresses the importance of the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant protocols to the treaties that establish nuclear-weapon-free zones in order to assure the total absence of nuclear weapons in the respective territories as envisaged in article VII of the Treaty on the Non-Proliferation of Nuclear Weapons.

104. The Conference underscores the importance of the establishment of nuclear-weapon-free zones where they do not exist, especially in the Middle East.

105. The Conference calls on the nuclear-weapon States to bring into effect the security assurances provided by nuclear-weapon-free zone treaties and their protocols.

106. The Conference welcomes the results of the first Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones, held on 28 April 2005 in Mexico City, and the second Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, held on 30 April 2010 in New York, as an important contribution to achieving a nuclear-weapon-free world. The Conference also welcomes the vigorous efforts made by States parties and signatories to those treaties to promote their common objectives. The Conference encourages fostering cooperation and enhanced consultation mechanisms among the existing nuclear-weapon-free zones through the establishment of concrete measures, in order to fully implement the principles and objectives of the relevant nuclear-weapon-free zone treaties and to contribute to the implementation of the treaty regime. The Conference acknowledges the initiative to hold a meeting of States parties and signatories of treaties establishing nuclear-weapon-free zones and States having declared their nuclear-weapon-free status within the framework of the forthcoming Review Conferences of the Treaty.

#### **South Asia and other regional issues**

107. The Conference urges India and Pakistan to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive IAEA safeguards promptly and without conditions. The Conference further urges both States to strengthen their non-proliferation export control measures over technologies, material and equipment that can be used for the production of nuclear weapons and their delivery systems.

108. The Conference deeply deplores the nuclear test explosions

announced by the Democratic People's Republic of Korea and declares that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State in accordance with the Treaty in any case. The Conference reaffirms the firm support for the Six-Party Talks, which is the effective mechanism for the verifiable denuclearization of the Korean Peninsula in a peaceful manner. The Conference calls for the resumption of the talks at an appropriate time in the future. The Conference recalls the importance of the implementation of the relevant resolutions of the United Nations Security Council, and urges the Democratic People's Republic of Korea to fulfil its commitments under the Six-Party Talks, in accordance with the September 2005 Joint Statement.

#### **Article VIII**

##### **Further strengthening the review process of the Treaty on the Non-Proliferation of Nuclear Weapons**

109. The Conference reaffirms the purpose of the review process as set out in the relevant decisions of the 2000 Review Conference and the 1995 Review and Extension Conference. In the context of the 1995 Conference, mindful of the undertaking in decision 1 that "Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality", the Review Conference takes the decisions and recommendations set out below.

110. The Conference recognizes the importance of ensuring optimal coordination and continuity throughout the review cycle. In this context, the Conference encourages past and incumbent Presidents and Chairs to be available for consultations with the incoming President and Chair, if necessary, regarding practical matters relating to their responsibilities. Participation in these meetings will be voluntary and without affecting the costs assessed to States parties.

111. The Conference recommends that a dedicated staff officer to support the Treaty's review cycle should be added to the Office for Disarmament Affairs of the United Nations Secretariat. The dedicated officer will function in an independent manner and be responsible to the meetings of States parties to the Treaty. Pending a further decision by States parties, the costs associated with the staff officer will be funded from voluntary contributions from States parties in a position to do so. Such voluntary contributions will be provided without any conditions. The mandate and functions of this officer will be reviewed in the next review cycle.

112. The Conference affirmed that improving the effectiveness of the strengthened review process is an ongoing responsibility of States parties and therefore, in this regard, deserves further consideration in the next review cycle.

#### **Article IX**

113. The Conference welcomes the accessions to the Treaty by Cuba in 2002 and Timor-Leste in 2003, the continued adherence of Serbia to the Treaty in accordance with the successor statement of 29 August 2001, as well as the succession of Montenegro in 2006, bringing the total number of States that have become parties to the Treaty to 190, and reaffirms the urgency and importance of achieving the universality of the Treaty.

114. The Conference reaffirms that the Treaty is vital in promoting nuclear disarmament, preventing the proliferation of nuclear weapons, facilitating the peaceful uses of nuclear energy and providing significant security benefits. The Conference remains convinced that universal adherence to the Treaty can achieve these goals, and it calls upon all States not parties to the Treaty, India, Israel and Pakistan, to accede to it without further delay and without any conditions, and to bring into force the required comprehensive safeguards agreements and additional protocols consistent with the model additional protocol (INFCIRC/540 (Corrected)). The Conference also calls on those three States, which operate unsafeguarded nuclear facilities, to reverse clearly and urgently any policies to pursue any nuclear-weapon development or deployment and to refrain from any action that could undermine regional and international peace and security and the efforts of the international community towards nuclear disarmament and the prevention of proliferation of nuclear weapons.

115. The Conference reaffirms that the preservation of the integrity

of the Treaty, achieving its universality and its strict implementation are essential to regional and international peace and security.

116. The Conference reaffirms the commitment of parties to the Treaty to achieve its universality. States parties express their concern regarding the lack of progress in the achievement of universality and in the implementation of the Resolution on the Middle East adopted at the 1995 Review and Extension Conference, which a majority of States parties believe seriously undermines the Treaty and represents a threat to regional and international peace and security.

117. The Conference reaffirms that new supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material should require, as a necessary precondition, acceptance of IAEA full-scope safeguards and international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

#### Article X

118. The Conference reaffirms that each 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 the Treaty have jeopardized its supreme interests. The Conference also reaffirms that pursuant to article X notice of such withdrawal shall be given to all other parties to the Treaty and to the United Nations Security Council three months in advance, and that such notice shall include a statement of the extraordinary events the State party regards as having jeopardized its supreme interests.

119. The Conference notes that numerous States recognize that the right of withdrawal is established in the provisions of the Treaty. There were divergent views regarding its interpretation with respect to other relevant international law. The Conference notes that many States underscore that under international law a withdrawing party is still responsible for violations of the Treaty committed prior to its withdrawal, and that if done in accordance with the provisions of the Treaty, such withdrawal would not affect any right, obligation or legal situation between the withdrawing State and each of the other States parties created through the execution of the Treaty prior to withdrawal, including those related to the required IAEA safeguards.

120. Without prejudice to the legal consequences of the withdrawal and to the status of compliance by the withdrawing State, the Conference notes that numerous States were of the view that States parties should undertake consultations immediately, as well as regional diplomatic initiatives. Given the particular circumstances envisaged in article X for the exercise of the right to withdraw, the Conference notes that numerous States reaffirm the responsibility entrusted to the Security Council under the Charter of the United Nations.

121. The Conference notes that numerous States acknowledge that nuclear supplying States can consider incorporating dismantling and/or return clauses in the event of withdrawal in arrangements or contracts concluded with other States parties as appropriate in accordance with international law and national legislation.

### Conclusions and recommendations for follow-on actions

#### I. Nuclear disarmament

In pursuit of the full, effective and urgent implementation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", and building upon the practical steps agreed to in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference agrees on the following action plan on nuclear disarmament which includes concrete steps for the total elimination of nuclear weapons:

##### A. Principles and objectives

- i. The Conference resolves to seek a safer world for all and to achieve the peace and security of a world without nuclear weapons, in accordance with the objectives of the Treaty.
- ii. The Conference reaffirms the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their

nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI.

iii. The Conference reaffirms the continued validity of the practical steps agreed to in the Final Document of the 2000 Review Conference.

iv. The Conference reaffirms that significant steps by all the nuclear-weapon States leading to nuclear disarmament should promote international stability, peace and security, and be based on the principle of increased and undiminished security for all.

v. The Conference expresses its deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons and reaffirms the need for all States at all times to comply with applicable international law, including international humanitarian law.

vi. The Conference affirms the vital importance of universality of the Treaty on the Non-Proliferation of Nuclear Weapons and calls on all States not parties to the Treaty to accede as non-nuclear-weapon States to the Treaty promptly and without any conditions and to commit to achieving the complete elimination of all nuclear weapons, and calls upon States to promote universal adherence to the Treaty and not to undertake any actions that can negatively affect prospects for the universality of the Treaty.

*The Conference resolves that:*

- Action 1: All States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.
- Action 2: All States parties commit to apply the principles of irreversibility, verifiability and transparency in relation to the implementation of their treaty obligations.

#### B. Disarmament of nuclear weapons

i. The Conference reaffirms the urgent need for the nuclear-weapon States to implement the steps leading to nuclear disarmament agreed to in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and security, and based on the principle of undiminished and increased security for all.

ii. The Conference affirms the need for the nuclear-weapon States to reduce and eliminate all types of their nuclear weapons and encourages, in particular, those States with the largest nuclear arsenals to lead efforts in this regard.

iii. The Conference calls on all nuclear-weapon States to undertake concrete disarmament efforts and affirms that all States need to make special efforts to establish the necessary framework to achieve and maintain a world without nuclear weapons. The Conference notes the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which proposes, inter alia, consideration of negotiations on a nuclear weapons convention or agreement on a framework of separate mutually reinforcing instruments, backed by a strong system of verification.

iv. The Conference recognizes the legitimate interests of non-nuclear-weapon States in the constraining by the nuclear-weapon States of the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons.

*The Conference resolves that:*

- Action 3: In implementing the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, the nuclear-weapon States commit to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures.
- Action 4: The Russian Federation and the United States of America commit to seek the early entry into force and full implementation of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms and are encouraged to continue discussions on follow-on measures in order to achieve deeper reductions in their nuclear arsenals.
- Action 5: The nuclear-weapon States commit to accelerate concrete progress on the steps leading to nuclear disarmament,

contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security. To that end, they are called upon to promptly engage with a view to, inter alia:

- (a) Rapidly moving towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3;
- (b) Address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process;
- (c) To further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;
- (d) Discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons;
- (e) Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security;
- (f) Reduce the risk of accidental use of nuclear weapons; and
- (g) Further enhance transparency and increase mutual confidence.

The nuclear-weapon States are called upon to report the above undertakings to the Preparatory Committee at 2014. The 2015 Review Conference will take stock and consider the next steps for the full implementation of article VI.

- Action 6: All States agree that the Conference on Disarmament should immediately establish a subsidiary body to deal with nuclear disarmament, within the context of an agreed, comprehensive and balanced programme of work.

### C. Security assurances

- i. The Conference reaffirms and recognizes that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons and the legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances from nuclear-weapon States which could strengthen the nuclear non-proliferation regime.
- ii. The Conference recalls United Nations Security Council resolution 984 (1995) noting the unilateral statements by each of the nuclear-weapon States, in which they give conditional or unconditional security assurances against the use and the threat of use of nuclear weapons to non-nuclear-weapon States parties to the Treaty and the relevant protocols established pursuant to nuclear-weapon-free zones, recognizing that the treaty-based security assurances are available to such zones.

*Without prejudice to efforts within the Treaty on the Non-Proliferation of Nuclear Weapons, the Conference resolves that:*

- Action 7: All States agree that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced programme of work, immediately begin discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, to discuss substantively, without limitation, with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument. The Review Conference invites the Secretary-General of the United Nations to convene a high-level meeting in September 2010 in support of the work of the Conference on Disarmament.
- Action 8: All nuclear-weapon States commit to fully respect their existing commitments with regard to security assurances. Those nuclear-weapon States that have not yet done so are encouraged to extend security assurances to non-nuclear-weapon States parties to the Treaty.
- Action 9: The establishment of further nuclear-weapon-free zones, where appropriate, on the basis of arrangements freely arrived at among States of the region concerned, and in accordance with the 1999 Guidelines of the United Nations Disarmament Commission, is encouraged. All concerned States are encouraged to ratify the nuclear-weapon-free zone treaties and their relevant protocols, and to constructively consult and

cooperate to bring about the entry into force of the relevant legally binding protocols of all such nuclear-weapon free zones treaties, which include negative security assurances. The concerned States are encouraged to review any related reservations.

### D. Nuclear testing

- i. The Conference recognizes that the cessation of all nuclear test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects.
- ii. The Conference reaffirms the vital importance of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty as a core element of the international nuclear disarmament and non-proliferation regime, as well as the determination of the nuclear-weapon States to abide by their respective moratoriums on nuclear test explosions pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

*The Conference resolves that:*

- Action 10: All nuclear-weapon States undertake to ratify the Comprehensive Nuclear-Test-Ban Treaty with all expediency, noting that positive decisions by nuclear-weapon States would have the beneficial impact towards the ratification of that Treaty, and that nuclear-weapon States have the special responsibility to encourage Annex 2 countries, in particular those which have not acceded to the Treaty on the Non-Proliferation of Nuclear Weapons and continue to operate unsafeguarded nuclear facilities, to sign and ratify.
- Action 11: Pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, all States commit to refrain from nuclear-weapon test explosions or any other nuclear explosions, the use of new nuclear weapons technologies and from any action that would defeat the object and purpose of that Treaty, and all existing moratoriums on nuclear-weapon test explosions should be maintained.
- Action 12: All States that have ratified the Comprehensive Nuclear-Test-Ban Treaty recognize the contribution of the conferences on facilitating the entry into force of that Treaty and of the measures adopted by consensus at the Sixth Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, held in September 2009, and commit to report at the 2011 Conference on progress made towards the urgent entry into force of that Treaty.
- Action 13: All States that have ratified the Comprehensive Nuclear-Test-Ban Treaty undertake to promote the entry into force and implementation of that Treaty at the national, regional and global levels.

- Action 14: The Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization is to be encouraged to fully develop the verification regime for the Comprehensive Nuclear-Test-Ban Treaty, including early completion and provisional operationalization of the international monitoring system in accordance with the mandate of the Preparatory Commission, which should, upon entry into force of that Treaty, serve as an effective, reliable, participatory and non-discriminatory verification system with global reach, and provide assurance of compliance with that Treaty.

### E. Fissile materials

- i. The Conference reaffirms the urgent necessity of negotiating and bringing to a conclusion a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

*The Conference resolves that:*

- Action 15: All States agree that the Conference on Disarmament should, within the context of an agreed, comprehensive and balanced programme of work, immediately begin negotiation of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices in accordance with the report of the Special Coordinator of 1995 (CD/1299) and the mandate contained therein. Also in this respect, the Review

Conference invites the Secretary-General of the United Nations to convene a high-level meeting in September 2010 in support of the work of the Conference on Disarmament.

- Action 16: The nuclear-weapon States are encouraged to commit to declare, as appropriate, to the International Atomic Energy Agency (IAEA) all fissile material designated by each of them as no longer required for military purposes and to place such material as soon as practicable under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.
- Action 17: In the context of action 16, all States are encouraged to support the development of appropriate legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of fissile material designated by each nuclear-weapon State as no longer required for military purposes.
- Action 18: All States that have not yet done so are encouraged to initiate a process towards the dismantling or conversion for peaceful uses of facilities for the production of fissile material for use in nuclear weapons or other nuclear explosive devices.

#### F. Other measures in support of nuclear disarmament

i. The Conference recognizes that nuclear disarmament and achieving the peace and security of a world without nuclear weapons will require openness and cooperation, and affirms the importance of enhanced confidence through increased transparency and effective verification.

*The Conference resolves that:*

- Action 19: All States agree on the importance of supporting cooperation among Governments, the United Nations, other international and regional organizations and civil society aimed at increasing confidence, improving transparency and developing efficient verification capabilities related to nuclear disarmament.
- Action 20: States parties should submit regular reports, within the framework of the strengthened review process for the Treaty, on the implementation of the present action plan, as well as of article VI, paragraph 4 (c), of the 1995 decision entitled “Principles and objectives for nuclear non-proliferation and disarmament”, and the practical steps agreed to in the Final Document of the 2000 Review Conference, and recalling the advisory opinion of the International Court of Justice of 8 July 1996.
- Action 21: As a confidence-building measure, all the nuclear-weapon States are encouraged to agree as soon as possible on a standard reporting form and to determine appropriate reporting intervals for the purpose of voluntarily providing standard information without prejudice to national security. The Secretary-General of the United Nations is invited to establish a publicly accessible repository, which shall include the information provided by the nuclear-weapon States.
- Action 22: All States are encouraged to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the United Nations study on disarmament and non-proliferation education, in order to advance the goals of the Treaty in support of achieving a world without nuclear weapons.

#### II. Nuclear non-proliferation

The Conference recalls and reaffirms the decision of the 1995 Review and Extension Conference entitled “Principles and objectives for nuclear non-proliferation and disarmament”, noting paragraph 1 of the principles and the elements relevant to article III of the Treaty, in particular paragraphs 9 to 13 and 17 to 19, and to article VII, in particular paragraphs 5 to 7. It also recalls and reaffirms the Resolution on the Middle East adopted at that Conference. The Conference also recalls and reaffirms the outcome of the 2000 Review Conference.

- Action 23: The Conference calls upon all States parties to exert all efforts to promote universal adherence to the Treaty, and not to undertake any actions that can negatively affect prospects for the universality of the Treaty.
- Action 24: The Conference re-endorses the call by previous review conferences for the application of IAEA comprehensive

safeguards to all source or special fissionable material in all peaceful nuclear activities in the States parties in accordance with the provisions of article III of the Treaty.

- Action 25: The Conference, noting that 18 States parties to the Treaty have yet to bring into force comprehensive safeguards agreements, urges them to do so as soon as possible and without further delay.
- Action 26: The Conference underscores the importance in complying with the non-proliferation obligations, addressing all compliance matters in order to uphold the Treaty’s integrity and the authority of the safeguards system.
- Action 27: The Conference underscores the importance of resolving all cases of non-compliance with safeguards obligations in full conformity with the IAEA statute and the respective legal obligations of Member States. In this regard, the Conference calls upon Member States to extend their cooperation to the Agency.
- Action 28: The Conference encourages all States parties which have not yet done so to conclude and to bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force.
- Action 29: The Conference encourages IAEA to further facilitate and assist the States parties in the conclusion and entry into force of comprehensive safeguards agreements and additional protocols. The Conference calls on States parties to consider specific measures that would promote the universalization of the comprehensive safeguards agreements.
- Action 30: The Conference calls for the wider application of safeguards to peaceful nuclear facilities in the nuclear-weapon States, under the relevant voluntary offer safeguards agreements, in the most economic and practical way possible, taking into account the availability of IAEA resources, and stresses that comprehensive safeguards and additional protocols should be universally applied once the complete elimination of nuclear weapons has been achieved.
- Action 31: The Conference encourages all States parties with small quantities protocols which have not yet done so to amend or rescind them, as appropriate, as soon as possible.
- Action 32: The Conference recommends that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by the IAEA policy bodies aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented.
- Action 33: The Conference calls upon all States parties to ensure that IAEA continues to have all political, technical and financial support so that it is able to effectively meet its responsibility to apply safeguards as required by article III of the Treaty.
- Action 34: The Conference encourages States parties, within the framework of the IAEA statute, to further develop a robust, flexible, adaptive and cost effective international technology base for advanced safeguards through cooperation among Member States and with IAEA.
- Action 35: The Conference urges all States parties to ensure that their nuclear related exports do not directly or indirectly assist the development of nuclear weapons or other nuclear explosive devices and that such exports are in full conformity with the objectives and purposes of the Treaty as stipulated, particularly, in articles I, II and III of the Treaty, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted in 1995 by the Review and Extension Conference.
- Action 36: The Conference encourages States parties to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls.
- Action 37: The Conference encourages States parties to consider whether a recipient State has brought into force IAEA safeguards obligations in making nuclear export decisions.
- Action 38: The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological

information for peaceful purposes.

- Action 39: States parties are encouraged to facilitate transfers of nuclear technology and materials and international cooperation among States parties, in conformity with articles I, II, III and IV of the Treaty, and to eliminate in this regard any undue constraints inconsistent with the Treaty.
- Action 40: The Conference encourages all States to maintain the highest possible standards of security and physical protection of nuclear materials and facilities.
- Action 41: The Conference encourages all States parties to apply, as appropriate, the IAEA recommendations on the physical protection of nuclear material and nuclear facilities (INFCIRC/225/Rev.4 (Corrected)) and other relevant international instruments at the earliest possible date.
- Action 42: The Conference calls on all States parties to the Convention on the Physical Protection of Nuclear Material to ratify the amendment to the Convention as soon as possible and encourages them to act in accordance with the objectives and the purpose of the amendment until such time as it enters into force. The Conference also encourages all States that have not yet done so to adhere to the Convention and adopt the amendment as soon as possible.
- Action 43: The Conference urges all States parties to implement the principles of the revised IAEA Code of Conduct on the Safety and Security of Radioactive Sources, as well as the Guidance on the Import and Export of Radioactive Sources approved by the IAEA Board of Governors in 2004.
- Action 44: The Conference calls upon all States parties to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials throughout their territories, in accordance with their relevant international legal obligations, and calls upon those States parties in a position to do so to work to enhance international partnerships and capacity-building in this regard. The Conference also calls upon States parties to establish and enforce effective domestic controls to prevent the proliferation of nuclear weapons in accordance with their relevant international legal obligations.
- Action 45: The Conference encourages all States parties that have not yet done so to become party to the International Convention for the Suppression of Acts of Nuclear Terrorism as soon as possible.
- Action 46: The Conference encourages IAEA to continue to assist the States parties in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of the State systems of accounting for and control of nuclear material, as well as systems on regional level. The Conference calls upon IAEA Member States to broaden their support for the relevant IAEA programmes.

### III. Peaceful uses of nuclear energy

The Conference reaffirms that the Treaty fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence and cooperation within which those uses can take place. The Conference calls upon States parties to act in conformity with all the provisions of the Treaty and to:

- Action 47: Respect each country's choices and decisions in the field of peaceful uses of nuclear energy without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle policies.
- Action 48: Undertake to facilitate, and reaffirm the right of States parties to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.
- Action 49: Cooperate with other States parties or international organizations in the further development of nuclear energy for peaceful purposes, with due consideration for the needs of the developing areas of the world.
- Action 50: Give preferential treatment to the non-nuclear-weapon States parties to the Treaty, taking the needs of developing countries, in particular, into account.
- Action 51: Facilitate transfers of nuclear technology and

international cooperation among States parties in conformity with articles I, II, III, and IV of the Treaty, and eliminate in this regard any undue constraints inconsistent with the Treaty.

- Action 52: Continue efforts, within IAEA, to enhance the effectiveness and efficiency of its technical cooperation programme.
- Action 53: Strengthen the IAEA technical cooperation programme in assisting developing States parties in the peaceful uses of nuclear energy.
- Action 54: Make every effort and to take practical steps to ensure that IAEA resources for technical cooperation activities are sufficient, assured and predictable.
- Action 55: Encourage all States in a position to do so to make additional contributions to the initiative designed to raise 100 million dollars over the next five years as extra budgetary contributions to IAEA activities, while welcoming the contributions already pledged by countries and groups of countries in support of IAEA activities.
- Action 56: Encourage national, bilateral and international efforts to train the necessary skilled workforce needed to develop peaceful uses of nuclear energy.
- Action 57: Ensure that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied by commitments to and ongoing implementation of safeguards as well as appropriate and effective levels of safety and security, consistent with States' national legislation and respective international obligations.
- Action 58: Continue to discuss further, in a non-discriminatory and transparent manner under the auspices of IAEA or regional forums, the development of multilateral approaches to the nuclear fuel cycle, including the possibilities of creating mechanisms for assurance of nuclear fuel supply, as well as possible schemes dealing with the back-end of the fuel cycle without affecting rights under the Treaty and without prejudice to national fuel cycle policies, while tackling the technical, legal and economic complexities surrounding these issues, including, in this regard, the requirement of IAEA full scope safeguards.
- Action 59: Consider becoming party, if they have not yet done so, to the Convention on Nuclear Safety, the Convention on Early Notification of a Nuclear Accident, the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, the International Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material, and to ratify its amendment so that it may enter into force at an early date.
- Action 60: Promote the sharing of best practices in the area of nuclear safety and security, including through dialogue with the nuclear industry and the private sector, as appropriate.
- Action 61: Encourage States concerned, on a voluntary basis, to further minimize highly enriched uranium in civilian stocks and use, where technically and economically feasible.
- Action 62: Transport radioactive materials consistent with relevant international standards of safety, security and environmental protection, and to continue communication between shipping and coastal States for the purpose of confidence-building and addressing concerns regarding transport safety, security and emergency preparedness.
- Action 63: Put in force a civil nuclear liability regime by becoming party to relevant international instruments or adopting suitable national legislation, based upon the principles established by the main pertinent international instruments.
- Action 64: The Conference calls upon all States to abide by the decision adopted by consensus at the IAEA General Conference on 18 September 2009 on prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction.

### IV. The Middle East, particularly implementation of the 1995 Resolution on the Middle East

1. The Conference reaffirms the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension



Conference and recalls the affirmation of its goals and objectives by the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference stresses that the resolution remains valid until the goals and objectives are achieved. The resolution, which was co-sponsored by the depositary States of the Treaty on the Non-Proliferation of Nuclear Weapons (the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America), is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995. States parties renew their resolve to undertake, individually and collectively, all necessary measures aimed at its prompt implementation.

2. The Conference reaffirms its endorsement of the aims and objectives of the Middle East peace process, and recognizes that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

3. The Conference takes note of the reaffirmation at the 2010 Review Conference by the five nuclear-weapon States of their commitment to a full implementation of the 1995 Resolution on the Middle East.

4. The Conference regrets that little progress has been achieved towards the implementation of the 1995 Resolution on the Middle East.

5. The Conference recalls the reaffirmation by the 2000 Review Conference of the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards. The Conference reaffirms the urgency and importance of achieving universality of the Treaty. The Conference calls on all States in the Middle East that have not yet done so to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date.

6. The Conference stresses the necessity of strict adherence by all States parties to their obligations and commitments under the Treaty. The Conference urges all States in the region to take relevant steps and confidence-building measures to contribute to the realization of the objectives of the 1995 Resolution on the Middle East and calls upon all States to refrain from undertaking any measures that preclude the achievement of this objective.

7. The Conference emphasizes the importance of a process leading to full implementation of the 1995 Resolution on the Middle East. To that end, the Conference endorses the following practical steps:

(a) The Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States. The 2012 Conference shall take as its terms of reference the 1995 Resolution;

(b) Appointment by the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, of a facilitator, with a mandate to support implementation of the 1995 Resolution by conducting consultations with the States of the region in that regard and undertaking preparations for the convening of the 2012 Conference. The facilitator will also assist in implementation of follow-on steps agreed by the participating regional States at the 2012 Conference. The facilitator will report to the 2015 Review Conference and its Preparatory Committee meetings;

(c) Designation by the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, of a host Government for the 2012 Conference;

(d) Additional steps aimed at supporting the implementation of the 1995 Resolution, including that IAEA, the Organisation for the Prohibition of Chemical Weapons and other relevant international organizations be requested to prepare background documentation for the 2012 Conference regarding modalities for a zone free of nuclear weapons and other weapons of mass destruction and their

delivery systems, taking into account work previously undertaken and experience gained;

(e) Consideration of all offers aimed at supporting the implementation of the 1995 Resolution, including the offer of the European Union to host a follow-on seminar to that organized in June 2008.

8. The Conference emphasizes the requirement of maintaining parallel progress, in substance and timing, in the process leading to achieving total and complete elimination of all weapons of mass destruction in the region, nuclear, chemical and biological.

9. The Conference reaffirms that all States parties to the Treaty, particularly the nuclear-weapon States and the States in the region, should continue to report on steps taken to implement the 1995 Resolution, through the United Nations Secretariat, to the President of the 2015 Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference.

10. The Conference further recognizes the important role played by civil society in contributing to the implementation of the 1995 Resolution and encourages all efforts in this regard.

**Other regional issue**

1. The Conference strongly urges the Democratic People's Republic of Korea to fulfil the commitments under the Six-Party Talks, including the complete and verifiable abandonment of all nuclear weapons and existing nuclear programmes in accordance with the September 2005 joint statement, and urges the Democratic People's Republic of Korea to return, at an early date, to the Treaty and to its adherence with its IAEA safeguards agreement. The Conference also calls on the Democratic People's Republic of Korea and all States parties to fully implement all relevant nuclear non-proliferation and disarmament obligations. The Conference reaffirms its firm support for the Six-Party Talks and remains determined to achieve the satisfactory and comprehensive resolution to the issues involved through diplomatic means.

**Part II**

**Organization – [Eds]**

**Conclusions and recommendations of the Conference**

30. At its 16th and final plenary meeting, on 28 May 2010, the Conference considered the draft Final Document.

The Conference decided to take note of the "Review of the operation of the Treaty, as provided for in its article VIII (3), taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference and the Final Document of the 2000 Review Conference" (see part I above), which is recorded in the footnote as the President's responsibility and reflects to the best of his knowledge what transpired with regard to matters of review.

The Conference decided to adopt the "Conclusions and recommendations for follow-on actions".

**2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Final Document, Part I – excerpts**

[Reproduced from NPT/CONF.2000/28(Part I)]

**[Eds...]**

**Article VI and preambular paragraphs 8 to 12**

1. The Conference notes the reaffirmation by the States Parties of their commitment to article VI and preambular paragraphs 8 to 12 of the Treaty.

2. The Conference notes that, despite the achievements in bilateral and unilateral arms reduction, the total number of nuclear weapons deployed and in stockpile still amounts to many thousands. The Conference expresses its deep concern at the continued risk for humanity represented by the possibility that these nuclear weapons could be used.

3. The Conference takes note of the proposal made by the United Nations Secretary-General that the convening of a major international conference that would help to identify ways of

eliminating nuclear dangers be considered at the Millennium Summit.

4. The Conference reaffirms that the cessation of all nuclear weapon test explosions or any other nuclear explosions will contribute to the non-proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament leading to the complete elimination of nuclear weapons and, therefore, to the further enhancement of international peace and security.

5. The Conference welcomes the adoption by the General Assembly and subsequent opening for signature of the Comprehensive Nuclear-Test-Ban Treaty in New York on 24 September 1996, and notes that 155 States have signed it and that 56 of them, including 28 whose ratification is necessary for its entry into force, have deposited their instruments of ratification. The Conference welcomes the ratifications by France and the United Kingdom of Great Britain and Northern Ireland and the recent decision by the Duma of the Russian Federation to ratify the Treaty. The Conference calls upon all States, in particular on those 16 States whose ratification is a prerequisite for the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, to continue their efforts to ensure the early entry into force of the Treaty.

6. The Conference welcomes the final declaration adopted at the Conference on facilitating the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, convened in Vienna in October 1999, in accordance with Article XIV of the Convention.

7. The Conference notes the International Court of Justice advisory opinion on the "Legality of the threat or use of nuclear weapons" issued at The Hague on 8 July 1996.

8. The Conference notes the establishment, in August 1998, by the Conference on Disarmament, of the Ad Hoc Committee under item 1 of its agenda entitled "Cessation of the nuclear arms race and nuclear disarmament" to negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The Conference regrets that negotiations have not been pursued on this issue as recommended in paragraph 4 (b) of the 1995 decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament".

9. The Conference welcomes the significant progress achieved in nuclear weapons reductions made unilaterally or bilaterally under the Strategic Arms Reduction Treaty (START) process, as steps towards nuclear disarmament. Ratification of START II by the Russian Federation is an important step in the efforts to reduce strategic offensive weapons and is welcomed. Completion of ratification of START II by the United States remains a priority.

10. The Conference also welcomes the significant unilateral reduction measures taken by other nuclear-weapon States, including the close-down and dismantling of nuclear weapon related facilities.

11. The Conference welcomes the efforts of several States to cooperate in making nuclear disarmament measures irreversible, in particular, through initiatives on the verification, management and disposition of fissile material declared excess to military purposes.

12. The Conference reiterates the important contribution made by Belarus, Kazakhstan and Ukraine to the implementation of article VI of the Treaty through their voluntary withdrawal of all tactical and strategic nuclear weapons from their territories.

13. The Conference welcomes the signing, in September 1997, by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America, of significant agreements relating to the Anti-Ballistic Missile Treaty, including a Memorandum of Understanding. The Conference welcomes the ratification of these documents by the Russian Federation. Ratification of these documents by the other countries remains a priority.

14. The Conference notes the nuclear-weapon States declaration that none of their nuclear weapons are targeted at any State.

15. The Conference agrees on the following practical steps for the systematic and progressive efforts to implement Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4(c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament":

1. The importance and urgency of signatures and ratifications, without delay and without conditions and in accordance with constitutional processes, to achieve the early entry into force

of the Comprehensive Nuclear-Test-Ban Treaty.

2. A moratorium on nuclear-weapon-test explosions or any other nuclear explosions pending entry into force of that Treaty.
3. The necessity of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices in accordance with the statement of the Special Coordinator in 1995 and the mandate contained therein, taking into consideration both nuclear disarmament and nuclear non-proliferation objectives. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years.
4. The necessity of establishing in the Conference on Disarmament an appropriate subsidiary body with a mandate to deal with nuclear disarmament. The Conference on Disarmament is urged to agree on a programme of work which includes the immediate establishment of such a body.
5. The principle of irreversibility to apply to nuclear disarmament, nuclear and other related arms control and reduction measures.
6. An unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament to which all States parties are committed under Article VI.
7. The early entry into force and full implementation of START II and the conclusion of START III as soon as possible while preserving and strengthening the ABM Treaty as a cornerstone of strategic stability and as a basis for further reductions of strategic offensive weapons, in accordance with its provisions.
8. The completion and implementation of the Trilateral Initiative between the United States of America, the Russian Federation and the International Atomic Energy Agency.
9. Steps by all the nuclear-weapon States leading to nuclear disarmament in a way that promotes international stability, and based on the principle of undiminished security for all:
  - Further efforts by the nuclear-weapon States to reduce their nuclear arsenals unilaterally.
  - Increased transparency by the nuclear-weapon States with regard to the nuclear weapons capabilities and the implementation of agreements pursuant to Article VI and as a voluntary confidence-building measure to support further progress on nuclear disarmament.
  - The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process.
  - Concrete agreed measures to further reduce the operational status of nuclear weapons systems.
  - A diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination.
  - The engagement as soon as appropriate of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons.
10. Arrangements by all nuclear-weapon States to place, as soon as practicable, fissile material designated by each of them as no longer required for military purposes under IAEA or other relevant international verification and arrangements for the disposition of such material for peaceful purposes, to ensure that such material remains permanently outside of military programmes.
11. Reaffirmation that the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control.
12. Regular reports, within the framework of the NPT strengthened review process, by all States parties on the implementation of Article VI and paragraph 4 (c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament", and recalling the Advisory Opinion of the International Court of Justice of 8 July 1996.
13. The further development of the verification capabilities that will be required to provide assurance of compliance with nuclear disarmament agreements for the achievement and maintenance of a nuclear-weapon-free world.

**Article VII and the security of non-nuclear-weapon States**

1. The Conference reaffirms 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.
2. The Conference reaffirms that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons. The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) strengthen the nuclear non-proliferation regime. The Conference calls on the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue.
3. The Conference notes the reaffirmation by the nuclear-weapon States of their commitment to the United Nations Security Council resolution 984 (1995) on security assurances for non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
4. The Conference notes the establishment in March 1998 by the Conference on Disarmament of the Ad Hoc Committee on effective international arrangements to assure non-nuclear-weapon States against the use, or threat of use of nuclear weapons.
5. The Conference recognizes the important role which the establishment of new nuclear-weapon-free zones and the signature to the protocols of new and previously existing zones by the nuclear-weapon States has played in extending negative security assurances to non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in the zones concerned. The Conference underlines the importance of concerned States taking steps to bring into effect the assurances provided by nuclear-weapon-free zone treaties and their protocols.
6. The Conference welcomes and supports the steps taken to conclude further nuclear-weapon-free zone treaties since 1995, and reaffirms 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.
7. The Conference supports proposals for the establishment of nuclear-weapon-free zones where they do not yet exist, such as in the Middle East and South Asia.
8. The Conference welcomes and supports the declaration by Mongolia of its nuclear-weapon-free status, and takes note of the recent adoption by the Mongolian parliament of legislation defining that status as a unilateral measure to ensure the total absence of nuclear weapons on its territory, bearing in mind its unique conditions as a concrete contribution to promoting the aims of nuclear non-proliferation and a practical contribution to promoting political stability and predictability in the region.
9. The Conference further welcomes the Joint Declaration on the Denuclearization of the Korean Peninsula between the Republic of Korea and the Democratic People's Republic of Korea and urges its rapid implementation.
10. The Conference recognizes the continuing contributions that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards the achievement of nuclear non-proliferation and disarmament objectives, particularly in the southern hemisphere and adjacent areas, and towards keeping the areas covered by these treaties free of nuclear weapons, in accordance with international law. In this context, the Conference welcomes the vigorous efforts being made among States parties and signatories to those treaties in order to promote their common objectives.
11. The Conference stresses the importance of signature and ratification of the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba by all regional States, as well as the signature and ratification by the nuclear-weapon States that have not yet done so of the relevant protocols to those treaties, recognizing that security assurances are available to States parties to those Treaties. In this context, the Conference takes note of the statement of the five nuclear-weapon States that the internal processes are under way to secure the few lacking ratifications to the treaties of Rarotonga and Pelindaba, and that consultations with the States parties to the Treaty of Bangkok have been accelerated, paving the way for adherence by the five nuclear-weapon States to the protocol to that

Treaty.

12. The Conference welcomes the consensus reached in the General Assembly since its thirty-fifth session that the establishment of a nuclear-weapon-free zone in the Middle East would greatly enhance international peace and security. The Conference urges all parties directly concerned to consider seriously taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons, and pending the establishment of the zone, to agree to place all their nuclear activities under IAEA safeguards.
13. The Conference further welcomes the report on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, adopted by consensus by the Disarmament Commission on 30 April 1999.
14. The Conference regards the establishment of additional nuclear-weapon-free zones as a matter of priority, and in this respect supports the intention and commitment of the five Central Asian States to establish a nuclear-weapon-free zone in their region, welcomes the practical steps they have taken towards implementation of their initiative and notes with satisfaction the substantial progress they have made in drawing up and agreeing on a draft treaty on the establishment of a nuclear-weapon-free zone in Central Asia.
15. The Conference, taking note of all initiatives by States parties, believes that the international community should continue to promote the establishment of new nuclear-weapon-free zones in accordance with the relevant UNDC guidelines and in that spirit welcomes the efforts and proposals that have been advanced by the States parties since 1995 in various regions of the world.

**Regional issues**

*The Middle East, particularly implementation of the 1995 Resolution on the Middle East:*

1. The Conference reaffirms the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference and recognizes that the resolution remains valid until the goals and objectives are achieved. The resolution, which was co-sponsored by the depositary States (the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America), is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without a vote in 1995.
2. The Conference reaffirms its endorsement of the aims and objectives of the Middle East peace process and recognizes that efforts in this regard, as well as other efforts, contribute to, inter alia, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.
3. The Conference recalls that operative paragraph 4 of the 1995 Resolution on the Middle East "calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards." The Conference notes, in this connection, that the report of the United Nations Secretariat on the Implementation of the 1995 Resolution on the Middle East (NPT/CONF.2000/7) states that several States have acceded to the Treaty and that, with these accessions, all States of the region of the Middle East, with the exception of Israel, are States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference welcomes the accession of these States and reaffirms the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.
4. The Conference notes the requirement under article III of the Non-Proliferation Treaty for non-nuclear-weapon States parties to conclude agreements with the IAEA to meet the requirements of the Statute of the IAEA. In this regard, the Conference notes paragraph 44 of the review of article III that nine States parties in the region have yet to conclude comprehensive safeguards agreements with the IAEA and invites those States to negotiate such agreements and bring them into force as soon as possible. The Conference welcomes the conclusion of an Additional

Protocol by Jordan and invites all other States in the Middle East, whether or not party to the Treaty, to participate in the IAEA's strengthened safeguards system.

5. The Conference notes the unanimous adoption by the United Nations Disarmament Commission, at its 1999 session, of guidelines on the establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned (A/54/42). The Conference notes that, at that session, the Disarmament Commission encouraged the establishment of a nuclear-weapon-free zone in the Middle East, as well as the development of zones free from all weapons of mass destruction. The Conference notes the adoption without a vote by the General Assembly, for the twentieth consecutive year, of a resolution proposing the establishment of a nuclear-weapon-free zone in the region of the Middle East.

6. The Conference invites all States, especially States of the Middle East, to reaffirm or declare their support for the objective of establishing an effectively verifiable Middle East zone free of nuclear weapons as well as other weapons of mass destruction, to transmit their declarations of support to the Secretary-General of the United Nations, and to take practical steps towards that objective.

7. The Conference requests all States Parties, particularly the nuclear-weapon States, the States of the Middle East and other interested States, to report through the United Nations Secretariat to the President of the 2005 NPT Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference, on the steps that they have taken to promote the achievement of such a zone and the realization of the goals and objectives of the 1995 Resolution on the Middle East. It requests that the Secretariat prepare a compilation of these reports in preparation for consideration of these matters at the Preparatory Committee meetings and the 2005 Review Conference.

8. The Conference requests the President of the 2000 NPT Review Conference to convey the Final Document of the Conference, including its conclusions and recommendations, to the Governments of all States, including those States Parties unable to attend the Conference and to States that are not party to the Treaty.

9. Recalling paragraph 6 of the 1995 Resolution on the Middle East, the Conference reiterates the appeal to all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems. The Conference notes the statement by the five nuclear-weapon States reaffirming their commitment to the 1995 Resolution on the Middle East.

10. Bearing in mind the importance of full compliance with the NPT, the Conference notes the statement of 24 April 2000 by the IAEA Director-General that, since the cessation of IAEA inspections in Iraq on 16 December 1998, the Agency has not been in a position to provide any assurance of Iraq's compliance with its obligations under UN Security Council Resolution 687. The Conference further notes that the IAEA carried out an inspection in January 2000 pursuant to Iraq's safeguards agreement with the IAEA during which the inspectors were able to verify the presence of the nuclear material subject to safeguards (low enriched, natural and depleted uranium). The Conference reaffirms the importance of Iraq's full continuous cooperation with the IAEA and compliance with its obligations.

#### *South Asia and other regional issues:*

11. The Conference emphasizes that nuclear disarmament and nuclear non-proliferation are mutually reinforcing.

12. With respect to the nuclear explosions carried out by India and then by Pakistan in May 1998, the Conference recalls Security Council Resolution 1172 (1998), adopted unanimously on 6 June 1998, and calls upon both States to take all of the measures set out therein. Notwithstanding their nuclear tests, India and Pakistan do not have the status of nuclear-weapon States.

13. The Conference urges India and Pakistan to accede to the Non-Proliferation Treaty as non-nuclear-weapon States and to place all their nuclear facilities under comprehensive Agency safeguards. The Conference further urges both States to strengthen their non-proliferation export control measures over technologies, material and equipment that can be used for the production of nuclear weapons and their delivery systems.

14. The Conference notes that India and Pakistan have

declared moratoriums on further testing and their willingness to enter into legal commitments not to conduct any further nuclear testing by signing and ratifying the Comprehensive Nuclear-Test-Ban Treaty. The Conference urges both States to sign the Treaty, in accordance with their pledges to do so.

15. The Conference notes the willingness expressed by India and Pakistan to participate in the negotiation in the Conference on Disarmament of a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Pending the conclusion of a legal instrument, the Conference urges both countries to observe a moratorium on the production of such material. The Conference also urges both States to join other countries in actively seeking an early commencement of negotiations on this issue, in a positive spirit and on the basis of the agreed mandate, with a view to reaching early agreement.

16. The Conference notes with concern that, while the Democratic People's Republic of Korea remains a party to the Non-Proliferation Treaty, IAEA continues to be unable to verify the correctness and completeness of the initial declaration of nuclear material made by the Democratic People's Republic of Korea and is therefore unable to conclude that there has been no diversion of nuclear material in the Democratic People's Republic of Korea. The Conference looks forward to the fulfilment by the Democratic People's Republic of Korea of its stated intention to come into full compliance with its safeguards agreement with IAEA, which remains binding and in force. The Conference emphasizes the importance of action by the Democratic People's Republic of Korea to preserve and make available to IAEA all information needed to verify its initial inventory.

#### **Article IX**

1. The Conference reaffirms its conviction that the preservation of the integrity of the Treaty and its strict implementation is essential to international peace and security.

2. The Conference recognizes the crucial role of the Treaty in nuclear non-proliferation, nuclear disarmament and the peaceful uses of nuclear energy.

3. The Conference reaffirms that in accordance with article IX, States not currently States parties may accede to the Treaty only as non-nuclear-weapon States.

4. The Conference undertakes to make determined efforts towards the achievement of the goal of universality of the Treaty. These efforts should include the enhancement of regional security, particularly in areas of tension such as the Middle East and South Asia.

5. The Conference reaffirms the long-held commitment of parties to the Treaty to universal membership and notes that this goal has been advanced by the accession to the Treaty of several new States since the 1995 Review and Extension Conference, thereby bringing its membership to 187 States parties. The Conference reaffirms the importance of the Treaty in establishing a norm of international behaviour in the nuclear field.

6. The Conference therefore calls on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept IAEA safeguards on all their nuclear activities. These States are Cuba, India, Israel, and Pakistan. In this context, the Conference welcomes the signature by Cuba of the protocol additional to its safeguards agreements with IAEA.

7. The Conference particularly urges those non-parties to the Treaty that operate un-safeguarded nuclear facilities - India, Israel and Pakistan — to take similar action, and affirms the important contribution this would make to regional and global security.

8. The Conference also takes note that the widening of the entry into force of protocols additional to safeguards agreements with IAEA will strengthen the nuclear safeguards regime and facilitate the exchange of nuclear and nuclear-related material in peaceful nuclear cooperation.

9. In this connection, the Conference underlines the necessity of universal adherence to the Treaty and of strict compliance by all existing parties with their obligations under the Treaty.

10. The Conference requests the President of the Conference to convey formally the views of States parties on this issue to all non-parties and to report their responses to the parties. Such efforts should contribute to enhancing the universality of the Treaty and the adherence of non-parties to it.

**Improving the effectiveness of the strengthened review process for the NPT**

1. The States parties reaffirmed the provisions in the Decision on "Strengthening the Review Process for the Treaty" adopted at the 1995 Review and Extension Conference.
2. The States parties stressed that three sessions of the Preparatory Committee, normally for a duration of 10 working days each, should be held in the years prior to the review conference. A fourth session, would, if necessary, be held in the year of the review conference.
3. The States parties recommended that specific time be allocated at sessions of the Preparatory Committee to address specific relevant issues.
4. Recalling the Decision on subsidiary bodies of the 2000 Review Conference (NPT/CONF.2000/DEC.1), subsidiary bodies can be established at the Review Conference to address specific relevant issues.
5. The States parties, recalling paragraph 4 of Decision 1 of the 1995 NPT Review and Extension Conference, agreed that the purpose of the first two sessions of the Preparatory Committee would be to "consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality". To this end, each session of the Preparatory Committee should consider specific matters of substance relating to the implementation of the Treaty and Decisions 1 and 2, as well as the Resolution on the Middle East adopted in 1995, and the outcomes of subsequent Review Conferences, including developments affecting the operation and purpose of the Treaty.
6. The States parties also agreed that the Chairpersons of the sessions of the Preparatory Committee should carry out consultations with the States parties to prepare the ground for the outcome of the sessions as well as their agenda.
7. The consideration of the issues at each session of the Preparatory Committee should be factually summarized and its results transmitted in a report to the next session for further discussion. At its third and, as appropriate, fourth session, the Preparatory Committee, taking into account the deliberations and results of its previous sessions, should make every effort to produce a consensus report containing recommendations to the Review Conference.
8. The States parties agreed that the procedural arrangements for the Review Conference should be finalized at the last session of the Preparatory Committee.
9. The States parties also agreed that a meeting be allocated to non-governmental organizations to address each session of the Preparatory Committee and the Review Conference.

**Strengthening the Review Process for the Treaty**

[Reproduced from NPT/CONF.1995/32/DEC.1.  
Presented to the Conference as NPT/CONF.1995/L.4,  
proposed by the President]

1. The Conference examined the implementation of article VIII,3, of the Treaty and agreed to strengthen the review process for the operation of the Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized.
2. The States party to the Treaty participating in the Conference decided, in accordance with article VIII,3, of the Treaty, that Review Conferences should continue to be held every five years and that, accordingly, the next Review Conference should be held in the year 2000.
3. The Conference decided that, beginning in 1997, the Preparatory Committee should hold, normally for a duration of 10 working days, a meeting in each of the three years prior to the Review Conference. If necessary, a fourth preparatory meeting may be held in the year of the Conference.
4. The purpose of the Preparatory Committee meetings would be to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality, and to make recommendations thereon to the Review Conference. These include those identified in the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted on 11 May 1995. These meetings should also make the procedural preparations for the next Review Conference.
5. The Conference also concluded that the present structure of three Main Committees should continue and the question of an overlap of issues being discussed in more than one Committee

should be resolved in the General Committee, which would coordinate the work of the Committees so that the substantive responsibility for the preparation of the report with respect to each specific issue is undertaken in only one Committee.

6. It was also agreed that subsidiary bodies could be established within the respective Main Committees for specific issues relevant to the Treaty, so as to provide for a focused consideration of such issues. The establishment of such subsidiary bodies would be recommended by the Preparatory Committee for each Review Conference in relation to the specific objectives of the Review Conference.

7. The Conference agreed further that Review Conferences should look forward as well as back. They should evaluate the results of the period they are reviewing, including the implementation of undertakings of the States parties under the Treaty, and identify the areas in which, and the means through which, further progress should be sought in the future. Review Conferences should also address specifically what might be done to strengthen the implementation of the Treaty and to achieve its universality.

**Principles and Objectives for Nuclear Non-Proliferation and Disarmament**

[Reproduced from NPT/CONF.1995/32/DEC.2  
Presented to the Conference as NPT/CONF.1995/L.5  
proposed by the President]

*Reaffirming* the preamble and articles of the Treaty on the Non-Proliferation of Nuclear Weapons,

*Welcoming* the end of the cold war, the ensuing easing of international tension and the strengthening of the trust between States,

*Desiring* a set of principles and objectives in accordance with which nuclear non-proliferation, nuclear disarmament and international cooperation in the peaceful uses of nuclear energy should be vigorously pursued and progress, achievements and shortcomings evaluated periodically within the review process provided for in article VIII (3) of the Treaty, the enhancement and strengthening of which is welcomed,

*Reiterating* the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,

*The Conference affirms* the need to continue to move with determination towards the full realisation and effective implementation of the provisions of the Treaty, and accordingly adopts the following principles and objectives:

**Universality**

1. Universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons is an urgent priority. All States not yet party to the Treaty are called upon to accede to the Treaty at the earliest date, particularly those States that operate unsafeguarded nuclear facilities. Every effort should be made by all States parties to achieve this objective.

**Non-proliferation**

2. The proliferation of nuclear weapons would seriously increase the danger of nuclear war. The Treaty on the Non-Proliferation of Nuclear Weapons has a vital role to play in preventing the proliferation of nuclear weapons. Every effort should be made to implement the Treaty in all its aspects to prevent the proliferation of nuclear weapons and other nuclear explosive devices, without hampering the peaceful uses of nuclear energy by States parties to the Treaty.

**Nuclear disarmament**

3. Nuclear disarmament is substantially facilitated by the easing of international tension and the strengthening of trust between States which have prevailed following the end of the cold war. The undertakings with regard to nuclear disarmament as set out in the Treaty on Non-Proliferation of Nuclear Weapons should thus be fulfilled with determination. In this regard, the nuclear-weapon States reaffirm their commitment, as stated in article VI, to pursue in good faith negotiations on effective measures relating to nuclear disarmament.

4. The achievement of the following measures is important in the full realization and effective implementation of article VI, including the programme of action as reflected below:

(a) The completion by the Conference on Disarmament of the negotiations on a universal and internationally and effectively verifiable Comprehensive Nuclear-Test-Ban Treaty no later than 1996. Pending the entry into force of a Comprehensive Test-Ban Treaty, the nuclear-weapon States should exercise utmost restraint;

(b) The immediate commencement and early conclusion of negotiations on a non-discriminatory and universally applicable convention banning the production of fissile material for nuclear weapons or other nuclear explosive devices, in accordance with the statement of the Special Coordinator of the Conference on Disarmament and the mandate contained therein;

(c) The determined pursuit by the nuclear-weapon States of systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and by all States of general and complete disarmament under strict and effective international control.

#### Nuclear-weapon-free zones

5. 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 is reaffirmed.

6. The development of nuclear-weapon-free zones, especially in regions of tension, such as in the Middle East, as well as the establishment of zones free of all weapons of mass destruction should be encouraged as a matter of priority, taking into account the specific characteristics of each region. The establishment of additional nuclear-weapon-free zones by the time of the Review Conference in the year 2000 would be welcome.

7. The cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is necessary for the maximum effectiveness of such nuclear-weapon-free zones and the relevant protocols.

#### Security assurances

8. Noting United Nations Security Council resolution 984 (1995), which was adopted unanimously on 11 April 1995, as well as the declarations by the nuclear-weapon States concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear-weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.

#### Safeguards

9. The International Atomic Energy Agency (IAEA) is the competent authority responsible to verify and assure, in accordance with the statute of the IAEA and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III(1) of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the IAEA in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the IAEA to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. IAEA safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of IAEA safeguards should be supported and implemented and the IAEA's capability to detect undeclared nuclear activities should be increased. Also States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the IAEA.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of IAEA full-scope safeguards and internationally legally binding commitments

not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under IAEA safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

#### Peaceful uses of nuclear energy

14. Particular importance should be attached to ensuring the exercise of the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II as well as III of the Treaty.

15. Undertakings to facilitate participation in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy should be fully implemented.

16. In all activities designed to promote the peaceful uses of nuclear energy, preferential treatment should be given to the non-nuclear-weapon States party to the Treaty, taking the needs of developing countries particularly into account.

17. Transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty.

18. All States should, through rigorous national measures and international cooperation, maintain the highest practicable levels of nuclear safety, including in waste management, and observe standards and guidelines in nuclear materials accounting, physical protection and transport of nuclear materials.

19. Every effort should be made to ensure that the IAEA has the financial and human resources necessary in order to meet effectively its responsibilities in the areas of technical cooperation, safeguards and nuclear safety. The IAEA should also be encouraged to intensify its efforts aimed at finding ways and means for funding technical assistance through predictable and assured resources.

20. Attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.

*The Conference requests* that the President of the Conference bring this decision, the Decision on Strengthening the Review Process of the Treaty and the Decision on the Extension of the Treaty to the attention of the heads of State or Government of all States and seek their full cooperation on these documents and in the furtherance of the goals of the Treaty.

### Extension of the Treaty on the Non-Proliferation of Nuclear Weapons

[Reproduced from NPT/CONF.1995/32/DEC.3  
Presented to the Conference as NPT/CONF.1995/L.6  
proposed by the President]

*The Conference of the States Party to the Treaty on the Non-Proliferation of Nuclear Weapons* (hereinafter referred to as 'the Treaty') convened in New York from 17 April to 12 May 1995, in accordance with articles VI II,3 and X,2 of the Treaty,

*Having reviewed* the operation of the Treaty and affirming that there is a need for full compliance with the Treaty, its extension and its universal adherence, which are essential to international peace and security and the attainment of the ultimate goals of the complete elimination of nuclear weapons and a treaty on general and complete disarmament under strict and effective international control,

*Having reaffirmed* article VIII,3 of the Treaty and the need for its continued implementation in a strengthened manner and, to this end, emphasizing the Decision on Strengthening the Review Process for the Treaty and the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament also adopted by the Conference,

*Having established* that the Conference is quorate in accordance with article X,2 of the Treaty,

*Decides* that, as a majority exists among States party to the Treaty for its indefinite extension, in accordance with its article X,2, the Treaty shall continue in force indefinitely.

**Resolution on the Middle East**

[Reproduced from NPT/CONF.1995/32/RES. 1, sponsored by: Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America]

*The Conference of the States parties to the Treaty on the Non-Proliferation of Nuclear Weapons,*

*Reaffirming* the purpose and provisions of the Treaty on the Non-Proliferation of Nuclear Weapons,

*Recognizing* that, pursuant to article VI I of the Treaty on the Non-Proliferation of Nuclear Weapons, the establishment of nuclear-weapon-free zones contributes to strengthening the international non-proliferation regime,

*Recalling* that the Security Council, in its statement of 31 January 1992, affirmed that the proliferation of nuclear and all other weapons of mass destruction constituted a threat to international peace and security,

*Recalling also* General Assembly resolutions adopted by consensus supporting the establishment of a nuclear-weapon-free zone in the Middle East, the latest of which is resolution 49/71 of 15 December 1994,

*Recalling further* the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency concerning the application of Agency safeguards in the Middle East, the latest of which is GC(XXXVIII)/RES/21 of 23 September 1994, and noting the danger of nuclear proliferation, especially in areas of tension,

*Bearing in mind* Security Council resolution 687 (1991) and in particular paragraph 14 thereof,

*Noting* Security Council resolution 984 (1995) and paragraph 8 of the Decision on Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted by the Conference on 11 May 1995,

*Bearing in mind* the other Decisions adopted by the Conference on 11 May 1995,

1. *Endorses* the aims and objectives of the Middle East peace

process and recognizes that efforts in this regard as well as other efforts contribute to, *inter alia*, a Middle East zone free of nuclear weapons as well as other weapons of mass destruction;

2. *Notes with satisfaction* that in its report Main Committee III of the Conference (NPT/CONF.1995/MC.III/1) recommended that the Conference ‘call on those remaining States not parties to the Treaty to accede to it, thereby accepting an international legally binding commitment not to acquire nuclear weapons or nuclear explosive devices and to accept International Atomic Energy Agency safeguards on all their nuclear activities’;

3. *Notes with concern* the continued existence in the Middle East of un-safeguarded nuclear facilities, and reaffirms in this connection the recommendation contained in paragraph VI/3 of the report of Main Committee III urging those non-parties to the Treaty which operate un-safeguarded nuclear facilities to accept full scope International Atomic Energy Agency safeguards;

4. *Reaffirms* the importance of the early realization of universal adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, and *calls upon* all States of the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full scope International Atomic Energy Agency safeguards;

5. *Calls upon* all States in the Middle East to take practical steps in appropriate forums aimed at making progress towards, *inter alia*, the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction, nuclear, chemical and biological, and their delivery systems, and to refrain from taking any measures that preclude the achievement of this objective;

6. *Calls upon* all States party to the Treaty on the Non-Proliferation of Nuclear Weapons, and in particular the nuclear-weapon States, to extend their cooperation and to exert their utmost efforts with a view to ensuring the early establishment by regional parties of a Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems.





## D – Materials Related to the 2012 Conference on a Zone Free of Weapons of Mass Destruction in the Middle East

### Comprehensive Study of the Question of Nuclear-Weapon-Free Zones in all its Aspects – Special report of the Conference of the Committee on Disarmament

[A/10027/Add1 8 October 1975]

[Editorial note – footnotes not included]

[Eds...]

(e) Middle East

63. Prior to its consideration as a separate item during the twenty-ninth session of the General Assembly, the idea of establishing a nuclear-weapon-free zone in the region of the Middle East had been repeatedly expressed by Iran. On 15 July 1974, Iran formally requested its inclusion in the agenda of the General Assembly's twenty-ninth session by a memorandum in which the danger of nuclear weapon proliferation posed by the greater access by States to nuclear technology was stressed. Egypt subsequently co-sponsored the request. Later, H.I.M. the Shahanshah of Iran, in a message addressed to Secretary-General, referred to the dangers of the rapid diffusion of nuclear technology within the political setting of the Middle East.

64. In the debate in the General Assembly, Egypt suggested three basic principles which it considered as pertinent to the discussion on a Middle East nuclear-weapon-free zone, namely, (1) the States of the region should refrain from producing, acquiring, or possessing nuclear weapons; (2) the nuclear States should refrain from introducing nuclear weapons into the area, or using nuclear weapons against any State of the region; and (3) an effective international safeguards system affecting both the nuclear States and the States of the region should be established.

65. In introducing a draft resolution on the item, Iran and Egypt referred to the complementary role of nuclear-weapon-free zones and the Treaty on the Non-Proliferation of Nuclear Weapons. Egypt regarded the accession to the NPT by all the States of the region as a prerequisite for establishing an effective, concrete, nuclear-weapon-free zone.

66. Most States of the Middle East area supported the proposal to establish a Middle East, nuclear-weapon-free zone. The General Assembly adopted the Iranian-Egyptian draft as resolutions 3263 (XXIX). All five nuclear weapon States voted for the draft, although China, France, and the USSR did so with reservations on the paragraphs referring to certain treaties. The United States expressed its doubts about the approach taken in operative paragraph 2 of the resolution, which urged States in the region to undertake certain commitments in advance of actual negotiations and the conclusion of an agreement. In explaining its abstention Israel held that the best way to achieve progress in the establishment of such a zone was by means of direct consultations between the States of the region and ultimately convening a regional conference on the matter, rather than by means of a preliminary process of consultations between the Secretary-General and the States of the region, as suggested by Iran and Egypt.

67. In resolution 3263 (XXIX) the General Assembly, in commending the idea of establishing a nuclear-weapon-free zone in the region of the Middle East, considered that it was indispensable that; all parties concerned in the area proclaim solemnly and immediately their intention to refrain, on a reciprocal basis, from producing, testing, obtaining, acquiring or in any other way possessing nuclear weapons. In addition, the General Assembly called upon the parties concerned in the area to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and requested the Secretary-General to ascertain the views of the parties concerned with respect to the implementation of the resolution, and to inform the Security Council and the General Assembly at its thirtieth session.

68. Accordingly, the Secretary-General invited the following States: Bahrain, Democratic Yemen, Egypt, Iran, Iraq, Israel, Jordan,

Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, United Arab Emirates and Yemen, to communicate to him their respective views. A report by the Secretary-General (Doc.S/11778) was issued on 20 July 1975 containing the views of some of the States concerned. However, not all the States included in this geographic region had responded to the Secretary-General's invitation by the time this report was prepared.

[Eds...]

### Report of the Secretary General – Effective and Verifiable Measures Which Would Facilitate the Establishment of a Nuclear-weapon-free Zone in the Middle East

[A/45/43, 1991]

[Eds...]

#### Chapter V - Conclusions

175. The present study of the path to a nuclear-weapon-free zone for the Middle East has been made in a spirit of "realistic optimism". There clearly is no instant solution to the problem. There also is no doubt that the goal can be reached; it is not an idle dream. Intensive and sustained efforts can overcome the most serious difficulties, provided that these efforts attract the participation and support of the States of the region and of the major outside Powers. In the end, the co-operation of the international community as a whole will be essential. This consideration alone points to a central role for the United Nations.

176. The effort required will be great, but so will the benefits of success. The nuclear threat can be effectively and permanently eliminated only as a pattern of sound regional security relationships is developed based on unequivocal, unambiguous, legally binding arrangements amongst which must be an equal commitment by all States of the nuclear-weapon-free zone in the Middle East to relinquish the nuclear-weapon option. That pattern will have to be radically different from the dangerous and unstable relationships that exist today, with sophisticated weapons proliferating, including weapons of mass destruction and their means of delivery, and where political tensions remain unresolved.

177. Chapter IV of the present study lists a number of measures to build mutual confidence and prepare the way for the establishment of a nuclear-weapon free zone. They are not arranged in order of priority or importance; indeed some could also be elements in a final agreement setting up the zone. (These latter are summarized in the annex.) Some of these measures can be implemented unilaterally by States of the region or outside it. Others may require agreement among groups of States. When it will become possible to arrange a negotiating conference involving all the core States in the region, together with some outside States at some point, a major breakthrough in confidence-building will have occurred.

178. To get the process moving forward, various Governments can unilaterally or jointly initiate action on the measures they consider most useful, even without waiting for all potential participants to join. This applies in particular to the principal outside States, who may have greater freedom of action than States in the region.

179. It is especially important that confidence-building measures be developed in the nuclear field, since they will demonstrate a conviction that the goal of a nuclear-weapon-free zone is really attainable and that it is truly preferred over the only imaginable alternative: a region with multiple nuclear Powers in which "peace" is maintained by the fear of mutual devastation.

180. The single measure immediately available for giving momentum to the process aimed at a zone is a regional understanding that there will be no test explosion of a nuclear device, nor any moves towards such a test. Israel, a non-party to the NPT, has said it will not be the first to introduce nuclear weapons into the region. It has not, however, stated clearly whether it considers that this commitment bars a nuclear test. Parties to the NPT are barred from actually conducting such a test, or from accumulating the unsafeguarded fissionable material

required for a test. However, they are not barred from other actions that would be required in preparing for one. Clarifying these ambiguities would be a substantial first step on the road to a zone.

181. Adherence to the NPT by all States of the region - and notably by Israel would be a most significant milestone. Pending such a measure, the acceptance by Israel of safeguards on the Dimona facilities would be an important move towards the establishment of a zone and could be realized well in advance of its adherence to the NPT.

182. The application of safeguards to Dimona will equate to the acceptance by Israel of an effective upper limit to whatever stock of plutonium it may have accumulated from the operations there, but will not necessarily entail the placing of safeguards on that stockpile.

183. NPT parties with relatively advanced nuclear programmes, involving, for example, the construction of research or power reactors, can arrange those programmes to minimize suspicions that they might also serve a military objective. The programmes can avoid any use of weapon-grade fissionable material and they can invite inspection of any facilities that use significant quantities of nuclear material. Stocks of natural uranium, heavy water and tritium can be declared.

184. The final step to the establishment of a zone will be taken when all States of the area can credibly declare that they have no unsafeguarded fissionable material nor unsafeguarded facilities that could produce it. This situation would need a substantially expanded system of verification, which could be installed either as an extension of the present IAEA safeguards system or as a combination of safeguards and other verification arrangements of a multilateral or bilateral character.

185. There is one important measure that could be taken by the States of the region at any time during the process outlined above leading to the zone: that is the development of a categorical understanding that there will be no attacks on nuclear installations.

186. The area of security assurances is one in which the nuclear-weapon States can make major contributions, not only when the zone itself finally takes shape but even much earlier. It appears likely that the nuclear-weapon States will agree to "negative" assurances: commitments not to threaten or attack the States of the zone with nuclear weapons. The same applies to commitments not to station nuclear weapons anywhere in the zone.

187. The question of positive assurances – commitments to assist a nation that has been threatened or attacked - may be more complicated. Assurances going beyond Security Council resolution 255 (1968) are widely desired, but the possible content of such assurances is nowhere clearly defined. In discussing a nuclear-weapon-free zone, one thinks first of nuclear threats, but it seems doubtful that security assurances can or should be restricted to the nuclear dimension. No one wishes to appear to give a green light to aggression that threatens to use "only" conventional weapons. An active role for the permanent members of the Security Council in developing solutions to this broad and complex problem appears essential.

188. The role of the major outside Powers and others in encouraging the realization of a nuclear-weapon-free zone goes beyond the problem of security assurances. Unless they put their weight and their diplomatic skills unreservedly to the task, it is not likely that it will be accomplished. A balanced and comprehensive plan for their action is required.

189. The leading industrial States must also continue and even expand their activities designed to discourage any proliferation of weapons of mass destruction, especially nuclear weapons. These activities should, moreover, be extended to enlist the co-operation of Middle Eastern States, perhaps through the Mubarak Plan. The struggle against proliferation is in the interest of all, but the industrial countries should take whatever measures are necessary to ensure that this effort does not prevent any country from developing nuclear energy for peaceful purposes.

190. There are a number of other confidence-building measures that may be appropriate to Middle Eastern circumstances. Such measures, including a number that have been discussed but not yet adopted in Europe, offer an extensive à la carte menu from which selections can be made. These include limitations on forces

and deployments, notifications of manoeuvres, and so on.

191. Still other measures have particular significance for the Middle East, such as adherence by all States in the area to the Biological Weapons Convention, as well as the chemical weapons convention as soon as its negotiation is completed in the Conference on Disarmament. A freeze on missiles (beyond a certain range) should be pursued as a matter of high urgency. Furthermore, the Security Council should examine measures to enhance the effectiveness of its efforts to intercept the development of dangerous situations at the earliest possible stage.

192. The presence of nuclear weapons throughout the Middle East is in no sense inevitable. They do not result from uncontrollable natural processes. They do not emerge unbidden, like some poisonous fungus, from dark caves deep in the earth. They were invented by human beings and, even though humans cannot "uninvent" them, they can freely decide not to make them. But this decision not to make them will have to be affirmed and reaffirmed again and again by the Governments and peoples of the region. A nuclear-weapon-free zone can be the effective framework within which that decision is formulated, carried out, and sustained.

## ANNEX

### Elements of a possible agreement on a nuclear-weapon-free zone in the Middle East

1. The mandate of the present study does not extend to the modalities of establishing a nuclear-weapon-free zone in the Middle East. Such a mandate would involve the consideration of the ways in which its terms would be worked out as well as the precise substance of those terms. It is clear, however, that the problems to be solved are so complex that the relevant proceedings will need to involve protracted efforts on the part of all concerned.

2. Even though the precise terms are not defined here, the study does reflect a general conception of the substance of a nuclear-weapon-free zone arrangement in the area of the Middle East. The following comments are offered on the elements of a possible zone, with all appropriate reservations regarding the need for the ultimate document to take full account of developments that will occur but cannot be foreseen.

3. The principal elements of a zonal arrangement will be its geographic extent, the list of its basic prohibitions, the verification of compliance with those prohibitions, and the commitments towards the zone to be made by States outside the region. Secondary elements include the duration of the relevant arrangement, provisions regarding adjacent areas, including sea areas, relationships to other similar zones, relationships to other international agreements and various technical clauses such as ratification and withdrawal provisions.

#### Geographic extent

4. The desirability of bringing the zone into effect for a core area without waiting for all possible participants to ratify will require a rather complex legal structure to be specified in the final, technical clauses of the relevant agreement. The provisions of the Vienna Convention on the Law of Treaties may be particularly useful in this connection. That Convention makes clear that the signature by a State of an agreement carries with it a legally binding commitment not to act in a manner that would undermine the basic objectives of the agreement. It may therefore be possible to obtain the necessary broad political and legal endorsement of the zone well before all potential parties have ratified a zone treaty.

#### Basic prohibitions

5. The most basic is clearly the ban on any form of possession of a nuclear weapon by some States, whether through indigenous development or acquisition from outside or any combination of these. Decisions will be needed on whether this ban will or will not extend to particular installations or equipment aimed at either the development or the delivery of a weapon. In addition, stationing of nuclear weapons on the national territory of any State party or any other form of what might be called "proxy" or indirect acquisition of control over a weapon must be prohibited.

#### Verification

6. It is assumed that much of the verification burden could be

carried by IAEA, along the lines of its current safeguards operations, but that this might not be enough for all foreseeable situations. Procedures expanding and reinforcing present safeguards may be needed and it may be necessary to have staff dedicated to compliance problems that could arise regarding the zone.

Role of outside Powers

7. A zone can only be realized if outside States are actively promoting it and commit themselves to its continued effectiveness, once it is in force. In the two existing zones, this commitment has been formulated in protocols whose ratification by the five nuclear-weapon States has been sought. A more complex structure will be required for the Middle East, including the formal involvement of the neighbouring States. But the most important role for outside Powers will be a commitment to respect the zone and especially to remedy any breach or threat of breach of its terms. Some of the commitments of the wider international community towards the zone will presumably be formalized in Security Council or General Assembly resolutions.

Duration and Withdrawal

8. Experience with arms limitation treaties that were foreseen as having an extended but limited life expectancy (e.g. 25 years for the NPT), suggests that an unlimited duration is highly desirable. There will no doubt have to be a provision for withdrawal, but withdrawal should be made as difficult as possible. The delay between notification of intent and the effective date of withdrawal should be as extended as can be justified.

Relationship to other international agreements

9. From a legal viewpoint, it will presumably be desirable to have the zone in the Middle East free-standing, that is, not dependent on the continued viability of any other agreement. It will, however, be appropriate to consider "preambular" endorsements of such treaties as the NPT and there will certainly be some defined relationship to IAEA and its safeguards system. Whether there should also be a relationship to any conventional arms limitations, to nuclear-test-ban agreements, to a chemical weapons ban and its verification structure, or to other possible nuclear-weapon-free zones, or to a possible regional missile control arrangement cannot at this point be foreseen.

Technical clauses

10. There will no doubt be a political requirement on the part of many States for at least a particular minimum group of adherents (perhaps a "core group") to participate in the agreement as it is brought into force, and this requirement can be expected to find reflection in the technical arrangements for signature, ratification and the moment when the agreement becomes binding on its initial parties. There will presumably be arrangements for later accessions and for possible amendments. It may be desirable to attempt to prohibit reservations during the ratification process. It should be noted, however, that such an attempt in the Treaty of Tlatelolco was effective only on the parties present at the organizing conference, not on the outside States who were not represented there.

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**Resolution on the Middle East**

[Reproduced from NPT/CONF.1995/32/RES. 1, sponsored by: Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America]

See Section C

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**2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Final Document. Volume I. Part I Section IV**

[NPT/CONF.2010/50 (Vol. I), New York 18 June 2010]

See Section C pp10-11

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**Establishment of a nuclear-weapon-free zone in the region of the Middle East**

[A/65/121 (Part I) 13 July 2010]

Report of the Secretary-General

Contents – [Eds..]

**I. Introduction**

1. In paragraph 10 of its resolution 64/26, on the establishment of a nuclear-weapon-free zone in the region of the Middle East, the General Assembly requested the Secretary-General to continue to pursue consultations with the States of the region and other concerned States, in accordance with paragraph 7 of its resolution 46/30 and taking into account the evolving situation in the region, and to seek from those States their views on the measures outlined in chapters III and IV of the study annexed to the report of the Secretary-General of 10 October 1990 (A/45/435) or other relevant measures, in order to move towards the establishment of a nuclear-weapon-free zone in the region of the Middle East. In paragraph 11 of the same resolution, the Assembly also requested the Secretary-General to submit to it at its sixty-fifth session a report on the implementation of the resolution. The present report is submitted pursuant to that request.

2. On 19 February 2010, a note verbale was sent to all Member States drawing their attention to paragraph 10 of General Assembly resolution 64/26 and seeking their views on the matter. Replies, which have been received from Australia, Cuba, Japan, Libyan Arab Jamahiriya, Mexico, Spain (on behalf of the States Members of the United Nations that are members of the European Union) and Qatar, are reproduced in section III below. Additional replies received from Governments will be issued as addenda to the present report.

**II. Observations**

3. The Secretary-General notes that the issue of the establishment of a nuclear-weapon-free zone in the region of the Middle East remains of considerable importance and has received increased attention at the recently concluded 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Final Document adopted by the Conference contains, inter alia, practical steps for the implementation of the 1995 resolution on the Middle East.

The agreed practical steps are as follows:

(a) The Secretary-General of the United Nations and the co-sponsors of the 1995 Middle East resolution, in consultation with the States of the region, will convene a conference in 2012, to be attended by all States of the Middle East, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the States of the region, and with the full support and engagement of the nuclear-weapon States. The 2012 Conference shall take as its terms of reference the 1995 resolution on the Middle East;

(b) Appointment by the Secretary-General of the United Nations and the co-sponsors of the 1995 Middle East resolution, in consultation with the States of the region, of a facilitator, with a mandate to support implementation of the 1995 resolution by conducting consultations with the States of the region in that regard and undertaking preparations for the convening of the 2012 Conference. The Facilitator will also assist in the implementation of follow-on steps agreed by the participating regional States at the 2012 conference. The Facilitator will report to the 2015 Review Conference and its Preparatory Committee;

(c) Designation by the Secretary-General of the United Nations and the co-sponsors of the 1995 Middle East resolution, in consultation with the States of the region, of a host Government for the 2012 Conference;

(d) Additional steps aimed at supporting the implementation of the resolution, including that the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons and other relevant international organizations be requested to prepare background documentation for the 2012 Conference regarding modalities for a zone free of nuclear weapons and other weapons

of mass destruction and their delivery systems, taking into account work previously undertaken and experience gained;

(e) Consideration of all offers aimed at supporting the implementation of the resolution, including the offer of the European Union to host a follow-on seminar to that organized in June 2008; in addition to the practical measures, the Conference also decided as follows:

(f) The Conference reaffirms that all States parties to the Treaty, particularly the nuclear-weapon States and the States in the region, should continue to report on steps taken to implement the resolution, through the United Nations Secretariat, to the President of the 2015 Review Conference, as well as to the Chairperson of the Preparatory Committee meetings to be held in advance of that Conference.

4. In accordance with the relevant practical steps, the Secretary-General reiterates his readiness to undertake the necessary actions with the co-sponsors of the 1995 Middle East resolution and in consultation with the States of the region.

5. The Secretary-General reaffirms the urgent need for a just and lasting solution to the Arab-Israeli conflict. He welcomes the efforts of the United States of America to facilitate political progress between Israelis and Palestinians. In particular, he reiterates his support for the proximity talks that have begun under the auspices of Special Envoy George Mitchell. He is of the view that these talks should continue in spite of recent disturbing developments on the ground and he hopes that they will lead to direct negotiations on all core issues with a view to a final resolution of the conflict. He will continue to work towards this end with the Quartet, which on 11 May 2010 welcomed the first round of the proximity talks, noting that they constituted a significant step towards direct, bilateral negotiations and comprehensive peace in the Middle East based on the establishment of an independent and viable Palestinian state living side by side in peace and security with Israel and its neighbours. The Secretary-General emphasizes the importance for any peace settlement to be comprehensive, and stresses that the Arab Peace Initiative is an essential building block in this regard. He calls for the implementation of all relevant resolutions of the Security Council, in particular resolutions 1850 (2008) and 1860 (2009), including the sustained reopening of crossing points into Gaza and intra-Palestinian reconciliation. He calls upon all concerned parties within and outside the region to adopt a constructive attitude with a view to creating stable security conditions and an eventual settlement that would facilitate the process of establishing a zone free of nuclear weapons in the Middle East. The Secretary-General reiterates the continued readiness of the United Nations to provide any assistance deemed helpful in that regard.

### III. Replies received from Governments

#### Australia - [Original: English] - [22 June 2010]

Australia continues to support the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction, freely arrived at by regional States. The Australian Government welcomed the outcome of the 2010 Nuclear Non-Proliferation Treaty Review Conference on the 1995 Middle East resolution, and will support constructive efforts to progress the implementation of a Middle East weapons-of-mass-destruction-free zone.

#### Cuba - [Original: Spanish] - [14 May 2010]

Along with the Movement of Non-Aligned Countries, Cuba has repeatedly voiced great concern about the continuing existence of nuclear weapons — estimated to number 23,300 in the world, of which over 12,000 are in a state of operational readiness — the persistence of defence and security doctrines that include the use of such weapons and, as a result, the huge amounts spent on developing new types of nuclear weapons.

This poses a serious threat to mankind, and we therefore consider nuclear disarmament to be the top disarmament priority.

Cuba believes that the creation of nuclear-weapon-free zones in various regions of the world is an important step towards the goal of nuclear disarmament. The Treaty of Tlatelolco, which established the first such zone, paved the way for other regions in order to achieve a world free of nuclear weapons.

In the view of Cuba, such zones should be based on freely negotiated agreements between the States of the region concerned and should include arrangements for cooperation between the States parties and signatories in the various zones.

The First Conference of States Parties and Signatories of Treaties that Establish Nuclear-Weapon-Free Zones, held in 2005 in Tlatelolco, Mexico, and the Second Conference, held in New York on 30 April 2010, were a great incentive for States parties in such zones to promote methods of cooperation between themselves, between the organs established under each of the relevant treaties and with other interested States.

In the Middle East, the overwhelming majority of the States of the region are calling, in vain, for it to be made into a zone free of weapons of mass destruction, including nuclear weapons, although many resolutions and decisions have been adopted in the General Assembly and Security Council and in the International Atomic Energy Agency.

No serious effort has been made to implement the resolutions adopted on this subject, including Security Council resolution 487 (1981) and paragraph 14 of Security Council resolution 687 (1991), the decision on this matter adopted at the 1995 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and other resolutions adopted in the United Nations General Assembly and in the International Atomic Energy Agency.

In order for this to happen, Israel — the only country in the region that is not a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and has not expressed its intention to do so — must accede to the Treaty without delay and submit its nuclear installations to the IAEA expanded safeguards. In addition to allowing the creation of a nuclear-weapon-free zone in the Middle East, this would make an important contribution to the attainment of the goal of nuclear disarmament and would be a huge step in the peace process in that region.

Until such time as Israel accedes to the NPT, Cuba urges the Governments concerned immediately to halt the transfer to that country of any type of nuclear equipment, information, material and facilities, resources or devices, as well as scientific and technological assistance in the nuclear sphere.

The statements made by the Israeli Prime Minister on 12 December 2006 in which he admitted that Israel is a nuclear-weapon State are a source of great concern. The acquisition of nuclear capability by Israel represents a threat to the security of the neighbouring States and to peace in the region, which is already very disturbed.

In the context of the current serious situation in the Middle East, Cuba reaffirms the ongoing responsibility of the United Nations, including the Security Council, for peace and security in this region, including the solution of the question of Palestine.

#### Japan - [Original: English] - [14 June 2010]

Japan supports establishment of nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the regions concerned and on the condition that the establishment of such zones would contribute to regional and global stability and security.

Lack of progress in the establishment of a weapons-of-mass-destruction-free zone in the Middle East poses a serious concern. Japan supported, and continues to fully support, the 1995 resolution on the Middle East, which calls for the establishment of an effectively verifiable Middle East zone free of weapons of mass destruction — nuclear, chemical and biological — and their delivery systems. Japan believes that progress in the establishment of a weapons-of-mass-destruction-free zone in the Middle East will further strengthen the credibility of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Following the previous sessions, Japan again joined, at the sixty-fourth session of the General Assembly, the adoption by consensus of resolution 64/26 of 2 December 2009, entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East". Japan welcomes the final document of the 2010 NPT Review Conference, adopted on 28 May 2010, which endorsed practical steps for full implementation of the 1995 resolution on the Middle East, including convening of a conference on the establishment of the Middle East

zone free of weapons of mass destruction in 2012. In order to ensure steady implementation of these steps, active and constructive contributions by all States of the region are indispensable.

The establishment of a zone free of nuclear and all other weapons of mass destruction and their delivery systems in the Middle East will ultimately require the adherence by all States in the region to NPT, the Biological Weapons Convention, and the Chemical Weapons Convention. Adherence to the Comprehensive Nuclear-Test-Ban Treaty by all States in the region would also be a substantial and practical step to this end. Japan has been actively taking part in the international efforts to encourage the universal adherence to these multilateral instruments on the disarmament of weapons of mass destruction. As part of such endeavours, Japan supported the adoption of the resolution (GC(53)/res/16) entitled “Application of IAEA safeguards in the Middle East” at the fifty-third regular session of the General Conference of the International Atomic Energy Agency (IAEA), held from 14 to 18 September 2009. Furthermore, Japan on various occasions urged Israel to become a party to NPT, the Biological Weapons Convention and the Chemical Weapons Convention, and to ratify the Comprehensive Nuclear-Test-Ban Treaty as soon as possible. Japan has also urged other Middle Eastern States to join at the earliest date the relevant weapons of mass destruction-related treaties to which they are not parties in order to foster an environment conducive to the creation of a weapons-of-mass-destruction-free zone in the region.

It is imperative that compliance with those legal instruments should be fully assured. Japan has urged the Islamic Republic of Iran to comply with the requirements of all the relevant resolutions of IAEA Board of Governors and the Security Council in respect of its nuclear programme, including the suspension of all enrichment-related activities and the ratification and implementation of the Additional Protocol. In this context, Japan also stresses the necessity of strengthening the IAEA safeguards system, which plays a vital role in underpinning NPT. Japan is strongly of the view that the conclusion of the IAEA comprehensive safeguards agreements and additional protocols by all States in the region is essential for the establishment of a nuclear-weapon-free zone. Japan, with the aim of achieving universal adherence to the comprehensive safeguards agreements and additional protocols, is ready to share its expertise and to provide technical assistance to interested States in the region. [Eds...]

Libyan Arab Jamahiriya - [Original: Arabic] - [24 March 2010]

- The Libyan Arab Jamahiriya shares the preoccupation of the Arab States with regard to the need to implement the resolution concerning the establishment of a nuclear-weapon-free zone in the region of the Middle East that was adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. That resolution was part of a package whereby it was agreed to indefinitely extend the Treaty. Any further delay in implementing the resolution will rob the Treaty of its credibility and, consequently, have a negative impact on non-proliferation.
- No connection should be made between implementation of the abovementioned resolution and progress in the negotiations over the Palestinian question that are taking place in the region between Israel and other parties, which do not concern all the States of the region.
- Pressure must be brought to bear on Israel to become a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, by specifically naming it in the report, as was done in Security Council resolution 487 (1981): there can be no peace or security in the Middle East while Israel possesses nuclear weapons and remains the only State in the region that has not adhered to the Treaty.
- The International Atomic Energy Agency (IAEA) must follow up the resolution (GC(53)/RES/17) that it adopted in September 2009, entitled “Israeli nuclear capabilities” and submit regular reports on its implementation to the IAEA Board of Governors and General Conference.
- An international conference should be held on the issue of the establishment of a nuclear-weapon-free zone in the region of the Middle East, at which an appropriate mechanism for achieving that

aim should be devised.

Mexico - [Original: Spanish] - [21 June 2010]

[Eds...]

Mexico considers that, although militarily denuclearized zones are not an end in themselves, they are a means of progressing towards the achievement of general and complete disarmament under effective international control.

In this context, the existence and/or threat of a nuclear arsenal in the countries of the Middle East is one of the central problems of relations between the States of the region, so that the creation of a nuclear-weapon-free zone in the Middle East would help to diminish tension in the zone and to create a climate of peace and security in this disturbed region.

Disarmament, non-proliferation and arms control have been the pillars of Mexico's foreign policy. In this connection, Mexico has supported universal acceptance of the Treaty on the Non-Proliferation of Nuclear Weapons, designed to prevent a nuclear war resulting from the proliferation of weapons of this type. Accordingly, Mexico advocates nuclear non-proliferation and urges those States which have not yet done so to accede to the Treaty. In addition, as a confidence-building measure among the parties, nuclear-weapon States should submit their facilities to the supervision of the International Atomic Energy Agency, which is the principal intergovernmental forum for scientific and technical cooperation in the peaceful use of nuclear energy.

Spain (on behalf of the States Members of the United Nations that are members of the European Union) - [Original: English] - [28 June 2010]

[Eds...] on numerous occasions, the European Union has affirmed its firm commitment to the full implementation of the resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference. The European Union has called upon all States in the region to make progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, and to refrain from taking measures that would preclude the achievement of this objective. Furthermore, in the 1995 Barcelona Declaration, the European Union and its Mediterranean partners agreed to pursue an effectively verifiable Middle East zone free of weapons of mass destruction and their delivery systems. In June 2008, the joint Declaration of the Paris Summit for the Mediterranean confirmed the European Union's readiness to consider and work out practical steps to prepare the ground for the full implementation of the 1995 NPT resolution on the Middle East. We have acknowledged the importance of reaching agreement on concrete practical steps as part of a process, involving all States of the region, aimed at facilitating the implementation of the 1995 resolution.

The European Union has also actively promoted and participated in seminars and workshops convened to consider the issue of the establishment of an effectively verifiable Middle East zone free of nuclear and all other weapons of mass destruction and their delivery systems. In June 2008, the European Union convened a seminar on Middle East security and weapons-of-mass-destruction non-proliferation and disarmament, which brought together more than 100 experts from States of the region and States members of the European Union to discuss openly the prospects and challenges for the establishment of a zone free of weapons-of-mass-destruction and their delivery systems in the Middle East region. Several member States have also organized seminars and workshops to consider these issues.

[Eds...]

The European Union is fully aware of the challenges to proliferation affecting the Middle East region and the establishment of a zone free of weapons of mass destruction and their delivery systems. The European Union has always urged States not party to NPT to become parties, as non-nuclear-weapon States. The European Union has also always promoted universality not only of nuclear, but also of chemical and biological non-proliferation, arms control and disarmament agreements and instruments, such as the Chemical Weapons Convention and the Biological Weapons Convention and The Hague Code of Conduct against Ballistic Missile Proliferation. Furthermore, the European Union has urged

States that are party to NPT to comply fully with all of its provisions and with all relevant Security Council and IAEA resolutions.

The proliferation risks presented in particular by the Islamic Republic of Iran continue to be a matter of grave concern to the European Union and to the international community. The European Union recognizes that the Islamic Republic of Iran, like any other State party to NPT, has the inalienable right to develop and use nuclear energy for peaceful purposes, but the international community has to be sure that the Islamic Republic of Iran complies with its obligations under NPT and its safeguards agreement. If the Islamic Republic of Iran were to acquire a military nuclear capability, this would constitute an unacceptable threat to regional and international security. Moreover, a failure to find a diplomatic solution to the Iranian nuclear issue could jeopardize the key objectives being pursued within the NPT framework, in particular the implementation of the 1995 resolution on the Middle East.

Since the Comprehensive Nuclear-Test-Ban Treaty forms an essential part of the nuclear disarmament and non-proliferation regime and with a view to its entry into force as soon as possible, the European Union has shown a strong commitment towards the universal ratification of that Treaty, particularly by the nine remaining States listed in annex II to the Treaty which have not yet done so, including those in the Middle East region.

The European Union is firmly determined to combat the threat of nuclear terrorism and supports all measures, in particular Security Council resolution 1540 (2004), which is designed to prevent terrorists from acquiring weapons of mass destruction or connected materials. We have called on all States that have not yet done so to sign, ratify and implement the International Convention for the Suppression of Acts of Nuclear Terrorism and the amended Convention on the Physical Protection of Nuclear Material.

The European Union is of the view that such actions would represent a crucial contribution to an overall improvement of the security situation and confidence in the Middle East region and has emphasized the importance of the peace process in the Middle East in promoting mutual confidence and security in the region.

The European Union has strongly supported the consideration of practical steps at the 2010 Review Conference to prepare the ground for a full implementation of the 1995 NPT resolution on the Middle East. In the decision adopted by the Council of the European Union (Council decision 2010/212/CFSP, of 29 March 2010), it was decided that, at the 2010 NPT Review Conference, the Union should work in particular to ensure that the States parties to NPT address several priorities, including strengthening its implementation through the adoption of a set of concrete, effective, pragmatic and consensual measures for stepping up international efforts against proliferation, pursuing disarmament, ensuring the responsible development of peaceful uses of nuclear energy and making progress in regard to the implementation of the 1995 resolution on the Middle East.

In the same Council decision, the European Union called upon all States in the region to make progress towards, inter alia, the establishment of an effectively verifiable Middle East zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, and to refrain from taking measures that preclude the achievement of this objective, while acknowledging the importance of reaching agreement on concrete practical steps as part of a process, involving all States of the region, aimed at facilitating the implementation of the 1995 resolution on the Middle East. The Council decision also called upon all States parties to NPT, in particular the nuclear-weapon States parties, to extend their cooperation and to exert their utmost efforts towards the establishment by regional parties of an effectively verifiable Middle East zone free of nuclear weapons and other weapons of mass destruction and their delivery systems, in keeping with the 1995 resolution on the Middle East.

[Eds]

Qatar - [Original: English] - [5 April 2010]

In the wake of the October 1973 war, which had a nuclear dimension, Arab countries strove to turn the Middle East into a nuclear-free zone. At its sixty-second session, the Council of the

League of Arab States issued a resolution making the Middle East a nuclear-free zone. This was the basis of the draft resolution submitted to the General Assembly by Egypt and the Islamic Republic of Iran in September 1974, which was adopted on 9 December 1974 as General Assembly resolution 3263 (XXIX). This resolution continued to be adopted on an annual basis up until 2008.

Among the obstacles to the implementation of this General Assembly resolution is the fact that Israel stresses that disarmament and the establishment of a nuclear-free zone are contingent on the establishment of comprehensive peace and security in the region, whereas the other countries of the Middle East are of the view that the two tracks have to proceed in parallel.

Qatar aligns itself with the Arab position, namely, that the establishment of this nuclear-free zone serves international peace and security and that its establishment should not be contingent on the establishment of peace, since both tracks are not mutually exclusive. Likewise, Qatar is of the view that consideration should be given to the establishment of a mechanism conducive to the creation of the nuclear-free zone, under the supervision of a special committee and according to a timetable for implementation.

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### **Establishment of a nuclear-weapon-free zone in the region of the Middle East - Addendum**

[A/65/121 (Part I)/Add.1 17 September 2011]

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[Editorial note – footnotes not included]

The information contained in the addendum was received after the submission of the main report.

Algeria - Original: French] - [7 July 2010]

[Eds...] Algeria continues to reaffirm its commitment to the establishment of a nuclear-weapon-free zone in the Middle East, both as a way of providing regional and international stability and of strengthening the climate of trust between the States in the region. This is all the more necessary since the proliferation of nuclear weapons in the Middle East is a constant concern for States in the region and a genuine threat to international peace and security.

The goal of establishing a nuclear-weapon-free zone in the Middle East is the subject of the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Final Document of the 2000 Review Conference of the Parties to the Treaty reaffirmed the importance and validity of that resolution until its goals and objectives are achieved. In that document, the States parties to the Treaty explicitly called upon Israel to accede to the Treaty and accept International Atomic Energy Agency (IAEA) safeguards on all its facilities. In that regard, Algeria recalls that the United Nations Security Council, in resolution 487 (1981), explicitly called upon Israel to place its nuclear facilities under IAEA safeguards.

All States in the Middle East placing all their nuclear facilities under the Agency's safeguards system is a necessary precondition for the establishment of a zone free of nuclear weapons and weapons of mass destruction in that region.

Algeria also calls for the implementation of the two aforementioned resolutions, insofar as they constitute concrete steps leading towards the establishment of a denuclearized Middle East. Algeria deplors the fact that, 15 years after its adoption, the 1995 resolution on the Middle East has still not been implemented, even though its adoption was the crucial element of the compromise that led to the acceptance by all States parties to the Treaty of the Non-Proliferation of Nuclear Weapons of the Treaty's indefinite extension.

While almost all States in the region have acceded to the Treaty, the establishment of a denuclearized zone in the Middle East is being delayed by Israel's refusal to accede to the Treaty and to place its facilities under the IAEA safeguards regime. Israel's military nuclear capabilities continue to be a source of great concern for the security of the States in the region and a major challenge for the international non-proliferation regime.

In that regard, Algeria welcomes the recommendations and practical steps adopted recently by the 2010 Treaty Review Conference concerning the implementation of the 1995 resolution

on the Middle East, including, in particular, the reaffirmation of the validity of that resolution until its goals and objectives are achieved. Algeria therefore calls for the implementation, within the prescribed deadlines, of the recommendations, particularly those relating to the convening of an international conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, and the appointment of a facilitator with a mandate to support the implementation of the 1995 resolution, who will report to the forthcoming 2015 Treaty Review Conference and its Preparatory Committees.

To that end, there is an urgent need for Member States, particularly States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, nuclear-weapon States and those exporting nuclear technologies, to show their support for the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction by adopting specific measures that go beyond simple declarations of good intent.

These measures should include, inter alia:

- Denying Israel any nuclear cooperation, including within the IAEA framework, until the country has placed all its nuclear facilities under the IAEA safeguards system.
- Voting in favour of the IAEA General Conference resolutions on the application of IAEA safeguards in the Middle East and on Israeli nuclear capabilities.
- Urging Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons, as a non-nuclear-weapon State, and to place all its nuclear facilities and stockpiles of nuclear materials under the IAEA safeguards system.
- Not transferring to Israel, either individually or through the Nuclear Suppliers Group, nuclear materials, equipment or technology, in accordance with article 1 of the Treaty, until the country has renounced the military nuclear option and placed all its nuclear facilities and materials under IAEA safeguards.

Lastly, Algeria believes that the submission of annual reports by all States parties to the Treaty, concerning the implementation of General Assembly resolution 64/26 and the resolution of the 1995 Treaty Review and Extension Conference, is an important and useful exercise that makes it possible to measure the actions accomplished by each State involved in the implementation of those resolutions and, where appropriate, the progress made in that regard.

Egypt - [Original: English] - [20 September 2010]

The item entitled “Establishment of nuclear-weapon-free zone in the region of the Middle East” was first included in the agenda of the General Assembly in 1974 at the request of Egypt and the Islamic Republic of Iran. While the General Assembly has annually adopted, since 1980, a resolution calling for the establishment of a nuclear-weapon-free zone in the Middle East, Egypt continued to pursue consistently the objective of ridding the Middle East of the threat of nuclear weapons.

Egypt notes with grave concern that, while all States of the Middle East have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Israel persists in ignoring repeated calls for its adherence to the Treaty and the placement of its nuclear facilities under full-scope International Atomic Energy Agency (IAEA) safeguards, thereby perpetuating a dangerous imbalance, and a threat to regional and international peace and security.

Recognizing such a threat to international and regional peace and security, and while reaffirming the 1995 resolution on the Middle East, the States parties to the Non-Proliferation Treaty reaffirmed unanimously, at the 2000 Review Conference, the importance of Israel's accession to the Treaty as a non-nuclear-weapon State and the placement of all its nuclear facilities under comprehensive IAEA safeguards. Indeed, in its final document, the 2000 Review Conference:

... Recalls that in paragraph 4 of the 1995 resolution on the Middle East, the Conference calls upon all States in the Middle East that have not yet done so, without exception, to accede to the Treaty as soon as possible and to place their nuclear facilities under full-scope International Atomic Energy Agency safeguards. The Conference notes, in this connection, that the report of the United Nations Secretariat on the implementation

of the 1995 resolution in the Middle East (NPT/CONF.2000/7) states that several States have acceded to the Treaty and that, with these accessions, all States of the region of the Middle East, with the exception of Israel, are States parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Conference welcomes the accession of those States and reaffirms the importance of Israel's accession to the Non-Proliferation Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East.

In addition to urgent calls for the establishment of a nuclear-weapon-free zone in the Middle East, inter alia, in the context of the Treaty on the Non-Proliferation of Nuclear Weapons Review process, IAEA and the United Nations General Assembly, the Security Council called upon Israel to urgently place its nuclear facilities under the safeguards of IAEA (resolution 487 (1981)) and recalled the objective of the establishment of a nuclear-weapon-free zone in the region of the Middle East (resolution 687 (1991)).

Egypt firmly believes that the establishment of nuclear-weapon-free zones in the areas of tension and conflict does indeed contribute significantly to easing tensions, confidence-building, preventing conflicts and developing peaceful relations and mutual cooperation. Egypt believes that the only prerequisite for the commencement of negotiations on the establishment of a nuclear-weapon-free zone in the Middle East is the existence of political will, both in the region, and among parties that have a direct stake in the region's security and stability.

At the 2010 Review Conference, the existence of political will was reaffirmed through the consensual adoption by States parties, including all States parties in the region, of a process leading to the establishment of a zone free of nuclear weapons and other weapons of mass destruction in the Middle East.

Such manifestation of commitment by States parties to the Treaty on the Non-Proliferation of Nuclear Weapons needs to be implemented promptly. Egypt looks forward to earnest efforts by the Secretary-General of the United Nations as well as the depositary States of the Treaty to take the necessary agreed measures, paving the way for the early commencement of negotiations on the establishment of a nuclear-weapon-free zone in the Middle East.

The negotiations and their success would represent a serious breakthrough in efforts geared towards regaining security in a region currently facing an Israeli nuclear threat that is provoking further proliferation risks and challenges.

Egypt expresses its intent to cooperate actively with all parties in an effort to safeguard the Middle East against all nuclear threats through a comprehensive and balanced approach that can ensure the security of all States of the region against nuclear dangers through the establishment of a Middle East zone free of nuclear weapons.

Islamic Republic of Iran - [Original: English] - [27 August 2010]

The Islamic Republic of Iran believes that a nuclear-weapon-free zone is a recognized regional instrument to strengthen regional and international peace and security through preventing the threat of nuclear war. Such an arrangement is in conformity with the provisions of the Final Document of the Tenth Special Session of the United Nations General Assembly, devoted to disarmament.

More than three decades have elapsed since the introduction of the idea of the establishment of a nuclear-weapon-free zone in the Middle East for the very first time by Iran in 1974. The resolutions on the establishment of a nuclear-weapon-free zone in the Middle East, which have been constantly adopted without a vote by the General Assembly since 1980, represent the significance of the realization of this noble idea in the vital region of the Middle East. The following paragraphs list the achievements of the Islamic Republic of Iran in fulfilling the principles and objectives of the resolution on the establishment of a nuclear-weapon-free zone in the region of the Middle East at the national, regional and international levels, with conclusions on the way ahead.

**I. National measures**

The Islamic Republic of Iran, by renouncing the possession of nuclear weapons and placing its nuclear facilities under the

safeguards system of the International Atomic Energy Agency (IAEA), has shown its resolute determination to achieve the total elimination of weapons of mass destruction. Therefore, such an act underscores the undiminished support for the establishment of a nuclear-weapon-free zone in the Middle East, with the ultimate objective of securing a world free from nuclear weapons.

The Islamic Republic of Iran ratified the IAEA statute in 1958 and subsequently signed and ratified the Treaty on the Non-Proliferation of Nuclear Weapons in 1969 and 1970 respectively. This process was furthered by the ratification of the IAEA Safeguards Agreement in 1973 and ultimately further accomplished by the signature of the Comprehensive Test-Ban Treaty in 1996.

Furthermore, having ratified all major treaties relating to weapons of mass destruction, namely the Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological Weapons Convention, and fully complied with their provisions, the Islamic Republic of Iran supports the establishment of a weapons of mass destruction free zone in the Middle East and calls all countries of the region to intensify their efforts for the elimination of weapons of mass destruction threats from this region.

## II. Regional measures

While supporting all regional measures taken to date to develop nuclear-weapon-free zones in Latin America, the South Pacific, Africa and South-East Asia, the Islamic Republic of Iran welcomes the establishment of the first nuclear-weapon-free zone located entirely in the northern hemisphere in its immediate neighbourhood, namely the Nuclear-Weapon-Free Zone in Central Asia. The Islamic Republic of Iran firmly believes that such measures and attempts, if considered seriously and globally by States, will be a step towards promoting international peace and security for the whole world as well as further strengthening the nuclear disarmament goal. Nevertheless, there are enough reasons to indicate that the establishment of such a zone is more significant in the Middle East, especially in the present circumstances.

Notwithstanding the global attempts to establish a nuclear-weapon-free zone particularly in the Middle East, it is regretful that 35 years after the adoption of the General Assembly resolution, initially proposed by Iran, on the establishment of a nuclear-weapon-free zone in the Middle East, no progress has been achieved for its realization due to the intransigent policy of the Zionist regime. Owing to the non-adherence of this regime to the Treaty on the Non-Proliferation of Nuclear Weapons and, more importantly the refusal of this regime to place its unsafeguarded nuclear facilities under the IAEA verification system, the establishment of such a zone as a lofty and long-sought aspiration of the countries in the region has yet to be materialized. The irresponsible behaviour of this regime in this respect has put the establishment of such a zone in the region for the near future in serious doubt.

In an effort in this regard, the 2010 Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirmed the importance of the resolution on the Middle East adopted by the 1995 Review and Extension Conference and recalled the affirmation of its goals and objectives by the 2000 Review Conference of the Parties to the Treaty. The Conference also stressed that the resolution remains valid until the goals and objectives are achieved, since it is an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty was indefinitely extended without a vote in 1995. Accordingly, States parties renewed their resolve to undertake, individually and collectively, all necessary measures aimed at its prompt implementation.

While expressing its regret that little progress has been achieved towards the implementation of the 1995 resolution on the Middle East, the Conference recalled the reaffirmation by the 2000 Review Conference of the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards. Moreover, the Conference reaffirmed the urgency and importance of achieving universality of the Treaty and in this context called on those in the Middle East that have not yet done so to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date.

Quite reasonably, the next step is to take concrete measures

towards securing the adherence of the Zionist regime to the Treaty on the Non-Proliferation of Nuclear Weapons without any delay and without any condition as a non-nuclear-weapon party, and to place all its nuclear-related facilities under the IAEA verification system.

As requested by the General Assembly in its resolution 64/26, the Secretary-General would inform the Assembly of the result of his consultations with the countries in the region on the realization of the idea of the establishment of a nuclear-weapon-free zone in the Middle East. It is still our conviction that the Secretary-General should dispatch his special envoy to the countries in the region for the required consultations to facilitate the establishment of such a zone.

At present, the Zionist regime is the only non-party to the Treaty in the region. Despite repeated calls by the international community demonstrated in the resolution on the Middle East adopted by the 1995 Review and Extension Conference and reaffirmed by the 2000 and 2010 Review Conferences, related resolutions of the General Assembly, IAEA and the Organization of the Islamic Conference, this regime, confident of the political and military support of the United States of America, has neither acceded to the Treaty nor placed its nuclear facilities under the IAEA full-scope safeguards. While the Zionist regime's clandestine nuclear activities seriously threaten both regional and international peace and security and endanger the non-proliferation regime, it has not even declared its intention to accede to the Treaty.

[Eds...]

Unfortunately, the inaction imposed upon the Security Council over the past several decades in addressing the well-documented illicit nuclear weapons programme of the Zionist regime has given the audacity to this regime to explicitly acknowledge possession of nuclear weapons, as was divulged by the then Israeli Prime Minister in an interview with German television on 12 December 2006, in contradiction to the long-sought idea of the establishment of a nuclear-weapon-free zone in the Middle East. Moreover, this regime's clandestine development and possession of nuclear weapons not only violate basic principles of international law, the Charter of the United Nations, the Treaty on the Non-Proliferation of Nuclear Weapons as well as numerous General Assembly and Security Council resolutions, but also clearly defy the demands and concerns of the overwhelming majority of United Nations Member States and constantly and obstinately disregard the international community which has, time and again, called on this regime to renounce nuclear weapons and accede urgently to the Treaty as a non-nuclear-weapon party.

Considering the above-mentioned reasons, the Security Council should have fulfilled its Charter-based responsibility to address such a clear and serious threat to international peace and security and take prompt and appropriate actions accordingly. The Zionist regime is the only obstacle to the establishment of a nuclear-weapon-free zone in the Middle East. Peace and stability cannot be achieved in the Middle East while the massive nuclear arsenal of that regime continues to threaten the region and beyond.

## III. International measures

As a State party to the Treaty on the Non-Proliferation of Nuclear Weapons, the Islamic Republic of Iran is fully committed to its international undertakings and believes that this international instrument is the cornerstone of nuclear disarmament and non-proliferation. Universal adherence to this Treaty, particularly in the Middle East, would effectively ensure the establishment of a nuclear-weapon-free zone in this region.

The Islamic Republic of Iran participated actively in the 2010 Review Conference and supported its Final Document which includes, inter alia, measures for the implementation of the resolution on the Middle East adopted by the 1995 Review and Extension Conference. Despite all shortcomings of the relevant section of the aforesaid Final Document, which neglects current political realities of the region, it recalls the reaffirmation by the 2000 Review Conference of the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under comprehensive IAEA safeguards. Taking into account the fact that, in the Middle East region, only the Zionist regime is a non-party to the Treaty and thus the only obstacle to the establishment of a nuclear-weapon-free zone in this region, Iran believes that the



implementation of relevant measures contained in the Final Document of the 2010 Review Conference will lead to the prompt and unconditional accession of this regime to the Treaty as a non-nuclear-weapon party.

Due to the significant provisions of the resolution on the Middle East adopted by the 1995 Review and Extension Conference, the Islamic Republic of Iran and other States in the region would expect that resolution to be swiftly implemented especially by its co-sponsors, namely, the Russian Federation, the United States of America and the United Kingdom of Great Britain and Northern Ireland as depositaries of the Treaty.

The Islamic Republic of Iran, in its bilateral and multilateral disarmament dialogues with other Member States, in particular some nuclear-weapon States and members of the European Union, has always urged their active and non-discriminatory contributions towards the establishment of a nuclear-weapon-free zone in the Middle East.

In line with its principled position in the field of disarmament, including furthering the idea of establishing a nuclear-weapon-free zone in the Middle East, the Islamic Republic of Iran convened an International Conference on Disarmament and Non-Proliferation in Tehran, on 17 and 18 April 2010. The participants in the Conference, namely Foreign Ministers and high-ranking officials of more than 60 countries and the heads and senior officials of some regional and international organizations, under the motto of "Nuclear energy for every one, Nuclear weapon for no one" discussed a variety of issues, and emphasized, among other things, the significance of establishing a nuclear-weapon-free zone in the Middle East and the urgency of the Zionist regime's accession to the Treaty on the Non-Proliferation of Nuclear Weapons.

**IV. The way ahead**

Islamic Republic of Iran is of the opinion that, pending the realization of a nuclear-weapon-free zone in the Middle East, no country in the region should develop, produce or test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices, and they should refrain from actions that run counter to both the letter and spirit of the Treaty on the Non-Proliferation of Nuclear Weapons and other international resolutions and documents relating to the establishment of a nuclear-weapon-free zone in the Middle East.

The Islamic Republic of Iran is of the firm belief that an agreed plan of action and timetable for universality of the Treaty on the Non-Proliferation of Nuclear Weapons, especially in the Middle East, should be a top priority on the agenda of all States parties to the Treaty especially the nuclear-weapon States. There should be enough pressure on the Zionist regime to accede to the Treaty and place all its nuclear facilities under the IAEA safeguards to pave the way for the long-sought-after goal of the establishment of a nuclear-weapon-free zone in the Middle East.

Finally, the unconditional adherence by that regime to the Treaty on the Non-Proliferation of Nuclear Weapons and the conclusion of a full-scope safeguards agreement with IAEA would, undoubtedly, lead to the early realization of the nuclear-weapon-free zone in the Middle East.

Jordan - [Original: Arabic] - [22 July 2010]

**1. Introduction**

Since the Kingdom gained its independence, Jordan has held a clear and transparent position on the subject of nuclear weapons and nuclear, biological and chemical weapons of mass destruction. It has consistently sought to free the Middle Eastern region of such weapons and, in particular, nuclear weapons, and to ensure that all States in that region ratify all the international instruments that prohibit the acquisition, manufacture, use and proliferation of those weapons and related tests, and that all States in the region are subject to international monitoring and inspection systems, with no exceptions as to State, type of weapon of mass destruction or circumstance.

**2. Position of Jordan on weapons of mass destruction in the Middle East**

Jordan is a country free of nuclear weapons: it does not possess

any such weapons or the means of their delivery. It has no direct or indirect dealings with them and has no aspirations or ambitions to possess or develop any programme related to those weapons.

Jordan has never provided scientific, technical or material assistance to any party that aims to own or develop nuclear weapons and does not permit any activities related to those weapons to be conducted on its territory.

Jordan supports and upholds all regional and international attempts and endeavours to prohibit the use of and eliminate nuclear weapons, with a view to freeing the world of those weapons. Jordan has expressed its position by means of the following:

- (a) Accession to the Treaty on the Non-Proliferation of Nuclear Weapons, which it ratified in February 1970.
- (b) Accession to the Comprehensive Nuclear-Test-Ban Treaty, which it ratified in August 1998.
- (c) Participation, as a member of the League of Arab States, in the formulation of a draft convention on making the Middle East free of weapons of mass destruction and, in particular, nuclear weapons.
- (d) Jordan supported the inauguration of multilateral negotiations in 2010, with a view to the early signature of a comprehensive, non-discriminatory treaty banning the invention, production, testing, proliferation, stockpiling and transport of nuclear weapons and the use or threat of their use, and the complete elimination of all such weapons.

**3. The principles of the initiative to make the Middle East free of weapons of mass destruction**

All nuclear, biological and chemical weapons of mass destruction should be banned from the Middle East.

All States of the region, without exception, should give equal and reciprocal undertakings in that regard.

Guarantee measures should be put in place that commit all States of the region, without exception, to total prohibition.

**4. International support for the initiative to make the Middle East free of weapons of mass destruction**

The United Nations has supported this initiative in two resolutions that are presented to the General Assembly annually. The first concerns the establishment in the Middle East of a zone free of nuclear weapons, while the second demands that Israel should accede to the Treaty on the Non-Proliferation of Nuclear Weapons.

The League of Arab States has shown its support for the initiative through the technical committee for the formulation of a draft treaty on a region free of weapons of mass destruction in the Middle East. The committee was established in 1994 pursuant to a decision by the Council of the League, and meets biannually at League headquarters.

Jordan regularly takes part in the work of the monitoring committee on Israeli nuclear activity in violation of the Treaty on the Non-Proliferation of Nuclear Weapons, which was established in 1996 pursuant to a decision by the Council of the League, and meets biannually.

**5. The position of Jordan on programmes for the use of nuclear energy for peaceful purposes**

With a view to achieving development, Jordan aspires to benefit from the peaceful uses of nuclear energy, a right guaranteed to States parties by the Treaty on the Non-Proliferation of Nuclear Weapons.

Jordan is committed to its undertakings with respect to the Treaty on the Non-Proliferation of Nuclear Weapons and the International Atomic Energy Agency (IAEA) comprehensive safeguards agreement.

The nuclear programme in Jordan is wholly directed to peaceful purposes, in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons dispensations, and is subject to IAEA inspection.

Jordan regularly seeks IAEA expertise in order to build capacities in respect of the comprehensive safeguards regime.

Jordan is consistent in its desire for the universality of the Treaty on the Non-Proliferation of Nuclear Weapons and for all nuclear installations in the Middle East to be subject to the IAEA safeguards regime.

#### **6. The universality of the Treaty on the Non-Proliferation of Nuclear Weapons**

The universality of the Treaty on the Non-Proliferation of Nuclear Weapons must be achieved by the accession of all States that have neither signed or ratified that Treaty. Those States include Israel. All its nuclear installations must be placed under the IAEA safeguards regime. Israel is the only State in the region that is not party to the Treaty on the Non-Proliferation of Nuclear Weapons, and failure to make progress with regard to the Treaty on the Non-Proliferation of Nuclear Weapons universality puts the credibility of the whole Treaty in jeopardy.

The Treaty on the Non-Proliferation of Nuclear Weapons guarantees to States parties the right to use nuclear energy for peaceful purposes and in order to achieve development, prosperity and well-being for their peoples.

A uniform approach to weapons of mass destruction in the Middle East should be applied to all States in the region without discrimination.

There should be transparency with regard to the nuclear materials imported by the States of the region.

There should be transparency with regard to the nuclear materials exported to the States of the region.

#### **7. Jordan's aims in seeking to establish in the Middle East a zone free of weapons of mass destruction**

To build confidence and improve relations between the States of the region.

To contribute to security and stability at the regional and international levels.

To spare the States of the region the dangers of nuclear weapons.

To prevent the proliferation of those weapons.

To facilitate and promote cooperation between States in and beyond the region in the development of nuclear energy and its use for peaceful purposes.

#### **8. IAEA safeguards**

All States in the region must give serious consideration to the initiative to free the Middle East of nuclear weapons and to accession to Treaty on the Non-Proliferation of Nuclear Weapons as a step towards establishing a zone free of weapons of mass destruction in the region.

In order to reinforce security and peace, all States in the region must apply IAEA safeguards to all their nuclear programmes.

All States in the region must adopt confidence-building measures and refrain from any action that could obstruct endeavours to free the Middle East of nuclear weapons.

All regional States must cooperate with the IAEA Director General and support him in continuing consultations with Middle Eastern States that aim to convince them that all nuclear programmes in the region should be subjected to IAEA safeguards.

All States with an interest in maintaining international peace and security should extend every assistance to the Director General in the course of his consultations.

#### **9. Conclusion**

Jordan signed and ratified the Treaty on the Non-Proliferation of Nuclear Weapons in February 1970 and is committed to the strict application of the provisions of the IAEA comprehensive safeguards regime.

Israel's reluctance to accept the initiative to free the Middle East of all weapons of mass destruction before the Arab-Israeli conflict has been settled is illogical. The development of nuclear programmes is not consonant with opportunities to establish peace in the region. All the Arab States have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons; it is only Israel that refuses to become a party thereto or to place its nuclear installations under comprehensive international safeguards.

The presence in the Middle East of nuclear installations that may not meet international safety standards and are not subject to the comprehensive safeguards regime is a matter that must be addressed at the regional and international levels. The lack of international monitoring of Israeli installations threatens the security and stability of the whole region, and if that deficiency is not addressed, we are likely to run the risk of nuclear proliferation on a wide scale throughout the Middle East.

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### **Application of IAEA safeguards in the Middle East**

[GC(55)/RES/14 September 2011]

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See Section G

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### **Finland Appointed as Host Government / Facilitator for 2012 Conference on Middle East Zone Free of Nuclear Weapons and all other Weapons of Mass-Destruction**

[14 October 2011]

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Joint statement issued by UN Secretary-General Ban Ki-moon and the Governments of the Russian Federation, the United Kingdom and the United States in New York

In accordance with the practical steps endorsed by the Parties to the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Secretary-General and the Governments of the Russian Federation, the United Kingdom and the United States, as co-sponsors of the 1995 NPT Resolution on the Middle East and depositary States of the Treaty, in consultation with the States of the region, are pleased to announce the appointment of Jaakko Laajava, Under-Secretary of State, Ministry of Foreign Affairs of Finland, as facilitator and the designation of Finland as the host Government for the 2012 Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.

## E – Nuclear Weapon Testing Treaties

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### Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water [Partial Test Ban Treaty]

[Opened for signature 5 August 1963,  
entered into force 10 October 1963]

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The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the 'Original Parties',

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons.

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows;

#### Article I

1. Each of the Parties to this Treaty undertake to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

(a) in the atmosphere, beyond its limits, including outer space; or under water, including territorial waters or high seas; or

(b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

2. Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

#### Article II

1. Any Party may propose amendments to this Treaty. The text of any proposed amendments shall be submitted to the Depositary Governments which shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all the Original Parties.

#### Article III

1. This Treaty shall be open to all States for signature. Any State which does not sign this Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Original Parties — the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics — which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all the Original Parties and the deposit of their instruments of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

#### Article IV

This Treaty shall be of unlimited duration.

Each 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 all other Parties to the Treaty three months in advance.

#### Article V

This Treaty, of which the English and Russian texts are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

**IN WITNESS WHEREOF** the undersigned, duly authorized, have signed this Treaty.

**DONE** in triplicate at the city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

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### Comprehensive Test Ban Treaty

[Opened for signature 24 September 1996,  
not in force 31 January 2012]

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#### Preamble

The States Parties to this Treaty (hereinafter referred to as 'the States Parties'),

*Welcoming* the international agreements and other positive measures of recent years in the field of nuclear disarmament, including reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects,

*Underlining* the importance of the full and prompt implementation of such agreements and measures,

*Convinced* that the present international situation provides an opportunity to take further effective measures towards nuclear disarmament and against the proliferation of nuclear weapons in all its aspects, and declaring their intention to take such measures,

*Stressing* therefore the need for continued systematic and progressive efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control,

*Recognizing* that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects,

*Further recognizing* that an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament,

*Convinced* that the most effective way to achieve an end to nuclear testing is through the conclusion of a universal and internationally and effectively verifiable comprehensive nuclear test-ban treaty, which has long been one of the highest priority objectives of the international community in the field of disarmament and non-proliferation,

*Noting* the aspirations expressed by the Parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in

Outer Space and Under Water to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time,

*Noting also* the views expressed that this Treaty could contribute to the protection of the environment,

*Affirming* the purpose of attracting the adherence of all States to this Treaty and its objective to contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security,

*Have agreed* as follows:

## Article I

### Basic Obligations

1. Each State Party undertakes not to carry out any nuclear weapon test explosion or any other nuclear explosion, and to prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control.
2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

## Article II

### The Organization

#### A. General Provisions

1. The States Parties hereby establish the Comprehensive Nuclear Test-Ban Treaty organization (hereinafter referred to as 'the Organization') to achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.
2. All States Parties shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.
3. The seat of the Organization shall be Vienna, Republic of Austria.
4. There are hereby established as organs of the Organization: the Conference of the States Parties, the Executive Council and the Technical Secretariat, which shall include the International Data Centre.
5. Each State Party shall cooperate with the Organization in the exercise of its functions in accordance with this Treaty. States Parties shall consult, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, of this Treaty.
6. The Organization shall conduct its verification activities provided for under this Treaty in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. It shall request only the information and data necessary to fulfil its responsibilities under this Treaty. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of this Treaty and, in particular, shall abide by the confidentiality provisions set forth in this Treaty.
7. Each State Party shall treat as confidential and afford special handling to information and data that it receives in confidence from the Organization in connection with the implementation of this Treaty. It shall treat such information and data exclusively in connection with its rights and obligations under this Treaty.
8. The Organization, as an independent body, shall seek to utilize existing expertise and facilities, as appropriate, and to maximize cost efficiencies, through cooperative arrangements with other international organizations such as the International Atomic Energy Agency. Such arrangements, excluding those of a minor and normal commercial and contractual nature, shall be set out in agreements to be submitted to the Conference of the States Parties for approval.
9. The costs of the activities of the Organization shall be met annually by the States Parties in accordance with the United Nations scale of assessments adjusted to take into account differences in membership between the United Nations and the Organization.
10. Financial contributions of States Parties to the Preparatory

Commission shall be deducted in an appropriate way from their contributions to the regular budget.

11. A member of the Organization which is in arrears in the payment of its assessed contribution to the Organization shall have no vote in the Organization if the amount of its arrears equals or exceeds the amount of the contribution due from it for the preceding two full years. The Conference of the States Parties may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

### B. The Conference of the States Parties

#### Composition, Procedures and Decision-making

12. The Conference of the States Parties (hereinafter referred to as 'the Conference') shall be composed of all States Parties. Each State Party shall have one representative in the Conference, who may be accompanied by alternates and advisers.
13. The initial session of the Conference shall be convened by the Depositary no later than 30 days after the entry into force of this Treaty.
14. The Conference shall meet in regular sessions, which shall be held annually, unless it decides otherwise.
15. A special session of the Conference shall be convened:
  - (a) When decided by the Conference;
  - (b) When requested by the Executive Council; or
  - (c) When requested by any State Party and supported by a majority of the States Parties.

The special session shall be convened no later than 30 days after the decision of the Conference, the request of the Executive Council, or the attainment of the necessary support, unless specified otherwise in the decision or request.

16. The Conference may also be convened in the form of an Amendment Conference, in accordance with Article VII.
17. The Conference may also be convened in the form of a Review Conference in accordance with Article VI II.
18. Sessions shall take place at the seat of the Organization unless the Conference decides otherwise.
19. The Conference shall adopt its rules of procedure. At the beginning of each session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next session.
20. A majority of the States Parties shall constitute a quorum.
21. Each State Party shall have one vote.
22. The Conference shall take decisions on matters of procedure by a majority of members present and voting. Decisions on matters of substance shall be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the President of the Conference shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference before the end of this period. If consensus is not possible at the end of 24 hours, the Conference shall take a decision by a two-thirds majority of members present and voting unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.
23. When exercising its function under paragraph 26 (k), the Conference shall take a decision to add any State to the list of States contained in Annex 1 to this Treaty in accordance with the procedure for decisions on matters of substance set out in paragraph 22. Notwithstanding paragraph 22, the Conference shall take decisions on any other change to Annex 1 to this Treaty by consensus.

#### Powers and Functions

24. The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Treaty, including those relating to the powers and functions of the Executive Council and the Technical Secretariat, in accordance with this Treaty. It may make recommendations and take decisions on any questions, matters or issues within the scope of this Treaty raised by a State Party or brought to its attention by the Executive Council.
25. The Conference shall oversee the implementation of, and review compliance with, this Treaty and act in order to promote its object and purpose. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue

guidelines to either of them for the exercise of their functions.

26. The Conference shall:
- (a) Consider and adopt the report of the Organization on the implementation of this Treaty and the annual programme and budget of the Organization, submitted by the Executive Council, as well as consider other reports;
  - (b) Decide on the scale of financial contributions to be paid by States Parties in accordance with paragraph 9;
  - (c) Elect the members of the Executive Council;
  - (d) Appoint the Director-General of the Technical Secretariat (hereinafter referred to as 'the Director-General');
  - (e) Consider and approve the rules of procedure of the Executive Council submitted by the latter;
  - (f) Consider and review scientific and technological developments that could affect the operation of this Treaty. In this context, the Conference may direct the Director-General to establish a Scientific Advisory Board to enable him or her, in the performance of his or her functions, to render specialized advice in areas of science and technology relevant to this Treaty to the Conference, to the Executive Council or to States Parties. In that case, the Scientific Advisory Board shall be composed of independent experts serving in their individual capacity and appointed, in accordance with terms of reference adopted by the Conference, on the basis of their expertise and experience in the particular scientific fields relevant to the implementation of this Treaty;
  - (g) Take the necessary measures to ensure compliance with this Treaty and to redress and remedy any situation that contravenes the provisions of this Treaty, in accordance with Article V;
  - (h) Consider and approve at its initial session any draft agreements, arrangements, provisions, procedures, operational manuals, guidelines and any other documents developed and recommended by the Preparatory Commission;
  - (i) Consider and approve agreements or arrangements negotiated by the Technical Secretariat with States Parties, other States and international organizations to be concluded by the Executive Council on behalf of the Organization in accordance with paragraph 38 (h);
  - (j) Establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Treaty; and
  - (k) Update Annex 1 to this Treaty, as appropriate, in accordance with paragraph 23.

### C. The Executive Council

#### *Composition, Procedures and Decision-making*

27. The Executive Council shall consist of 51 members. Each State Party shall have the right, in accordance with the provisions of this Article, to serve on the Executive Council.
28. Taking into account the need for equitable geographical distribution the Executive Council shall comprise:
- (a) Ten states Parties from Africa;
  - (b) Seven States Parties from Eastern Europe;
  - (c) Nine States Parties from Latin America and the Caribbean;
  - (d) Seven States Parties from the Middle East and South Asia;
  - (e) Ten States Parties from North America and Western Europe; and
  - (f) Eight States Parties from South-East Asia, the Pacific and the Far East.

All States in each of the above geographical regions are listed in Annex 1 to this Treaty. Annex 1 to this Treaty shall be updated, as appropriate, by the Conference in accordance with paragraphs 23 and 26 (k). It shall not be subject to amendments or changes under the procedures contained in Article VII.

29. The members of the Executive Council shall be elected by the Conference. In this connection, each geographical region shall designate States Parties from that region for election as members of the Executive Council as follows:

- (a) At least one-third of the seats allocated to each geographical region shall be filled, taking into account political and security interests by States Parties in that region designated on the basis of the nuclear capabilities relevant to the Treaty as determined by international data as well as all or any of the following indicative criteria in the order of priority determined by each region:

- (i) Number of monitoring facilities of the International Monitoring System;
  - (ii) Expertise and experience in monitoring technology; and
  - (iii) Contribution to the annual budget of the Organization;
- (b) One of the seats allocated to each geographical region shall be filled on a rotational basis by the State Party that is first in the English alphabetical order among the States Parties in that region that have not served as members of the Executive Council for the longest period of time since becoming States Parties or since their last term, whichever is shorter. A State Party designated on this basis may decide to forgo its seat. In that case, such a State Party shall submit a letter of renunciation to the Director-General, and the seat shall be filled by the State Party following next-in-order according to this sub-paragraph; and
- (c) The remaining seats allocated to each geographical region shall be filled by States Parties designated from among all the States Parties in that region by rotation or elections.
30. Each member of the Executive Council shall have one representative on the Executive Council, who may be accompanied by alternates and advisers.
31. Each member of the Executive Council shall hold office from the end of the session of the Conference at which that member is elected until the end of the second regular annual session of the Conference thereafter, except that for the first election of the Executive Council, 26 members shall be elected to hold office until the end of the third regular annual session of the Conference, due regard being paid to the established numerical proportions as described in paragraph 28.
32. The Executive Council shall elaborate its rules of procedure and submit them to the Conference for approval.
33. The Executive Council shall elect its Chairman from among its members.
34. The Executive Council shall meet for regular sessions. Between regular sessions it shall meet as may be required for the fulfilment of its powers and functions.
35. Each member of the Executive Council shall have one vote.
36. The Executive Council shall take decisions on matters of procedure by a majority of all its members. The Executive Council shall take decisions on matters of substance by a two-thirds majority of all its members unless specified otherwise in this Treaty. When the issue arises as to whether the question is one of substance or not, that question shall be treated as a matter of substance unless otherwise decided by the majority required for decisions on matters of substance.

#### *Powers and Functions*

37. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. It shall carry out the powers and functions entrusted to it in accordance with this Treaty. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their continuous and proper implementation.
38. The Executive Council shall:
- (a) Promote effective implementation of, and compliance with, this Treaty;
  - (b) Supervise the activities of the Technical Secretariat;
  - (c) Make recommendations as necessary to the Conference for consideration of further proposals for promoting the object and purpose of this Treaty;
  - (d) Cooperate with the National Authority of each State Party;
  - (e) Consider and submit to the Conference the draft annual programme and budget of the Organization, the draft report of the Organization on the implementation of this Treaty, the report on the performance of its own activities and such other reports as it deems necessary or that the Conference may request;
  - (f) Make arrangements for the sessions of the Conference, including the preparation of the draft agenda;
  - (g) Examine proposals for changes, on matters of an administrative or technical nature, to the Protocol or the Annexes thereto, pursuant to Article VII, and make recommendations to the States Parties regarding their adoption;
  - (h) Conclude, subject to prior approval of the Conference, agreements or arrangements with States Parties, other States and international organizations on behalf of the Organization and supervise their implementation, with the exception of

agreements or arrangements referred to in sub-paragraph (i);  
 (i) Approve and supervise the operation of agreements or arrangements relating to the implementation of verification activities with States Parties and other States; and  
 (j) Approve any new operational manuals and any changes to the existing operational manuals that may be proposed by the Technical Secretariat.

39. The Executive Council may request a special session of the Conference.

40. The Executive Council shall:

- (a) Facilitate cooperation among States Parties, and between States Parties and the Technical Secretariat, relating to the implementation of this Treaty through information exchanges;
- (b) Facilitate consultation and clarification among States Parties in accordance with Article IV; and
- (c) Receive, consider and take action on requests for, and reports on, on-site inspections in accordance with Article IV.

41. The Executive Council shall consider any concern raised by a State Party about possible non-compliance with this Treaty and abuse of the rights established by this Treaty. In doing so, the Executive Council shall consult with the States Parties involved and, as appropriate, request a State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, *inter alia*, one or more of the following measures:

- (a) Notify all States Parties of the issue or matter;
- (b) Bring the issue or matter to the attention of the Conference;
- (c) Make recommendations to the Conference or take action, as appropriate, regarding measures to redress the situation and to ensure compliance in accordance with Article V.

#### **D. The Technical Secretariat**

42. The Technical Secretariat shall assist States Parties in the implementation of this Treaty. The Technical Secretariat shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification and other function entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Executive Council in accordance with this Treaty. The Technical Secretariat shall include, as an integral part, the International Data Centre.

43. The functions of the Technical Secretariat with regard to verification of compliance with this Treaty shall, in accordance with Article IV and the Protocol, include *inter alia*:

- (a) Being responsible for supervising and coordinating the operation of the International Monitoring System;
- (b) Operating the International Data Centre;
- (c) Routinely receiving, processing, analyzing and reporting on International Monitoring System data;
- (d) Providing technical assistance in, and support for, the installation and operation of monitoring stations;
- (e) Assisting the Executive Council in facilitating consultation and clarification among States Parties;
- (f) Receiving requests for on-site inspections and processing them, facilitating Executive Council consideration of such requests, carrying out the preparations for, and providing technical support during, the conduct of on-site inspections, and reporting to the Executive Council;
- (g) Negotiating agreements or arrangements with States Parties, other States and international organizations and concluding, subject to prior approval by the Executive Council, any such agreements or arrangements relating to verification activities with States Parties or other States; and
- (h) Assisting the States Parties through their National Authorities on other issues of verification under this Treaty.

44. The Technical Secretariat shall develop and maintain, subject to approval by the Executive Council, operational manuals to guide the operation of the various components of the verification regime, in accordance with Article IV and the Protocol. These manuals shall not constitute integral parts of this Treaty or the Protocol and may be changed by the Technical Secretariat subject to approval by the Executive Council. The Technical Secretariat shall promptly inform the States Parties of any changes in the operational manuals.

45. The functions of the Technical Secretariat with respect to administrative matters shall include:

- (a) Preparing and submitting to the Executive Council the draft programme and budget of the Organization;

(b) Preparing and submitting to the Executive Council the draft report of the Organization on the implementation of this Treaty and such other reports as the Conference or the Executive Council may request;

(c) Providing administrative and technical support to the Conference, the Executive Council and other subsidiary organs;

(d) Addressing and receiving communications on behalf of the Organization relating to the implementation of this Treaty; and

(e) Carrying out the administrative responsibilities related to any agreements between the Organization and other international organizations.

46. All requests and notifications by States Parties to the Organization shall be transmitted through their National Authorities to the Director-General. Requests and notifications shall be in one of the official languages of this Treaty. In response the Director-General shall use the language of the transmitted request or notification.

47. With respect to the responsibilities of the Technical Secretariat for preparing and submitting to the Executive Council the draft programme and budget of the Organization, the Technical Secretariat shall determine and maintain a clear accounting of all costs for each facility established as part of the International Monitoring System. Similar treatment in the draft programme and budget shall be accorded to all other activities of the Organization.

48. The Technical Secretariat shall promptly inform the Executive Council of any problems that have arisen with regard to the discharge of its functions that have come to its notice in the performance of its activities and that it has been unable to resolve through consultations with the State Party concerned.

49. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and such scientific, technical and other personnel as may be required. The Director-General shall be appointed by the Conference upon the recommendation of the Executive Council for a term of four years, renewable for one further term, but not thereafter. The first Director-General shall be appointed by the Conference at its initial session upon the recommendation of the Preparatory Commission.

50. The Director-General shall be responsible to the Conference and the Executive Council for the appointment of the staff and for the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of professional expertise, experience, efficiency, competence and integrity. Only citizens of States Parties shall serve as the Director-General, as inspectors or as members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to the minimum necessary for the proper discharge of the responsibilities of the Technical Secretariat.

51. The Director-General may, as appropriate, after consultation with the Executive Council, establish temporary working groups of scientific experts to provide recommendations on specific issues.

52. In the performance of their duties, the Director-General, the inspectors, the inspection assistants and the members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action that might reflect adversely on their positions as international officers responsible only to the Organization. The Director-General shall assume responsibility for the activities of an inspection team.

53. Each State Party shall respect the exclusively international character of the responsibilities of the Director-General, the inspectors, the inspection assistants and the members of the staff and shall not seek to influence them in the discharge of their responsibilities.

#### **E. Privileges and Immunities**

54. The Organization shall enjoy on the territory and in any other place under the jurisdiction or control of a State Party such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

55. Delegates of States Parties, together with their alternates and advisers, representatives of members elected to the Executive Council, together with their alternates and advisers, the Director-General, the inspectors, the inspection assistants and the

members of the staff of the Organization shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connection with the Organization.

56. The legal capacity, privileges and immunities referred to in this Article shall be defined in agreements between the Organization and the State Parties as well as in an agreement between the Organization and the State in which the Organization is seated. Such agreements shall be considered and approved in accordance with paragraph 26 (h) and (i).

57. Notwithstanding paragraphs 54 and 55, the privileges and immunities enjoyed by the Director-General, the inspectors, the inspection assistants and the members of the staff of the Technical Secretariat during the conduct of verification activities shall be those set forth in the Protocol.

### Article III

#### National Implementation Measures

1. Each State Party shall, in accordance with its constitutional processes, take any necessary measures to implement its obligations under this Treaty. In particular, it shall take any necessary measures:

- (a) To prohibit natural and legal persons anywhere on its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity prohibited to a State Party under this Treaty ;
- (b) To prohibit natural and legal persons from undertaking any such activity anywhere under its control; and
- (c) To prohibit, in conformity with international law, natural person possessing its nationality from undertaking any such activity anywhere.

2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under paragraph 1.

3. Each State Party shall inform the Organization of the measures taken pursuant to this Article.

4. In order to fulfill its obligations under the Treaty, each State Party shall designate or set up a National Authority and shall so inform the Organization upon entry into force of the Treaty for it. The National Authority shall serve as the national focal point for liaison with the Organization and with other States Parties.

### Article IV

#### Verification

##### A. General Provisions

1. In order to verify compliance with this Treaty, a verification regime shall be established consisting of the following elements:

- (a) An International Monitoring System;
- (b) Consultation and clarification;
- (c) On-site inspections; and
- (d) Confidence-building measures.

At entry into force of this Treaty, the verification regime shall be capable of meeting the verification requirements of this Treaty.

2. Verification activities shall be based on objective information, shall be limited to the subject matter of this Treaty, and shall be carried out on the basis of full respect for the sovereignty of States Parties and in the least intrusive manner possible consistent with the effective and timely accomplishment of their objectives. Each State Party shall refrain from any abuse of the right of verification.

3. Each State Party undertakes in accordance with this Treaty to cooperate through its National Authority established pursuant to Article III, paragraph 4, with the Organization and with other States Parties to facilitate the verification of compliance with this Treaty by *inter alia*:

- (a) Establishing the necessary facilities to participate in these verification measures and establishing the necessary communication;
- (b) Providing data obtained from national stations that are part of the International Monitoring System;
- (c) Participating, as appropriate, in a consultation and clarification process;
- (d) Permitting the conduct of on-site inspections; and
- (e) Participating, as appropriate, in confidence-building measures.

4. All States Parties, irrespective of their technical and financial capabilities, shall enjoy the equal right of verification and assume the equal obligation to accept verification.

5. For the purposes of this Treaty, no State Party shall be

precluded from using information obtained by national technical means of verification in a manner consistent with generally recognized principles of international law, including that of respect for the sovereignty of States.

6. Without prejudice to the right of States Parties to protect sensitive installations, activities or locations not related to this Treaty, States Parties shall not interfere with elements of the verification regime of this Treaty or with national technical means of verification operating in accordance with paragraph 5.

7. Each State Party shall have the right to take measures to protect sensitive installations and to prevent disclosure of confidential information and data not related to this Treaty.

8. Moreover, all necessary measures shall be taken to protect the confidentiality of any information related to civil and military activities and facilities obtained during verification activities.

9. Subject to paragraph 8, information obtained by the Organization through the verification regime established by this Treaty shall be made available to all States Parties in accordance with the relevant provisions of this Treaty and the Protocol.

10. The provisions of this Treaty shall not be interpreted as restricting the international exchange of data for scientific purposes.

11. Each State Party undertakes to cooperate with the Organization and with other States Parties in the improvement of the verification regime, and in the examination of the verification potential of additional monitoring technologies such as electromagnetic pulse monitoring or satellite monitoring, with a view to developing, when appropriate, specific measures to enhance the efficient and cost-effective verification of this Treaty. Such measures shall, when agreed, be incorporated in existing provisions in this Treaty, the Protocol or as additional sections of the Protocol, in accordance with Article VII, or, if appropriate, be reflected in the operational manuals in accordance with Article II, paragraph 44.

12. The States Parties undertake to promote cooperation among themselves to facilitate and participate in the fullest possible exchange relating to technologies used in the verification of this Treaty in order to enable all States Parties to strengthen their national implementation of verification measures and to benefit from the application of such technologies for peaceful purposes.

13. The provisions of this Treaty shall be implemented in a manner which avoids hampering the economic and technological development of the States Parties for further development of the application of atomic energy for peaceful purposes.

*Verification Responsibilities of the Technical Secretariat – [Eds...]*

##### B. The International Monitoring System – [Eds...]

*Funding the International Monitoring System – [Eds...]*

*Changes to the International Monitoring System – [Eds...]*

*Temporary Arrangements – [Eds...]*

*Cooperating National Facilities – [Eds...]*

##### C. Consultation and Clarification – [Eds...]

##### D. On-Site Inspections

*Request for an On-Site Inspection – [Eds...]*

*Follow-up After Submission of an On-Site Inspection Request [Eds...]*

*Executive Council Decisions – [Eds...]*

*Follow-up after Executive Council Approval of an On-Site Inspection – [Eds...]*

*The Conduct of an On-Site Inspection – [Eds...]*

*Observer – [Eds...]*

*Reports of an On-Site Inspection – [Eds...]*

*Frivolous or Abusive On-Site Inspection Requests – [Eds...]*

##### E. Confidence-Building Measures – [Eds...]

### Article V

#### Measures to Redress a Situation and to Ensure Compliance, Including Sanctions

1. The Conference, taking into account, *inter alia*, the recommendations of the Executive Council, shall take the

necessary measures, as set forth in paragraphs 2 and 3, to ensure compliance with this Treaty and to redress and remedy any situation which contravenes the provisions of this Treaty.

2. In cases where a State Party has been requested by the Conference or the Executive Council to redress a situation raising problems with regard to its compliance and fails to fulfil the request within the specified time, the Conference may, *inter alia*, decide to restrict or suspend the State Party from the exercise of its rights and privileges under this Treaty until the Conference decides otherwise.

3. In cases where damage to the object and purpose of this Treaty may result from non-compliance with the basic obligations of this Treaty, the Conference may recommend to States Parties collective measures which are in conformity with international law.

4. The Conference, or alternatively, if the case is urgent, the Executive Council, may bring the issue, including relevant information and conclusions to the attention of the United Nations.

#### Article VI

##### Settlement of Disputes

1. Disputes that may arise concerning the application or the interpretation of this Treaty shall be settled in accordance with the relevant provisions of this Treaty and in conformity with the provisions of the Charter of the United Nations.

2. When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the application or interpretation 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 appropriate organs of this Treaty and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The parties involved shall keep the Executive Council informed of actions being taken.

3. The Executive Council may contribute to the settlement of a dispute that may arise concerning the application or interpretation of this Treaty by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to seek a settlement through a process of their own choice, bringing the matter to the attention of the Conference and recommending a time-limit for any agreed procedure.

4. The Conference shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference shall, as it finds necessary, establish or entrust organs with tasks related to the settlement of these disputes in conformity with Article II, paragraph 26 (j).

5. The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An agreement between the Organization and the United Nations shall be concluded for this purpose in accordance with Article II, paragraph 38 (h).

6. This Article is without prejudice to Articles IV and V.

#### Article VII

##### Amendments

1. At any time after the entry into force of this Treaty, any State Party may propose amendments to this Treaty, the Protocol, or the Annexes to the Protocol. Any State Party may also propose changes, in accordance with paragraph 7, to the Protocol or the Annexes thereto. Proposals for amendment shall be subject to the procedures in paragraphs 2 to 6. Proposals for changes, in accordance with paragraph 7, shall be subject to the procedures in paragraph 8.

2. The proposed amendment shall be considered and adopted only by a Amendment Conference.

3. Any proposal for an amendment shall be communicated to the Director-General, who shall circulate it to all States Parties and the Depositary and seek the views of the States Parties on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Director-General no later than 30 days after its circulation that they support further consideration of the proposal, the Director-General shall convene an Amendment Conference to which all States Parties shall be invited.

4. The Amendment Conference shall be held immediately

following a regular session of the Conference unless all States Parties that support the convening of an Amendment Conference request that it be held earlier. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

5. Amendments shall be adopted by the Amendment Conference by a positive vote of a majority of the States Parties with no State Party casting a negative vote.

6. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all those States Parties casting a positive vote at the Amendment Conference.

7. In order to ensure the viability and effectiveness of this Treaty, Parts I and III of the Protocol and Annexes 1 and 2 to the Protocol shall be subject to changes in accordance with paragraph 8, if the proposed changes are related only to matters of an administrative or technical nature. All other provisions of the Protocol and the Annexes thereto shall not be subject to changes in accordance with paragraph 8.

8. Proposed changes referred to in paragraph 7 shall be made in accordance with the following procedures:

- (a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;
- (b) No later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Treaty and its implementation and shall communicate any such information to all States Parties and the Executive Council;
- (c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 7. No later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;
- (d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no state Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;
- (e) If a recommendation of the Executive Council does not meet with the acceptance required under sub-paragraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 7, shall be taken as a matter of substance by the Conference at its next session;
- (f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;
- (g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

#### Article VIII

##### Review of the Treaty

1. Unless otherwise decided by a majority of the States Parties, ten years after the entry into force of this Treaty a Conference of the States Parties shall be held to review the operation and effectiveness of this Treaty, with view to assuring itself that the objectives and purposes in the Preamble and the provisions of the Treaty are being realized. Such review shall take into account any new scientific and technological developments relevant to this Treaty. On the basis of a request by any State Party, the Review Conference shall consider the possibility of permitting the conduct of underground nuclear explosions for peaceful purposes. If the Review Conference decides by consensus that such nuclear explosions may be permitted, it shall commence work without delay, with a view to recommending to States Parties an appropriate amendment to this Treaty that shall preclude any military benefits of such nuclear explosions. Any such proposed



amendment shall be communicated to the Director-General by any State Party and shall be dealt with in accordance with the provisions of Article VII.

2. At intervals of ten years thereafter, further Review Conferences may be convened with the same objective, if the Conference so decides as a matter of procedure in the preceding year. Such Conferences may be convened after an interval of less than ten years if so decided by the Conference as a matter of substance.

3. Normally, any Review Conference shall be held immediately following the regular annual session of the Conference provided for in Article II.

#### Article IX

##### 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 this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.

3. Withdrawal shall be effected by giving notice six months in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Notice of withdrawal shall include a statement of the extraordinary event or events which a State Party regards as jeopardizing its supreme interests.

#### Article X

##### Status of the Protocol and the Annexes

The Annexes to this Treaty, the Protocol, and the Annexes to the Protocol form an integral part of the Treaty. Any reference to this Treaty, includes the Annexes to this Treaty, the Protocol and the Annexes to the Protocol.

#### Article XI Signature

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

#### Article XII Ratification

This Treaty shall be subject to ratification by signatory States according to their respective constitutional processes.

#### Article XIII Accession

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

#### Article XIV Entry into Force

1. This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty, but in no case earlier than two years after its opening for signature.

2. If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification on the request of a majority of those States. That Conference shall examine the extent to which the requirement set out in paragraph 1 has been met and shall consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.

3. Unless otherwise decided by the Conference referred to in paragraph 2 or other such conferences, this process shall be repeated at subsequent anniversaries of the opening for signature of this Treaty, until its entry into force.

4. All States Signatories shall be invited to attend the Conference referred to in paragraph 2 and any subsequent conferences as referred to in paragraph 3, as observers.

5. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instruments of ratification or accession.

#### Article XV

##### Reservations

The Articles of and the Annexes to this Treaty shall not be subject

to reservations. The provisions of the Protocol to this Treaty and the Annexes to the Protocol shall not be subject to reservations incompatible with the object and purpose of this Treaty.

#### Article XVI

##### Depositary

1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.

2. The Depositary shall promptly inform all States Signatories and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.

3. The Depositary shall send duly certified copies of this Treaty to the Governments of the States Signatories and acceding States.

4. This Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

#### Article XVII

##### Authentic Texts

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

#### Annex 1 to the Treaty

##### List of States Pursuant to Article II, Paragraph 28

###### Africa

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

###### Eastern Europe

Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia.

###### Latin America and the Caribbean

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, Uruguay, Venezuela.

###### Middle East and South Asia

Afghanistan, Bahrain, Bangladesh, Bhutan, India, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lebanon, Maldives, Oman, Nepal, Pakistan, Qatar, Saudi Arabia, Sri Lanka, Syrian Arab Republic, Tajikistan, Turkmenistan, United Arab Emirates, Uzbekistan, Yemen.

###### North America and Western Europe

Andorra, Austria, Belgium, Canada, Cyprus, Denmark, Finland, France, Germany, Greece, Holy see, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

###### South East Asia, the Pacific and the Far East

Australia, Brunei Darussalam, Cambodia, China, Cook Islands, Democratic People's Republic of Korea, Fiji, Indonesia, Japan, Kiribati, Lao People's Democratic Republic, Malaysia, Marshall Islands, Micronesia (Federated States of), Mongolia, Myanmar,

Nauru, New Zealand, Niue, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Thailand, Tonga, Tuvalu, Vanuatu, Viet Nam.

## Annex 2 to the Treaty

### List of States Pursuant to Article XIV

List of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's April 1996 edition of 'Nuclear Power Reactors in the World', and of States members of the Conference on Disarmament as at 18 June 1996 which formally participated in the work of the 1996 session of the Conference and which appear in Table 1 of the International Atomic Energy Agency's December 1995 edition of 'Nuclear Research Reactors in the World':

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Democratic People's Republic of Korea, Egypt, Finland, France, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Mexico, Netherlands, Norway, Pakistan, Peru, Poland, Romania, Republic of Korea, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam, Zaire.

## Protocol to the Comprehensive Nuclear Test-Ban Treaty

### Part I — The International Monitoring System and International Data Centre Functions

**A. General Provisions** – [Eds...]

**B. Seismological Monitoring** – [Eds...]

**C. Radionuclide Monitoring** – [Eds...]

**D. Hydroacoustic Monitoring** – [Eds...]

**E. Infrasound Monitoring** – [Eds...]

**F. International Data Centre Functions** – [Eds...]

*International Data Centre Services to States Parties* – [Eds...]

*National Event Screening* – [Eds...]

*Technical Assistance* – [Eds...]

### Part II — On-Site Inspections

**A. General Provisions** – [Eds...]

**B. Standing Arrangements** – [Eds...]

**C. On-Site Inspection Request, Inspection Mandate and Notification Of Inspection** – [Eds...]

**D. Pre-Inspection Activities** – [Eds...]

**E. Conduct Of Inspections** – [Eds...]

### Part III — Confidence-Building Measures

1. Pursuant to Article IV, paragraph 68, each State Party shall, on a voluntary basis, provide the Technical Secretariat with notification of any chemical explosion using 300 tonnes or greater of TNT-equivalent blasting material detonated as a single explosion anywhere on its territory, or at any place under its jurisdiction or control. If possible, such notification shall be provided in advance. Such notification shall include details on location, time, quantity and type of explosive used, as well as on the configuration and intended purpose of the blast.

2. Each State Party shall, on a voluntary basis, as soon as possible after the entry into force of this Treaty provide to the Technical Secretariat, and at annual intervals thereafter update, information related to its national use of all other chemical explosions greater than 300 tonnes TNT-equivalent. In particular, the State Party shall seek to advise:

- (a) The geographic locations of sites where the explosions originate;
  - (b) The nature of activities producing them and the general profile and frequency of such explosions;
  - (c) Any other relevant detail, if available; and
- to assist the Technical Secretariat in clarifying the origins of

any such event detected by the International Monitoring System.

3. A State Party may, on a voluntary and mutually-acceptable basis, invite representatives of the Technical Secretariat or of other States Parties to visit sites within its territory referred to in paragraphs 1 and 2.

4. For the purpose of calibrating the International Monitoring System, States Parties may liaise with the Technical Secretariat to carry out chemical calibration explosions or to provide relevant information on chemical explosions planned for other purposes.

## Annex 1 to the Protocol

### Table 1-A — List of Seismological Stations Compromising the Primary Network

### Table 1-B List of Seismological Stations Comprising the Auxiliary Network

### Table 2-A List of Radionuclide Stations

### Table 2-B List of Radionuclide Laboratories

### Table 3 List of Hydroacoustic Stations

### Table 4 List of Infrasound Station

[The full tables can be found at:]

[http://pws.ctbto.org/treaty/treaty\\_text.pdf](http://pws.ctbto.org/treaty/treaty_text.pdf) pp.158-188]

## Annex 2 to the Protocol

### List of Characterisation Parameters for International Data Centre Standard Event Screening

1. The International Data Centre standard event screening criteria shall be based on the standard event characterisation parameters determined during the combined processing of data from all the monitoring technologies in the International Monitoring System. Standard event screening shall make use of both global and supplementary screening criteria to take account of regional variations where applicable.

2. For events detected by the International Monitoring System seismic component, the following parameters, *inter alia*, may be used:

- location of the event;
- depth of the event;
- ratio of the magnitude of surface waves to body waves;
- signal frequency content;
- spectral ratios of phases;
- spectral scalloping;
- first motion of the P-wave;
- focal mechanism;
- relative excitation of seismic phases;
- comparative measures to other events and groups of events; and
- regional discriminants where applicable.

3. For events detected by the International Monitoring System hydroacoustic component, the following parameters, *inter alia*, may be used:

- signal frequency content including corner frequency, wide-band energy and mean Centre frequency and bandwidth;
- frequency-dependent duration of signals;
- spectral ratio; and
- indications of bubble-pulse signals and bubble-pulse delay.

4. For events detected by the International Monitoring System infrasound component, the following parameters, *inter alia*, may be used:

- signal frequency content and dispersion;
- signal duration; and
- peak amplitude.

5. For events detected by the International Monitoring System radionuclide component, the following parameters, *inter alia*, may be used:

- concentration of background natural and man-made radionuclides;
- concentration of specific fission and activation products outside normal observations; and
- ratios of one specific fission and activation product to another.

### Comprehensive Test Ban Treaty – Signatures and Ratifications

[as at 31 January 2012]

**Total States:196 Total Signed:182 Total Ratified:156**

**Not signed: 13 Not Ratified: 38**

State	Signature	Ratification
Afghanistan	24 SEP 2003	24 SEP 2003
Albania	27 SEP 1996	23 APR 2003
†Algeria	15 OCT 1996	11 JUL 2003
Andorra	24 SEP 1996	12 JUL 2006
Angola	27 SEP 1996	
Antigua and Barbuda	16 APR 1997	11 JAN 2006
†Argentina	24 SEP 1996	04 DEC 1998
Armenia	01 OCT 1996	12 JUL 2006
†Australia	24 SEP 1996	09 JUL 1998
†Austria	24 SEP 1996	13 MAR 1998
Azerbaijan	28 JUL 1997	02 FEB 1999
Bahamas	04 FEB 2005	30 NOV 2007
Bahrain	24 SEP 1996	12 APR 2004
†Bangladesh	24 OCT 1996	08 MAR 2000
Barbados	14 JAN 2008	14 JAN 2008
Belarus	24 SEP 1996	13 SEP 2000
†Belgium	24 SEP 1996	29 JUN 1999
Belize	14 NOV 2001	26 MAR 2004
Benin	27 SEP 1996	06 MAR 2001
Bhutan		
Bolivia	24 SEP 1996	04 OCT 1999
Bosnia and Herzegovina	24 SEP 1996	26 OCT 2006
Botswana	16 SEP 2002	28 OCT 2002
†Brazil	24 SEP 1996	24 JUL 1998
Brunei Darussalam	22 JAN 1997	
†Bulgaria	24 SEP 1996	29 SEP 1999
Burkina Faso	27 SEP 1996	17 APR 2002
Burundi	24 SEP 1996	24 SEP 2008
Cambodia	26 SEP 1996	10 NOV 2000
Cameroon	16 NOV 2001	06 FEB 2006
†Canada	24 SEP 1996	18 DEC 1998
Cape Verde	01 OCT 1996	01 MAR 2006
Central African Republic	19 DEC 2001	26 MAY 2010
Chad	08 OCT 1996	
†Chile	24 SEP 1996	12 JUL 2000
†China	24 SEP 1996	
†Colombia	24 SEP 1996	29 JAN 2008
Comoros	12 DEC 1996	
Congo	11 FEB 1997	
Cook Islands	05 DEC 1997	06 SEP 2005
Costa Rica	24 SEP 1996	25 SEP 2001
Cote d'Ivoire	25 SEP 1996	11 MAR 2003
Croatia	24 SEP 1996	02 MAR 2001
Cuba		
Cyprus	24 SEP 1996	18 JUL 2003
Czech Republic	12 NOV 1996	11 SEP 1997
†Democratic People's Republic of Korea		
†Democratic Republic of the Congo	04 OCT 1996	28 SEP 2004
Denmark	24 SEP 1996	21 DEC 1998
Djibouti	21 OCT 1996	15 JUL 2005
Dominica		
Dominican Republic	03 OCT 1996	4 SEP 2007
Ecuador	24 SEP 1996	12 NOV 2001
†Egypt	14 OCT 1996	
El Salvador	24 SEP 1996	11 SEP 1998
Equatorial Guinea	09 OCT 1996	
Eritrea	11 NOV 2003	11 NOV 2003
Estonia	20 NOV 1996	13 AUG 1999
Ethiopia	25 SEP 1996	08 AUG 2006
Fiji	24 SEP 1996	10 OCT 1996
†Finland	24 SEP 1996	15 JAN 1999
†France	24 SEP 1996	06 APR 1998
Gabon	07 OCT 1996	20 SEP 2000
Gambia	09 APR 2003	
Georgia	24 SEP 1996	27 SEP 2002
†Germany	24 SEP 1996	20 AUG 1998
Ghana	03 OCT 1996	14 JUN 2011
Greece	24 SEP 1996	21 APR 1999
Grenada		10 OCT 1996
Guatemala		20 SEP 1999
Guinea		03 OCT 1996
Guinea-Bissau		11 APR 1997
Guyana		07 SEP 2000
Haiti		24 SEP 1996
Holy See		24 SEP 1996
Honduras		25 SEP 1996
†Hungary		25 SEP 1996
Iceland		24 SEP 1996
†India		
†Indonesia		24 SEP 1996
†Iran (Islamic Republic of)		24 SEP 1996
Iraq		19 AUG 2008
Ireland		24 SEP 1996
†Israel		25 SEP 1996
†Italy		24 SEP 1996
Jamaica		11 NOV 1996
†Japan		24 SEP 1996
Jordan		26 SEP 1996
Kazakhstan		30 SEP 1996
Kenya		14 NOV 1996
Kiribati		07 SEP 2000
Kuwait		24 SEP 1996
Kyrgyzstan		08 OCT 1996
Lao People's Dem. Rep.		30 JUL 1997
Latvia		24 SEP 1996
Lebanon		16 SEP 2005
Lesotho		30 SEP 1996
Liberia		01 OCT 1996
Libyan Arab Jamahiriya		13 NOV 2001
Liechtenstein		27 SEP 1996
Lithuania		07 OCT 1996
Luxembourg		24 SEP 1996
Madagascar		09 OCT 1996
Malawi		09 OCT 1996
Malaysia		23 JUL 1998
Maldives		01 OCT 1997
Mali		18 FEB 1997
Malta		24 SEP 1996
Marshall Islands		24 SEP 1996
Mauritania		24 SEP 1996
Mauritius		
†Mexico		24 SEP 1996
Micronesia, Federated States of		24 SEP 1996
Moldova		24 SEP 1997
Monaco		01 OCT 1996
Mongolia		01 OCT 1996
Montenegro		23 OCT 2006
Morocco		24 SEP 1996
Mozambique		26 SEP 1996
Myanmar		25 NOV 1996
Namibia		24 SEP 1996
Nauru		08 SEP 2000
Nepal		08 OCT 1996
†Netherlands		24 SEP 1996
New Zealand		27 SEP 1996
Nicaragua		24 SEP 1996
Niger		03 OCT 1996
Nigeria		08 SEP 2000
Niue		
†Norway		24 SEP 1996
Oman		23 SEP 1999
†Pakistan		
Palau		12 AUG 2003
Panama		24 SEP 1996
Papua New Guinea		25 SEP 1996
Paraguay		25 SEP 1996
†Peru		25 SEP 1996
Philippines		24 SEP 1996
†Poland		24 SEP 1996
Portugal		24 SEP 1996
Qatar		24 SEP 1996
†Republic of Korea		24 SEP 1996
†Romania		24 SEP 1996
†Russian Federation		24 SEP 1996
Rwanda		30 NOV 2004
Saint Kitts and Nevis		23 MAR 2004
		19 AUG 1998
		13 JAN 2012
		20 SEP 2011
		07 MAR 2001
		01 DEC 2005
		18 JUL 2001
		30 OCT 2003
		13 JUL 1999
		26 JUN 2000
		24 SEP 1996
		24 SEP 1996
		19 AUG 2008
		24 SEP 1996
		15 JUL 1999
		25 SEP 1996
		24 SEP 1996
		01 FEB 1999
		11 NOV 1996
		13 NOV 2001
		08 JUL 1997
		26 SEP 1996
		25 AUG 1998
		30 SEP 1996
		14 MAY 2002
		14 NOV 1996
		30 NOV 2000
		07 SEP 2000
		07 SEP 2000
		06 MAY 2003
		02 OCT 2003
		05 OCT 2000
		20 NOV 2001
		21 NOV 2008
		14 SEP 1999
		17 AUG 2009
		13 NOV 2001
		06 JAN 2004
		21 SEP 2004
		07 FEB 2000
		26 MAY 1999
		15 SEP 2005
		21 NOV 2008
		17 JAN 2008
		07 SEP 2000
		04 AUG 1999
		23 JUL 2001
		28 OCT 2009
		30 APR 2003
		05 OCT 1999
		25 JUL 1997
		16 JAN 2007
		18 DEC 1998
		08 AUG 1997
		23 OCT 2006
		17 APR 2000
		4 NOV 2008
		29 JUN 2001
		12 NOV 2001
		23 MAR 1999
		19 MAR 1999
		05 DEC 2000
		09 SEP 2002
		27 SEP 2001
		15 JUL 1999
		13 JUN 2003
		1 AUG 2007
		23 MAR 1999
		25 SEP 1996
		25 SEP 1996
		25 SEP 1996
		12 NOV 1997
		23 FEB 2001
		25 MAY 1999
		26 JUN 2000
		03 MAR 1997
		24 SEP 1999
		05 OCT 1999
		30 JUN 2000
		30 NOV 2004
		27 APR 2005

Saint Lucia	04 OCT 1996	05 APR 2001
Saint Vincent and the Grenadines	02 JUL 2009	23 SEP 2009
Samoa	09 OCT 1996	27 SEP 2002
San Marino	07 OCT 1996	12 MAR 2002
Sao Tome and Principe	26 SEP 1996	
Saudi Arabia		
Senegal	26 SEP 1996	09 JUN 1999
Serbia	08 JUN 2001	19 MAY 2004
Seychelles	24 SEP 1996	13 APR 2004
Sierra Leone	08 SEP 2000	17 SEP 2001
Singapore	14 JAN 1999	10 NOV 2001
†Slovakia	30 SEP 1996	03 MAR 1998
Slovenia	24 SEP 1996	31 AUG 1999
Solomon Islands	03 OCT 1996	
Somalia		
†South Africa	24 SEP 1996	30 MAR 1999
South Sudan		
†Spain	24 SEP 1996	31 JUL 1998
Sri Lanka	24 OCT 1996	
Sudan	10 JUN 2004	10 JUN 2004
Suriname	14 JAN 1997	07 FEB 2006
Swaziland	24 SEP 1996	
†Sweden	24 SEP 1996	02 DEC 1998
†Switzerland	24 SEP 1996	01 OCT 1999
Syrian Arab Republic		
Tajikistan	07 OCT 1996	10 JUN 1998
Thailand	12 NOV 1996	
The former Yugoslav Republic of Macedonia	29 OCT 1998	14 MAR 2000
Timor-Leste	26 SEP 2008	
Togo	02 OCT 1996	02 JUL 2004
Tonga		
Trinidad and Tobago	08 OCT 2009	26 MAY 2010
Tunisia	16 OCT 1996	23 SEP 2004
†Turkey	24 SEP 1996	16 FEB 2000
Turkmenistan	24 SEP 1996	20 FEB 1998
Tuvalu		
Uganda	07 NOV 1996	14 MAR 2001
†Ukraine	27 SEP 1996	23 FEB 2001
United Arab Emirates	25 SEP 1996	18 SEP 2000
†United Kingdom of Great Britain and Northern Ireland	24 SEP 1996	06 APR 1998
United Republic of Tanzania	30 SEP 2004	30 SEP 2004
†United States of America	24 SEP 1996	
Uruguay	24 SEP 1996	21 SEP 2001
Uzbekistan	03 OCT 1996	29 MAY 1997
Vanuatu	24 SEP 1996	16 SEP 2005
Venezuela	03 OCT 1996	13 MAY 2002
†Viet Nam	24 SEP 1996	10 MAR 2006
Yemen	30 SEP 1996	
Zambia	03 DEC 1996	23 FEB 2006
Zimbabwe	13 OCT 1999	

† indicates those states that are listed in Annex 2 of the CTBT.

### Final Declaration and Measures to Promote the Entry into Force of The Comprehensive Nuclear-Test-Ban Treaty

[Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty, New York, 23 September 2011]

[Editorial note – footnote not included]

1. We, the ratifying States, together with other States Signatories, met in New York on 23 September 2011 to discuss concrete measures to facilitate the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) at the earliest possible date, thus ridding the world once and for all of nuclear test explosions. The entry into force of the CTBT is of vital importance as a core element of the international nuclear disarmament and non-proliferation regime. We reiterate that a universal and effectively verifiable Treaty constitutes a fundamental instrument in the field of nuclear disarmament and non-proliferation and that, fifteen years after opening of the Treaty for signature, its entry into force is more urgent than ever before. We urge all States to remain seized of the

issue at the highest political level.

2. We further reiterate that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and non-proliferation in all its aspects. The ending of nuclear weapon testing is, thus, a meaningful step in the realization of the goal of eliminating nuclear weapons globally, and of general and complete disarmament under strict and effective international control. The overwhelming support for the Treaty and its early entry into force has been expressed by the United Nations General Assembly, which has called for signature and ratification of the Treaty as soon as possible, and has urged all States to remain seized of the issue at the highest political level. The Security Council Summit on nuclear non-proliferation and nuclear disarmament in New York on 24 September 2009, which adopted resolution 1887, and the adoption by consensus of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), among other events, demonstrate continued strong international will to see this Treaty brought into force.

3. We welcome that 182 States have signed and 155 States have ratified the CTBT, including 35 whose ratification is necessary for its entry into force (Annex 2 States). In this respect, we welcome progress made towards universalization of the Treaty, and recognize the significance of the ratifications of the Treaty since the 2009 Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty. We urge all remaining States, especially those whose signatures and ratifications are necessary for the entry into force of the Treaty, to take individual initiatives to sign and ratify the Treaty without delay in order to achieve its earliest entry into force. A list of those States is provided in the Appendix. We welcome the recent expressions by a number of States, including some Annex 2 States, of their intention to pursue and complete their ratification processes soon.

4. We affirm the importance and urgency of achieving early entry into force of the Treaty as one of the practical steps for the systematic and progressive efforts towards nuclear disarmament and nuclear non-proliferation, which were agreed to by the participating States at international forums dealing with nuclear disarmament and nuclear non-proliferation. Pending the entry into force of the CTBT, we reaffirm our commitment, as expressed in the conclusions of the 2010 NPT Review Conference, and call on all States, to refrain from nuclear weapon test explosions or any other nuclear explosions, the use of new nuclear weapon technologies and any action that would defeat the object and purpose of the CTBT, and to maintain all existing moratoriums on nuclear weapon test explosions, while stressing that these measures do not have the same permanent and legally binding effect as the entry into force of the Treaty.

5. With respect to the nuclear tests announced by the Democratic People's Republic of Korea on 9 October 2006 and 25 May 2009, bearing in mind the United Nations General Assembly resolutions A/RES/61/104, A/RES/63/87 and A/RES/65/91 and other relevant United Nations resolutions, including S/RES/1874 (2009), we continue to underline the need for a peaceful solution of the nuclear issues through successful implementation of the Joint Statement agreed upon in the framework of the Six-Party Talks. We also believe that the aforementioned events, internationally condemned, highlighted the urgent need for the early entry into force of the Treaty.

6. We reaffirm our strong belief that it is essential to maintain momentum in building all elements of the verification regime, which will be capable of verifying compliance with the Treaty at its entry into force. The verification regime will be unprecedented in its global reach after entry into force of the Treaty and will thereby ensure confidence that States are maintaining their Treaty commitments. We will continue to provide political and tangible support required to enable the Preparatory Commission to complete all its tasks in the most efficient and cost-effective way, including the building up of the on-site inspection pillar of the verification regime and the progressive development of the coverage of the International Monitoring System, so that it will be capable of meeting the verification requirements of the Treaty at its entry into force. In this regard we note the progress achieved in the

establishment of the International Monitoring System, which currently has 270 certified facilities, and the satisfactory functioning of the International Data Centre, and in developing the on-site inspection regime.

7. We agree that in addition to its essential function, the CTBT verification system is capable of bringing scientific and civil benefits, including for tsunami warning systems and possibly other disaster alert systems. In this context we welcome the rapid response of the Preparatory Commission to the tsunami and the ensuing nuclear power plant accident on 11 March 2011 in Fukushima, Japan, and wish to underline the importance of cooperation between the Preparatory Commission and relevant international organizations in this regard. We will continue to consider ways to ensure that these benefits can be broadly shared by the international community in conformity with the Treaty.

8. We reaffirm our determination to take concrete steps towards early entry into force and universalization of the Treaty and to this end adopt the following measures:

(a) Spare no efforts and use all avenues open to us, in conformity with international law, to encourage further signature and ratification of the Treaty, and urge all States to sustain the momentum generated by this Conference and to remain seized of the issue at the highest political level;

(b) Support and encourage bilateral, regional and multilateral initiatives by interested countries, the Preparatory Commission and the Provisional Technical Secretariat to promote the entry into force and universalization of the Treaty;

(c) Agree that ratifying States will continue the practice of selecting coordinators to promote cooperation, through informal consultations with all interested countries, aimed at promoting further signatures and ratifications;

(d) Maintain a contact list of countries among ratifying States which volunteer to assist the coordinators in various regions in promoting activities to achieve entry into force of the Treaty;

(e) Encourage the organization of regional seminars in conjunction with other regional meetings in order to increase the awareness of the important role that the Treaty plays;

(f) Call upon the Preparatory Commission to continue its international cooperation activities and the organizing of workshops, seminars and training programmes in the legal and technical fields;

(g) Call upon the Preparatory Commission to continue promoting understanding of the Treaty, including through education and training initiatives, and demonstrating, on a provisional basis, and bearing in mind the purpose and specific mandates as foreseen in the Treaty, the benefits of the civil and scientific applications of the verification technologies, inter alia, in such areas as the environment, earth science and technology, tsunami warning systems, detection of the accidental release of radioactive particulates and gases, and possibly other disaster alert systems;

(h) Request that the Provisional Technical Secretariat continue to provide States with legal assistance with respect to the ratification process and implementation measures and, in order to enhance these activities and their visibility, maintain a contact point for the exchange and dissemination of relevant information and documentation;

(i) Request the Provisional Technical Secretariat to continue to act as a 'focal point' for collecting information on outreach activities undertaken by ratifying States and States Signatories, and to maintain an updated overview of the information based on inputs provided by ratifying States and States Signatories for this purpose on its public web site, thereby assisting in promoting the entry into force of the Treaty;

(j) Encourage cooperation with intergovernmental and non-governmental organizations and other elements of civil society to raise awareness of and support for the Treaty and its objectives, as well as the need for its early entry into force.



## F – Nuclear-Weapon-Free Zone Treaties

### **Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean [Treaty of Tlatelolco]**

[Opened for signature on 14 February 1967, entered into force for each government individually with the Amendments adopted by the General Conference Articles 7, 14, 15, 16, 19, 20 and 25]

#### **Preamble**

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

**Desiring** to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighborliness;

**Recalling** that the United Nations General Assembly, in its Resolution 808 (IX), unanimously adopted as one of the three points of a coordinated programme of disarmament “the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type”;

**Recalling** that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage;

**Recalling** United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America and the Caribbean should be taken “in the light of the principles of the Charter of the United Nations and of regional agreements”;

**Recalling** United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

**Recalling** that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

#### **Convinced:**

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured;

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable;

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand;

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration;

That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions;

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist;

That the privileged situation of the Signatory States, whose

territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind;

That the existence of nuclear weapons in any country of Latin America and the Caribbean would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development;

That the foregoing reasons, together with the traditional peace loving outlook of Latin America and the Caribbean, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American and Caribbean countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples,

#### **Convinced finally:**

That the military denuclearization of Latin America and the Caribbean -being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America and the Caribbean, faithful to their tradition of universality, must not only endeavor to banish from their homelands the scourge of a nuclear war, but also strive to promote the well-being and advancement of their peoples, at the same time co-operating in the fulfillment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

#### **Have agreed as follows:**

##### **Obligations – Article 1**

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

- a. The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and
- b. The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

##### **Definition of the Contracting Parties – Article 2**

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

##### **Definition of territory – Article 3**

For the purposes of this Treaty, the term “territory” shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

##### **Zone of Application – Article 4**

1. The Zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of Article 29, paragraph 1, the Zone of Application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0° latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

#### **Definition of nuclear weapons – Article 5**

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

#### **Meeting of Signatories – Article 6**

At the request of any of the Signatory States or if the Agency established by Article 7 should so decide, a meeting of all the Signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the Secretary General.

#### **Organization – Article 7**

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the “Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean”, hereinafter referred to as “the Agency”. Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising there from.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

#### **Organs – Article 8**

1. **There are hereby established as principal organs of the Agency:** a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

#### **The General Conference – Article 9**

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference:

- a. May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.
- b. Shall establish procedures for the Control System to ensure observance of this Treaty in accordance with its provisions.
- c. Shall elect the Members of the Council and the Secretary

General.

d. May remove the Secretary General from office if the proper functioning of the Agency so requires.

e. Shall receive and consider the biennial and special reports submitted by the Council and the Secretary General.

f. Shall initiate and consider studies designed to facilitate the optimum fulfillment of the aims of this Treaty, without prejudice to the power of the Secretary General independently to carry out similar studies for submission to and consideration by the Conference.

g. Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the Control System and measures referred to in Article 20, the admission of new Members, the election or removal of the Secretary General, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own Rules of Procedure.

#### **The Council – Article 10**

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the Secretary General, ensure the proper operation of the Control System in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own Rules of Procedure.

#### **The Secretariat – Article 11**

1. The Secretariat shall consist of a Secretary General, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the Secretary General shall be four years and he may be re-elected for a single additional term. The Secretary General may not be a national of the country in which the Agency has its headquarters. In case the office of Secretary General becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the Secretary General, in accordance with rules laid down by the General



Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference, the Secretary General shall ensure, as provided by Article 10, paragraph 5, the proper operation of the Control System established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The Secretary General shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the Secretary General may deem desirable.

5. The Secretary General shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the Secretary General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the Secretary General and the staff and not to seek to influence them in the discharge of their responsibilities.

**Control System – Article 12**

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with Article 1, a Control System shall be established which shall be put into effect in accordance with the provisions of Articles 13-18 of this Treaty.

2. The Control System shall be used in particular for the purpose of verifying:
- a. That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons,
  - b. That none of the activities prohibited in Article I of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and
  - c. That explosions for peaceful purposes are compatible with Article 18 of this Treaty.

**IAEA Safeguards – Article 13**

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or *force majeure*.

**Reports of the Contracting Parties – Article 14**

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties to the Treaty shall simultaneously transmit to the Agency a copy of the reports submitted to the International Atomic Energy Agency which relate to matters subject of this Treaty that are relevant to the work of the Agency.

3. The information furnished by the Contracting Parties shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when the Contracting Parties give their express consent.

**Complementary or supplementary information – Article 15**

1. At the request of any of the Contracting Parties and with the

authorization of the Council, the Secretary General may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any extraordinary event or circumstance which affects the compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the Secretary General.

2. The Secretary General shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

**Special inspections – Article 16**

1. The International Atomic Energy Agency has the power of carrying out special inspections in accordance with Article 12 and with the agreements referred to in Article 13 of this Treaty.

2. At the request of any of the Contracting Parties and in accordance with the procedures established in Article 15 of this Treaty, the Council may submit for the consideration of the International Atomic Energy Agency a request that the necessary mechanisms be put into operation to carry out a special inspection.

3. The Secretary General shall request the Director General of the International Atomic Energy Agency to transmit to him in a timely manner the information forwarded to the Board of Governors of the IAEA relating to the conclusion of the special inspection. The Secretary General shall make this information available to the Council promptly.

4. The Council, through the Secretary General shall transmit this information to all the Contracting Parties.

**Use of nuclear energy for peaceful purposes – Article 17**

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

**Explosions for peaceful purposes – Article 18**

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes -including explosions which involve devices similar to those used in nuclear weapons- or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this Article and the other articles of the Treaty, particularly Articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

- a. The nature of the nuclear device and the source from which it was obtained,
- b. The place and purpose of the planned explosion,
- c. The procedures which will be followed in order to comply with paragraph 3 of this Article,
- d. The expected force of the device, and
- e. The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

The Secretary General and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this Article and the other provisions of this Treaty.

3. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present Article, in accordance with paragraphs 2 and 3 thereof.

**Relations with the International Atomic Energy Agency – Article 19**

The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General

Conference and as it considers likely to facilitate the efficient operation of the Control System established by this Treaty.

#### **Relations with other international organizations – Article 20**

1. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.
2. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

#### **Measures in the event of violation of the Treaty – Article 21**

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.
2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

#### **United Nations and Organization of American States – Article 22**

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of State Members of the Organization of American States, under existing regional treaties.

#### **Privileges and immunities – Article 23**

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its purposes.
2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.
3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this Article.

#### **Notification of other agreements – Article 24**

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

#### **Settlement of disputes – Article 25**

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

#### **Signature – Article 26**

1. This Treaty shall be open indefinitely for signature by:
  - a. All the Latin American Republics, and the Caribbean.
  - b. All other sovereign States in the western hemisphere situated in their entirety south of parallel 35° north latitude; and, except as provided in paragraph 2 of this Article, all such States when they have been admitted by the General Conference.
2. The condition of State Party to the Treaty of Tlatelolco shall be restricted to Independent States which are situated within the Zone of application of the Treaty in accordance with Article 4 of same, and with paragraph 1 of the present Article, and which were Members of the United Nations as of December 10, 1985 as well

as to the non-autonomous territories mentioned in document OEA/CER.P, AG/doc. 1939/ 85 of November 5, 1985, once they attain their independence.

#### **Ratification and deposit – Article 27**

1. This Treaty shall be subject to ratification by Signatory States in accordance with their respective constitutional procedures.
2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.
3. The Depositary Government shall send certified copies of this Treaty to the Governments of Signatory States and shall notify them of the deposit of each instrument of ratification.

#### **Reservations – Article 28**

This Treaty shall not be subject to reservations.

#### **Entry into force – Article 29**

1. Subject to the provisions of paragraph 2 of this Article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:
  - a. Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in Article 26 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of Article 26, paragraph 2;
  - b. Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having de jure or de facto international responsibility for territories situated in the Zone of Application of the Treaty;
  - c. Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;
  - d. Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with Article 13 of this Treaty.
2. All Signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.
3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.
4. After the entry into force of this Treaty for all the countries of the Zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, subparagraph c) of this Article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

#### **Amendments – Article 30**

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the Secretary General, who shall transmit them to all the other Contracting Parties and, in addition, to all other Signatories in accordance with Article 6. The Council through the Secretary General, shall immediately following the meeting of Signatories convene a Special Session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.
2. Amendments adopted shall enter into force as soon as the requirements set forth in Article 29 of this Treaty have been complied with.

**Duration and denunciation – Article 31**

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the Secretary General of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the Secretary General of the Agency of the notification by the Government of the Signatory State concerned. The Secretary General shall immediately communicate such notification to the other Contracting Parties and to the Secretary General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary General of the Organization of American States.

**Authentic texts and registration – Article 32**

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with Article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary General of the Organization of American States for its information.

**Transitional Article**

Denunciation of the declaration referred to in Article 29, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

*In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.*

*Done at Mexico, Distrito Federal, on the fourteenth day of February, one thousand nine hundred and sixty-seven.*

**ADDITIONAL PROTOCOL I**

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

**Convinced** that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVII I) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

**Aware** that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

**Desiring** to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

**Have agreed as follows:**

**Article 1**

To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in Articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in territories for which, *de jure or de facto*, they are internationally responsible and which lie within the limits of the geographical Zone established in that Treaty.

**Article 2**

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

**Article 3**

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

**In witness whereof** the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

**ADDITIONAL PROTOCOL II**

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

**Convinced** that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVII I) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

**Aware** that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

**Desiring** to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

**Have agreed as follows:**

**Article 1**

The statute of denuclearization of Latin America and the Caribbean in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

**Article 2**

The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of Article 1 of the Treaty in the territories to which the Treaty applies in accordance with Article 4 thereof.

**Article 3**

The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

**Article 4**

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in Articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in Articles 27, 28, 31 and 32 of the Treaty.

**Article 5**

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

**In witness whereof** the undersigned Plenipotentiaries, having deposited their full powers found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

**Status of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and its Additional Protocols I and II and its Amendments [Treaty of Tlatelolco]**

**Opened for Signature** in Mexico City on 14 February 1967  
**Enter into force:** 25 April 1969

**Status:** 31 January 2012

The Ministry of Foreign Relations of Mexico, in the capacity of Depository of the Treaty of Tlatelolco, sent the following information to the Secretariat General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

Country	Signature	Ratification	Waiver (Art.28)
Antigua and Barbuda	11 Oct 1983	11 Oct 1983	11 Oct 1983
Argentina	27 Sep 1967	18 Jan 1994	18 Jan 1994
Bahamas	29 Nov 1976	26 Apr 1977	26 Apr 1977
Barbados	18 Oct 1968	25 Apr 1969	25 Apr 1969
Belize	14 Feb 1992	09 Nov 1994	09 Nov 1994
Bolivia	14 Feb 1967	18 Feb 1969	18 Feb 1969
Brazil	09 May 1967	29 Jan 1968	30 May 1994
Chile	14 Feb 1967	09 Oct 1974	30 May 1994
Colombia	14 Feb 1967	04 Aug 1972	06 Sept 1972
Costa Rica	14 Feb 1967	25 Aug 1969	25 Aug 1969
Cuba	25 Mar 1995	23 Oct 2002	23 Oct 2002
Dominica	02 May 1989	04 Jun 1993	25 Aug 1993
Dominican Republic	28 Jul 1967	14 Jun 1968	14 Jun 1968
Ecuador	14 Feb 1967	11 Feb 1969	11 Feb 1969
El Salvador	14 Feb 1967	22 Apr 1968	22 Apr 1968
Granada	29 Apr 1975	20 Jun 1975	20 June 1975
Guatemala	14 Feb 1967	06 Feb 1970	06 Feb 1970
Guyana	16 Jan 1995	16 Jan 1995	14 May 1997
Haiti	14 Feb 1967	23 May 1969	23 May 1969
Honduras	14 Feb 1967	23 Sep 1968	23 Sept 1968
Jamaica	26 Oct 1967	26 Jun 1969	26 Jun 1969
Mexico	14 Feb 1967	20 Sep 1967	20 Sep 1967
Nicaragua	15 Feb 1967	24 Oct 1968	24 Oct 1968
Panama	14 Feb 1967	11 Jun 1971	11 Jun 1971
Paraguay	26 Apr 1967	19 Mar 1969	19 Mar 1969
Peru	14 Feb 1967	04 Mar 1969	04 Mar 1969
Saint Kitts and Nevis	18 Feb 1994	18 Apr 1995	14 Feb 1997
Saint Lucia	25 Aug 1992	02 Jun 1995	02 Jun 1995
Saint Vincent and Gren.	14 Feb 1992	14 Feb 1992	11 May 1992
Suriname	13 Feb 1976	10 Jun 1997	10 Jun 1977
Trinidad and Tobago	27 Jun 1967	03 Dec 1970	27 Jun 1975
Uruguay	14 Feb 1967	20 Aug 1968	20 Aug 1968
Venezuela	14 Feb 1967	23 Mar 1970	23 Mar 1970

#### ADDITIONAL PROTOCOL I

Country	Signature	Ratification
France	02 Mar 1979	24 Aug 1992
Netherlands	15 Mar 1968	26 Jul 1971
United Kingdom	20 Dec 1967	11 Dec 1969
United States	26 May 1977	23 Nov 1981

#### ADDITIONAL PROTOCOL II

Country	Signature	Ratification
France	18 Jul 1973	22 Mar 1974
People's Rep of China	21 Aug 1973	2 Jun 1974
United Kingdom	20 Dec 1967	11 Dec 1969
United States	01 Apr 1968	12 May 1971
Russia Federation	18 May 1978	8 Jan 1979

#### Amendments of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

##### (Treaty of Tlatelolco)

Regarding the signature and ratification of the first amendment of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) pursuant to [Resolution 267 \(E-V\)](#), of the General Conference of OPANAL approved in Mexico City on July 30, 1990, which resolved to add to the legal name of the Treaty for the Prohibition of Nuclear Weapons in Latin America the words "and the Caribbean," and consequently amend Article 7 of the Treaty, the countries that have signed and ratified the first amendment until now are:

Country	Signature	Ratification
Antigua and Barbuda		
Argentina	10 Dec 1990	18 Jan 1994
Bahamas	18 Mar 1992	
Barbados	14 Feb 1997	14 Feb 1997
Belize	23 Nov 1995	23 Nov 1995
Bolivia	10 Dec 1990	
Brazil	05 Dec 1990	30 May 1994
Chile	16 Jan 1991	18 Jan 1994
Colombia	05 Dec 1990	18 Jan 1999
Costa Rica	10 Dec 1990	20 Jan 1999
Cuba	05 Dec 1995	23 Oct 2002
Dominica		
Dominican Republic	16 Jan 1991	
Ecuador	05 Dec 1990	18 Oct 1995
El Salvador	21 Feb 1991	22 May 1992
Granada	17 Sept 1991	17 Sept 1991
Guatemala	10 Dec 1990	21 Aug 1998
Guyana	16 Jan 1995	16 Jan 1995
Haiti	16 Jan 1991	
Honduras	16 Jan 1991	
Jamaica	21 Feb 1991	13 Mar 1992
Mexico	05 Nov 1990	24 Oct 1991
Nicaragua	10 Dec 1990	
Panama		8 Aug 2000
Paraguay	19 Feb 1991	22 Oct 1996
Peru	05 Dec 1990	14 Jul 1995
Saint Kitts and Nevis	18 Feb 1994	
Saint Vincent and Gren.		
Saint Lucia		
Suriname		13 Jan 1994 AC
Trinidad and Tobago		
Uruguay	16 Nov 1990	30 Aug 1994
Venezuela	16 Jan 1991	14 Feb 1997

#### South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga]

[Opened for signature 6 August 1985,  
entered into force 11 December 1986]

#### Preamble

The Parties to this Treaty

United in their commitment to a world at peace,

Gravely concerned that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people,

Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth,

Believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all,

Determined to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace,

Reaffirming the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing to world security,

Noting, in particular, that Article VII of the NPT recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories,

Noting that the prohibitions of emplacement and emplacement of nuclear weapons on the sea-bed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof apply in the South Pacific,

Noting also that the prohibition of testing of nuclear weapons in the atmosphere or under water, including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water applies in the

South Pacific,

Determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter,

Guided by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the communique of that meeting,

Have agreed as follows:

**Article 1 – Usage of terms**

For the purposes of this Treaty and its Protocols:

(a) 'South Pacific Nuclear Free Zone' means the areas described in Annex 1 as illustrated by the map attached to that Annex;

(b) 'territory' means internal waters, territorial sea and archipelagic waters, the sea-bed and subsoil beneath, the land territory and the airspace above them;

(c) 'nuclear explosive device' means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but, does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) 'stationing' means emplacement, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.

**Article 2 – Application of the Treaty**

1. Except where otherwise specified, this Treaty and its Protocols shall apply to territory within the South Pacific Nuclear Free Zone.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the right, of any State under international law with regard to freedom of the seas.

**Article 3 – Renunciation of nuclear explosive devices**

Each Party undertakes:

(a) not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific Nuclear Free Zone;

(b) not to seek or receive any assistance in the manufacture or acquisition of any nuclear explosive device;

(c) not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State.

**Article 4 – Peaceful nuclear activities**

(a) reports and exchange of information as provided for in Article 9;

(b) consultations as provided for in Article 10 and Annex 4 (1);

(c) the application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;

(d) a complaints procedure as provided for in Annex 4.

Each Party undertakes:

(a) not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:

(i) any non-nuclear-weapon State unless subject to the safeguards required by Article III.1 of the NPT, or

(ii) any nuclear-weapon State unless subject to applicable safeguards agreement with the International Atomic Energy Agency (IAEA).

Any such provision shall be in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use;

(b) to support the continued effectiveness of the international non-proliferation system based on the NPT and the IAEA safeguards system.

**Article 5 – Prevention of stationing of nuclear explosive devices**

1. Each Party undertakes to prevent in its territory the stationing of any nuclear explosive device.

2. Each Party in the exercise of its sovereign right remains free to decide for itself whether to allow visit by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic

waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

**Article 6 – Prevention of testing of nuclear explosive devices**

Each Party undertakes:

(a) to prevent in its territory the testing of any nuclear explosive device;

(b) not to take any action to assist or encourage the testing of any nuclear explosive device by any State.

**Article 7 – Prevention of dumping**

1. Each Party undertakes:

(a) not to dump radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;

(b) to prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial sea;

(c) not to take any action to assist or encourage the dumping by anyone of radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;

(d) to support the conclusion as soon as possible of the proposed Convention relating to the protection of the natural resources and environment of the South Pacific region and its Protocol for the prevention of pollution of the South Pacific region by dumping, with the aim of precluding dumping at sea of radioactive wastes and other radioactive matter by anyone anywhere in the region.

2. Paragraphs 1 (a) and 1 (b) of this Article shall not apply to areas of the South Pacific Nuclear Free Zone in respect of which such a Convention and Protocol have entered into force.

**Article 8 – Control system**

1. The Parties hereby establish a control system for the purpose of verifying compliance with their obligations under this Treaty.

2. The control system shall comprise:

(a) reports and exchange of information as provided for in Article 9;

(b) consultations as provided for in Article 10 and Annex 4 (1);

(c) the application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;

(d) a complaints procedure as provided for in Annex 4.

**Article 9 – Reports and exchanges of information**

1. Each Party shall report to the Director of the South Pacific Bureau for Economic Co-operation (the Director) as soon as possible any significant event within its jurisdiction affecting the implementation of this Treaty. The Director shall circulate such reports promptly to all Parties.

2. The Parties shall endeavour to keep each other informed on matters arising under or in relation to this Treaty. They may exchange information by communicating it to the Director, who shall circulate it to all Parties.

3. The Director shall report annually to the South Pacific Forum on the status of this Treaty and matters arising under or in relation to it, incorporating reports and communications made under paragraphs 1 and 2 of this Article and matters arising under Articles 8 (2) (d) and 10 and Annex 2 (4).

**Article 10 – Consultations and review**

Without prejudice to the conduct of consultations among Parties by other means, the Director, at the request of any Party, shall convene a meeting of the Consultative Committee established by Annex 3 for consultation and co-operation on any matter arising in relation to this Treaty or for reviewing its operation.

**Article 11 – Amendment**

The Consultative Committee shall consider proposals for amendment of the provisions of this Treaty proposed by any Party and circulated by the Director to all Parties not less than three months prior to the convening of the Consultative Committee for this purpose. Any proposal agreed upon by consensus by the Consultative Committee shall be communicated to the Director, who shall circulate it for acceptance to all Parties. An amendment shall enter into force thirty days after receipt by the depository of acceptances from all Parties.

**Article 12 – Signature and ratification**

1. This Treaty shall be open for signature by any Member of the South Pacific Forum.
2. This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depository of this Treaty and its Protocols.
3. If a member of the South Pacific Forum whose territory is outside the South Pacific Nuclear Free Zone becomes a Party to this Treaty, Annex 1 shall be deemed to be amended so far as is required to enclose at least the territory of that Party within the boundaries of the South Pacific Nuclear Free Zone. The delineation of any area added pursuant to this paragraph shall be approved by the South Pacific Forum.

**Article 13 – Withdrawal**

1. This Treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any Party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.
2. Withdrawal shall be effected by giving notice twelve months in advance to the Director who shall circulate such notice to all other Parties.

**Article 14 – Reservations**

This Treaty shall not be subject to reservations.

**Article 15 – Entry into force**

1. This Treaty shall enter into force on the date of deposit of the eighth instrument of ratification.
2. For a signatory which ratifies this Treaty after the date of deposit of the eighth instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

**Article 16 – Depository functions**

The depository shall register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations and shall transmit certified copies of the Treaty and its Protocols to all Members of the South Pacific Forum and all States eligible to become Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and its Protocols.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Government, have signed this Treaty.

DONE at Rarotonga, this sixth day of August, One thousand nine hundred and eighty-five, in a single original in the English language.

**ANNEX 1 – South Pacific Nuclear Free Zone**

A. The area bounded by a line—

- (1) commencing at the point of intersection of the Equator by the maritime boundary between Indonesia and Papua New Guinea;
- (2) running thence northerly along that maritime boundary to its intersection by the outer limit of the exclusive economic zone of Papua New Guinea;
- (3) thence generally north-easterly and south-easterly along that outer limit to its intersection by the Equator;
- (4) thence east along the Equator to its intersection by the meridian of Longitude 163 degrees East;
- (5) thence north along that meridian to its intersection by the parallel of Latitude 3 degrees North;
- (6) thence east along that parallel to its intersection by the meridian of Longitude 171 degrees East;
- (7) thence north along that meridian to its intersection by the parallel of Latitude 4 degrees North;
- (8) thence east along that parallel to its intersection by the meridian of Longitude 180 degrees East;
- (9) thence south along that meridian to its intersection by the Equator;
- (10) thence east along the Equator to its intersection by the meridian of Longitude 165 degrees West;
- (11) thence north along that meridian to its intersection by the parallel of Latitude 5 degrees 30 minutes North;
- (12) thence east along that parallel to its intersection by the meridian of Longitude 154 degrees West;
- (13) thence south along that meridian to its intersection by the Equator;

- (14) thence east along the Equator to its intersection by the meridian of Longitude 115 degrees West;
- (15) thence south along that meridian to its intersection by the parallel of Latitude 60 degrees South;
- (16) thence west along that parallel to its intersection by the meridian of Longitude 115 degrees East;
- (17) thence north along that meridian to its southernmost intersection by the outer limit of the territorial sea of Australia;
- (18) thence generally northerly and easterly along the outer limit of the territorial sea of Australia to its intersection by the meridian of Longitude 136 degrees 45 minutes East;
- (19) thence north-easterly along the geodesic to the point of Latitude 10 degrees 50 minutes South, Longitude 139 degrees 12 minutes East;
- (20) thence north-easterly along the maritime boundary between Indonesia and Papua New Guinea to where it joins the land border between those two countries;
- (21) thence generally northerly along that land border to where it joins the maritime boundary between Indonesia and Papua New Guinea, on the northern coastline of Papua New Guinea; and
- (22) thence generally northerly along that boundary to the point of commencement.

B. The areas within the outer limits of the territorial seas of all Australian islands lying westward of the area described in paragraph A and north of Latitude 60 degrees South, provided that any such areas shall cease to be part of the South Pacific Nuclear Free Zone upon receipt by the depository of written notice from the Government of Australia stating that the areas have become subject to another treaty having an object and purpose substantially the same as that of this Treaty.

**ANNEX 2 – IAEA Safeguards**

1. The safeguards referred to in Article 8 shall in respect of each Party be applied by the IAEA as set forth in an agreement negotiated and concluded with the IAEA on all source or special fissionable material in all peaceful nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
2. The agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with the NPT on the basis of the material reproduced in document INFCIRC/153 (Corrected) of the IAEA. Each Party shall take all appropriate steps to ensure that such an agreement is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
3. For the purposes of this Treaty, the safeguards referred to in paragraph 1 shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices.
4. Each Party agrees upon the request of any other Party to transmit to that Party and to the Director for the information of all Parties a copy of the overall conclusions of the most recent report by the IAEA on its inspection activities in the territory of the Party concerned, and to advise the Director promptly of any subsequent findings of the Board of Governors of the IAEA in relation to those conclusions for the information of all Parties.

**ANNEX 3 – Consultative Committee**

1. There is hereby established a Consultative Committee which shall be convened by the Director from time to time pursuant to Articles 10 and 11 and Annex 4 (2). The Consultative Committee shall be constituted of representatives of the Parties, each Party being entitled to appoint one representative who may be accompanied by advisers. Unless otherwise agreed, the Consultative Committee shall be chaired at any given meeting by the representative of the Party which last hosted the meeting of Heads of Government of Members of the South Pacific Forum. A quorum shall be constituted by representatives of half the Parties. Subject to the provisions of Article 11, decisions of the Consultative Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of those present and voting. The Consultative Committee shall adopt such other rules of procedure as it sees fit.
2. The costs of the Consultative Committee, including the cost of special inspections pursuant to Annex 4, shall be borne by the South Pacific Bureau for Economic Co-operation. It may seek special funding should this be required.

**ANNEX 4 – Complaints Procedure**

1. A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall, before bringing such a complaint to the Director, bring the subject-matter of the Complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter.
2. If the matter is not so resolved, the complainant Party may bring the complaint to the Director with a request that the Consultative Committee be convened to consider it. Complaints shall be supported by an account of evidence of breach of obligations known to the complainant Party. Upon receipt of a complaint the Director shall convene the Consultative Committee as quickly as possible to consider it.
3. The Consultative Committee, taking account of effort made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.
4. If, after considering any explanation given to it by the representatives of the Party complained of, the Consultative Committee decides that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or elsewhere, the Consultative Committee shall direct that such special inspection be made as quickly as possible by a special inspection team of three suitably qualified special inspectors appointed by the Consultative Committee in consultation with the complained of and complainant Parties, provided that no national of either Party shall serve on the special inspection team. If so requested by the Party complained of, the special inspection team shall be accompanied by representatives of that Party. Neither the right of consultation on the appointment of special inspectors, nor the right to accompany special inspectors, shall delay the work of the special inspection team.
5. In making a special inspection, special inspectors shall be subject to the direction only of the Consultative Committee and shall comply with such directives concerning tasks, objectives, confidentiality and procedures as may be decided upon by it. Directives shall take account of the legitimate interests of the Party complained of in complying with its other international obligations and commitments and shall not duplicate safeguards procedures to be undertaken by the IAEA pursuant to agreements referred to in Annex 2(1). The special inspectors shall discharge their duties with due respect for the laws of the Party complained of.
6. Each Party shall give to special inspectors full and free access to all information and places within its territory which may be relevant to enable the special inspectors to implement the directives given to them by the Consultative Committee.
7. The Party complained of shall take all appropriate steps to facilitate the special inspection, and shall grant to special inspectors privileges and immunities necessary for the performance of their functions, including inviolability for all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken and written, for the purpose of the special inspection.
8. The special inspectors shall report in writing as quickly as possible to the Consultative Committee, outlining their activities, setting out relevant facts and information as ascertained by them, with supporting evidence and documentation as appropriate, and stating their conclusions. The Consultative Committee shall report fully to all Members of the South Pacific Forum, giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.
9. If the Consultative Committee has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant or complained of Party, the Parties shall meet promptly at a meeting of the South Pacific Forum.

**PROTOCOL 1**

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)  
Have agreed as follows:

**Article 1**

Each Party undertakes to apply, in respect of the territories for which it is internationally responsible situated within the South

Pacific Nuclear Free Zone, the prohibitions contained in Articles 3, 5 and 6, in so far as they relate to the manufacture, stationing and testing of any nuclear explosive device within those territories, and the safeguards specified in Article 8(2)(c) and Annex 2 of the Treaty.

**Article 2**

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty.

**Article 3**

This Protocol shall be open for signature by the French Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

**Article 4**

This Protocol shall be subject to ratification.

**Article 5**

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. 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.

**Article 6**

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

**PROTOCOL 2**

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)  
Have agreed as follows:

**Article 1**

Each Party further undertakes not to use or threaten to use any nuclear explosive device against:

- (a) Parties to the Treaty; or
- (b) any territory within the South Pacific Nuclear Free Zone for which a State that has become a Party to Protocol 1 is internationally responsible.

**Article 2**

Each Party undertakes not to contribute to any act which constitutes a violation of the Treaty, or to any act of another Party to a Protocol which constitutes a violation of a Protocol.

**Article 3**

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

**Article 4**

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

**Article 5**

This Protocol shall be subject to ratification.

**Article 6**

This Protocol is of a permanent nature and shall remain in force

indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. 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.

#### Article 7

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

### PROTOCOL 3

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty) Have agreed as follows:

#### Article 1

Each party undertakes not to test any nuclear explosive device anywhere within the South Pacific Nuclear Free Zone.

#### Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

#### Article 3

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

#### Article 4

This Protocol shall be subject to ratification.

#### Article 5

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have a right to withdraw from this Protocol if it decides that extraordinary events, related to the subject matter of this Protocol, have jeopardized its supreme interests. 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.

#### Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Suva, this Eighth day of August, One thousand nine hundred and eighty-six, in a single original in the English language.

### Status of the South Pacific Nuclear Free Zone Treaty [Treaty of Rarotonga] and Protocols

**Signed at Rarotonga, Cook Island:** 6 August 1985

**Entering into Force** on 11 December 1986

**Depositary:** Director of the South Pacific Bureau for Economic Cooperation

**Status:** 31 January 2012

Party	Signature	In Force
Australia	August 6, 1985	December 11, 1986
Cook Islands	August 6, 1985	December 11, 1986
Fed. States of Micronesia		

Fiji	August 6, 1985	December 11, 1986
Kiribati	August 6, 1985	December 11, 1986
Marshall Islands Republic		
Nauru	July 17, 1986	April 13, 1987
New Zealand	August 6, 1985	December 11, 1986
Niue	August 6, 1985	December 11, 1986
Palau		
Papua New Guinea	September 16, 1985	September 15, 1989
Solomon Islands	May 29, 1987	June 27, 1989
Tonga	August 2, 1996	December 18, 2000
Tuvalu	August 6, 1985	December 11, 1986
Vanuatu	September 16, 1995	February 9, 1996
Western Samoa	August 6, 1985	December 11, 1986

#### Protocol I

Party	Signature	Ratification	In Force
France	Mar 25, 1996	Sep 20, 1996	Sep 20, 1996
United Kingdom	Mar 25, 1996	Sep 19, 1997	Sep 19, 1997
United States	Mar 25, 1996		

#### Protocol II

Party	Signature	Ratification	In Force
China	Feb 10, 1987	Oct 21, 1988	Oct 21, 1988
France	Mar 25, 1996	Sep 20, 1996	Sep 20, 1996
United Kingdom	Mar 25, 1996	Sep 19, 1997	Sep 19, 1997
United States	Mar 25, 1996		
USSR (Russia)	Dec 15, 1986	Apr 21, 1988	Apr 21, 1988

#### Protocol III

Party	Signature	Ratification	In Force
China	Feb 10, 1987	Oct 21, 1988	Oct 21, 1988
France	Mar 25, 1996	Sep 20, 1996	Sep 20, 1996
United Kingdom	Mar 25, 1996	Sep 19, 1997	Sep 19, 1997
United States	Mar 25, 1996		
USSR (Russia)	Dec 15, 1986	Apr 21, 1988	Apr 21, 1988

### African Nuclear-Weapon-Free Zone Treaty [Treaty of Pelindaba]

[Opened for signature 11 April 1996,  
Entered into force 15 July 2009]

*The Parties to this Treaty,*

*Guided by the Declaration on the Denuclearization of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity (hereinafter referred to as OAU) at its first ordinary session, held at Cairo from 17 to 21 July 1964 (AHG/RES.11(1)), in which they solemnly declared their readiness to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or acquire control of nuclear weapons,*

*Guided also, by the resolutions of the fifth-fourth and fifty-sixth ordinary sessions of the Council of Ministers of OAU, held at Abuja from 27 May to 1 June 1991 and at Dakar from 22 to 28 June 1992 respectively, (CM/RES.1342 (LIV) and CM/RES.1395 (LVI)), which affirmed that the evolution of the international situation was conducive to the implementation of the Cairo Declaration as well as the relevant provisions of the 1986 OAU Declaration on Security, Disarmament and Development,*

*Recalling United Nations General Assembly resolution 3472 B (XXX) of 11 December 1975, in which it considered nuclear-weapon-free zones one of the most effective means for preventing the proliferation, both horizontal and vertical, of nuclear weapons,*

*Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons, as well as of the obligations of all States to contribute to this end,*

*Convinced also that the African nuclear-weapon-free zone will constitute an important step towards strengthening the non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament and enhancing regional and international peace and security.*

*Aware that regional disarmament measures contribute to global disarmament efforts,*



*Believing* that the African nuclear-weapon-free zone will protect African States against possible nuclear attacks on their territories,

*Noting* with satisfaction existing NWFZs and recognizing that the establishment of other NWFZs, especially in the Middle East, would enhance the security of States Parties to the African NWFZ,

*Reaffirming* the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (hereinafter referred to as the NPT) and the need for the implementation of all its provisions,

*Desirous* of taking advantage of article IV of the NPT, which recognizes the inalienable right of all States Parties to develop research on, production and use of nuclear energy for peaceful purposes without discrimination and to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for such purposes,

*Determined* to promote regional cooperation for the development and practical application of nuclear energy for peaceful purposes in the interest of sustainable social and economic development of the Africa continent,

*Determined* to keep Africa free of environmental pollution by radioactive wastes and other radioactive matter,

*Welcoming* the cooperation of all States and governmental and non-governmental organizations for the attainment of these objectives,

*Have decided* by this treaty to establish the African NWFZ and hereby agree as follows:

#### **Article 1 – Definition/Usage of terms**

For the purpose of this Treaty and its Protocols:

- (a) 'African nuclear-weapon-free zone' means the territory of the continent of Africa, islands States members of OAU and
- (b) all islands considered by the Organisation of African Unity in its resolutions to be part of Africa;
- (c) 'Territory' means the land territory, internal waters, territorial seas and archipelagic waters and the airspace above them as well as the sea bed and subsoil beneath;
- (d) 'Nuclear explosive device' means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;
- (e) 'Stationing' means implantation, emplacement, transport on land or inland waters, stockpiling, storage, installation and deployment;
- (f) 'Nuclear installation' means a nuclear-power reactor, a nuclear research reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant, a separate storage installation and any other installation or location in or at which fresh or irradiated nuclear material or significant quantities of radioactive materials are present.
- (g) 'Nuclear material' means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (IAEA) and as amended from time to time by the IAEA.

#### **Article 2 v Application of the Treaty**

1. Except where otherwise specified, this Treaty and its Protocols shall apply to the territory within the African nuclear-weapon-free zone, as illustrated in the map in annex I.
2. Nothing in this Treaty shall prejudice of in any way affect the rights, or the exercise of the rights, of any state under international law with regards to freedom of the seas.

#### **Article 3 – Renunciation of nuclear explosive devices**

Each Party undertakes:

- (a) Not to conduct research on, develop, manufacture, stockpile of otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere;
- (b) Not to seek or receive any assistance in the research on, development, manufacture, stockpiling or acquisition, or possession of any nuclear explosive device;
- (c) Not to take any action to assist or encourage the research on, development, manufacture, stockpiling or acquisition, of possession of any nuclear explosive device.

#### **Article 4 – Prevention of stationing of nuclear explosive devices**

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.
2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea of archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

#### **Article 5 – Prohibition of testing of nuclear explosive devices**

Each Party undertakes:

- (a) Not to test any nuclear explosive device;
- (b) To prohibit in its territory the testing of any nuclear explosive device;
- (c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

#### **Article 6 – Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture**

Each Party undertakes:

- (a) To declare any capability for the manufacture of nuclear explosive devices;
- (b) To dismantle and destroy any nuclear explosive devices that it has manufactured prior to the coming into force of this treaty;
- (c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;
- (d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

#### **Article 7 – Prohibition of dumping of radioactive wastes**

Each Party undertakes:

- (a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;
- (b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

#### **Article 8 – Peaceful nuclear activities**

1. Nothing in this treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.
2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.
3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development related to Nuclear Science and Technology (hereinafter referred to as AFRA).

#### **Article 9 – Verification of Peaceful Uses**

Each Party undertakes:

- (a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;
- (b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;
- (c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable

material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

#### **Article 10 – Physical protection of nuclear materials and facilities**

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, *inter alia*, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

#### **Article 11 – Prohibition of armed attack on nuclear installations**

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

#### **Article 12 – Mechanism for compliance**

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission of Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.
2. The Commission shall be responsible *inter alia* for:
  - (a) Collating the reports and the exchange of information as provided for in article 13;
  - (b) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;
  - (c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;
  - (d) Bringing into effect the complaints procedure elaborated in annex IV;
  - (e) Encouraging regional and sub-regional programs for cooperation in the peaceful uses of nuclear science and technology;
  - (f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.
3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.

#### **Article 13 – Report and exchanges of information**

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.
2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

#### **Article 14 – Conference of Parties**

1. A Conference of all Parties to the Treaty shall be convened by the Depository as soon as possible after the entry into force of the Treaty to, *inter alia*, elect members of the Commission and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12.
2. The Conference of all Parties to the Treaty shall adopt the Commission's budget and a scale of assessment to be paid by the State Parties.

#### **Article 15 – Interpretation of the Treaty**

Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

#### **Article 16 – Reservations**

This Treaty shall not be subject to reservations.

#### **Article 17 – Duration**

This Treaty shall be of unlimited duration and shall remain in force indefinitely.

#### **Article 18 – Signature, ratification and entry into force**

1. This Treaty shall be open for signature by any state in the African nuclear-weapon-free zone. It shall be subject to ratification.
2. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.
3. For a signatory that ratifies this Treaty after the date of the deposit of the twenty-eighth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

#### **Article 19 – Amendments**

1. Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.
2. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.
3. An amendment so adopted shall enter into force for all parties after receipt by the Depository of the instrument of ratification by the majority of Parties.

#### **Article 20 – Withdrawal**

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.
2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depository. The Depository shall circulate such notice to all other parties.

#### **Article 21 – Depository functions**

1. This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of OAU, who is hereby designated as Depository of the Treaty.
2. The Depository shall:
  - (a) Receive instruments of ratification;
  - (b) Register this Treaty and its Protocols pursuant to article 102 of the Charter of the United Nations;
  - (c) Transmit certified copies of the Treaty and its Protocols to all states in the African nuclear-weapon-free zone and to all states eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

#### **Article 22 – Status of the annexes**

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

#### **Annex I – Map of an African Nuclear-weapon-Free Zone**

[not reproduced]

#### **Annex II – Safeguards of the International Atomic Energy Agency**

1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of

the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.

4. Each Party shall include in its annual report to the Commission, in conformity with art. 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

#### **Annex III – African Commission on Nuclear Energy**

1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to included Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.

2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organization of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the Commission. The Commission shall adopt its rules of procedure at that meeting.

3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.

4.

(a) The budget of the Commission, including the costs of inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties;

(b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty;

#### **Annex IV – Complaints procedure and settlement of disputes**

1. A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol I I I is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter thirty days to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.

2. If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.

3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.

4. If, after considering any explanation given to it by the representatives of the Party complained of, the Commission considers that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the I International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspection team.

(a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;

(b) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that Party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;

(c) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the inspection;

(d) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set

forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;

(e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;

(f) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;

(g) The States Parties convened in extraordinary session may as necessary, make recommendations to the Party held to be in breach of its obligations and to the Organization of African Unity. The Organization of African Unity may, if necessary, refer the matter to the United Nations Security Council;

(h) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.

5. The Commission may also establish its own inspection mechanisms.

#### **Protocol I**

*The Parties to this Protocol,*

*Convinced* of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

*Convinced also* that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev. 1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

*Desirous* of contributing in all appropriate manners to the effectiveness of the Treaty,

*Have agreed* as follows:

#### **Article 1**

Each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against:

(a) Any Party to the Treaty; or

(b) Any territory within the African nuclear-weapon-free zone for which a State that has become a Party to Protocol III is internationally responsible as defined in annex I.

#### **Article 2**

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

#### **Article 3**

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

#### **Article 4**

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

#### **Article 5**

This Protocol shall be subject to ratification.

**Article 6**

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

**Article 7**

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

*In witness whereof* the undersigned, being duly authorised by their Governments, have signed this Protocol.

**Protocol II**

*The Parties to this Protocol,*

*Convinced* of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

*Convinced also* that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

*Desirous* of contributing in all appropriate manners to the effectiveness of the Treaty,

*Bearing in mind* the objective of concluding a treaty banning all nuclear tests,

*Have agreed* as follows:

**Article 1**

Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone.

**Article 2**

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

**Article 3**

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

**Article 4**

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

**Article 5**

This Protocol shall be subject to ratification.

**Article 6**

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdrawal from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

**Article 7**

This Protocol shall enter into force for each State on the date of its

deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later. *In witness whereof* the undersigned, being duly authorised by their Governments, have signed this Protocol.

**Protocol III**

*The Parties to this Protocol,*

*Convinced* of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

*Convinced also* that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

*Desirous* of contributing in all appropriate manners to the effectiveness of the Treaty,

*Have agreed* as follows:

**Article 1**

Each Protocol Party undertakes to apply, in respect of the territories for which it is de jure or de facto internationally responsible situated within the African nuclear-weapon-free zone, the provisions contained in articles 3,4,5,6,7,8,9 and 10 of the Treaty and to ensure the application of safeguards specified in annex II of the Treaty.

**Article 2**

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

**Article 3**

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alterations to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

**Article 4**

This Protocol shall be open for signature by France and Spain.

**Article 5**

This Protocol shall be subject to ratification.

**Article 6**

This Protocol is of a permanent nature and shall remain in force indefinitely provided that each Party shall, in exercising its national sovereignty have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

**Article 7**

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later. *In witness whereof* the undersigned, being duly authorised by their Governments have signed this Protocol.

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### Status of African Nuclear-Weapon-Free Zone Treaty [Treaty of Pelindaba] and Protocols

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**Signed at Cairo, Egypt:** 11 April 1996

**Entered into force:** 15 July 2009

**Depository:** African Union

**Status:** 31 January 2012

Country	Signature	Deposit
Algeria	April 11, 1996	February 11, 1998
Angola	April 11, 1996	
Benin	April 11, 1996	4 September 2007
Botswana	June 9, 1998	June 16, 1999
Burkina Faso	April 11, 1996	August 27, 1998
Burundi	April 11, 1996	July 15, 2009
Cameroon	April 11, 1996	
Cape Verde	April 11, 1996	
Central African Republic	April 11, 1996	
Chad	April 11, 1996	
Comoros	April 11, 1996	
Congo	January 27, 1997	
Côte d'Ivoire	April 11, 1996	July 28, 1999
Dem. Rep. Congo	April 11, 1996	
Djibouti	April 11, 1996	
Egypt	April 11, 1996	
Equatorial Guinea		Feb 19, 2003
Eritrea	April 11, 1996	
Ethiopia	April 11, 1996	13 March 2008
Gabon	April 11, 1996	June 12, 2007
Gambia	April 11, 1996	October 16, 1996
Ghana	April 11, 1996	July 26, 2011
Guinea	April 11, 1996	January 21, 2000
Guinea-Bissau	April 11, 1996	
Kenya	April 11, 1996	January 9, 2001
Lesotho	April 11, 1996	March 14, 2002
Liberia	July 9, 1996	
Libya	April 11, 1996	May 11, 2005
Madagascar		December 23, 2003
Malawi	April 11, 1996	April 23, 2009
Mali	April 11, 1996	July 22, 1999
Mauritania	April 11, 1996	February 24, 1998
Mauritius	April 11, 1996	April 24, 1996
Morocco	April 11, 1996	
Mozambique	April 11, 1996	March 26, 2008
Namibia	April 11, 1996	
Niger	April 11, 1996	
Nigeria	April 11, 1996	June 18, 2001
Rwanda	April 11, 1996	February 1, 2007
Sao Tome & Principe	July 9, 1996	
Senegal	April 11, 1996	October 25, 2006
Seychelles	July 9, 1996	
Sierra Leone	April 11, 1996	
Somalia	February 23, 2006	
South Africa	April 11, 1996	March 27, 1998
Sudan	April 11, 1996	
Swaziland	April 11, 1996	July 17, 2000
Tanzania	April 11, 1996	June 19, 1998
Togo	April 11, 1996	July 18, 2000
Tunisia	April 11, 1996	October 7 2009
Uganda	April 11, 1996	
Zambia	April 11, 1996	August 18 2010
Zimbabwe	April 11, 1996	April 6, 1998

"This treaty shall be open for signature by any State in the African Nuclear-Weapon-Free Zone. It shall be subject to ratification. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification."

**Protocol I**

Country	Signature	Ratification	Deposit
China	April 11, 1996	Sep 6, 1996	Sep 20, 1996
France	April 11, 1996	July 31, 1997	Oct 10, 1997
Russian Federation	November 5, 1996		
United Kingdom	April 11, 1996		19 March 2001
United States	April 11, 1996		

**Protocol II**

Country	Signature	Ratification	Deposit
China	April 11, 1996	Sep 6, 1996	Sep 20, 1996
France	April 11, 1996	July 31, 1997	Oct 10, 1997

Russian Federation	Nov 5, 1996		
United Kingdom	April 11, 1996		19 March 2001
United States	April 11, 1996		

**Protocol III**

Country	Signature	Ratification	Deposit
France	April 11, 1996	July 31, 1997	October 10, 1997
Spain			

**African Commission on Nuclear Energy (AFCONE)**

[euopafrica.net/2011/05/30]

*African Union (AU) working towards early operationalization of the African Commission on Nuclear Energy (AFCONE)*

The Commission of the AU will intensify its efforts in the coming weeks towards the early operationalization of the AFCONE, including by finalizing its Rules of Procedure, programme of work for 2011 - 2013, structure, as well as advertising the position of the AFCONE Executive Secretary.

It should be recalled that the First Ordinary Session of the AFCONE was held at the AU Headquarters, in Addis Ababa, on 4 May 2011. This Session is a follow up to the First Conference of States Parties to the African Nuclear - Weapon - Free Zone Treaty, also known as the Treaty of Pelindaba, which took place in Addis Ababa, in November 2010. This Conference elected the following twelve States Parties for a three - year membership to the AFCONE. These are: Algeria, Burkina Faso, Cameroon, Ethiopia, Kenya, Libya, Mali, Mauritius, Senegal, South Africa, Togo and Tunisia.

At the Session, the members of AFCONE exchanged views and discussed various issues essential to its effective operation, including AFCONE rules of procedure, programme of work, structure and scale of assessment for its budget. The Session agreed to continue, with the support of the AU Commission, its deliberations in the coming weeks to finalize the relevant documents and ensure the prompt commencement of the activities of AFCONE.

In pursuance to the provisions of the Treaty, the meeting elected Mr. Abdul Samad Minty of South Africa and Mr. Mourad Telmini of Tunisia as Chairperson and Vice - Chairperson of AFCONE, respectively.

The First Ordinary Session of AFCONE is a significant step in the efforts to fully operationalize the Treaty of Pelindaba, and establishes AFCONE with the mandate to assist States Parties comply with their non - proliferation obligations, as well as promote cooperation in the peaceful, safe and secure uses of nuclear science and technology. The Treaty entered into force in 2009.

The twelve members of AFCONE are represented by high caliber professionals with vast experience in the areas of nuclear science and technology, diplomacy and security.

**Southeast Asia Nuclear-Weapon-Free Zone Treaty [Treaty of Bangkok]**

[Reproduced from the ASEAN Summit press release, 5 December 1995, entered into force 27 March 1997]

The States Parties to this Treaty:

*Desiring* to contribute to the realization of the purposes and principles of the Charter of the United Nations;

*Determined* to take concrete action which will contribute to the progress towards general and complete disarmament of nuclear weapons, and to the promotion of international peace and security;

*Reaffirming* the desire of the Southeast Asian States to maintain peace and stability in the region in the spirit of peaceful coexistence and mutual understanding and cooperation as enunciated in various communiqués, declarations and other legal instruments;

*Recalling* the Declaration on the Zone of Peace, Freedom and

Neutrality (ZOPFAN) signed in Kuala Lumpur on 27 November 1971 and the Programme of Action on ZOPFAN adopted at the 26th ASEAN Ministerial Meeting in Singapore in July 1993;

*Convinced* that the establishment of a Southeast Asia Nuclear Weapon-Free Zone, as an essential component of the ZOPFAN, will contribute towards strengthening the security of States within the Zone and towards enhancing international peace and security as a whole;

*Reaffirming* the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing towards international peace and security;

*Recalling* Article VII of the NPT which recognizes the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

*Recalling* the Final Document of the Tenth Special Session of the United Nations General Assembly which encourages the establishment of nuclear weapon-free zones;

*Recalling* the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted at the 1995 Review and Extension Conference of the Parties to the NPT, that the cooperation of all the nuclear-weapon States and their respect and support for the relevant protocols is important for the maximum effectiveness of this nuclear weapon-free zone treaty and its relevant protocol;

*Determined* to protect the region from environmental pollution and the hazards posed by radioactive wastes and other radioactive material;

*Have agreed* as follows:

#### Article 1 – Use of Terms

For the purposes of this Treaty and its Protocol:

(a) 'Southeast Asia Nuclear Weapon-Free Zone', hereinafter referred to as the 'Zone', means the area comprising the territories of all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam, and their respective continental shelves and Exclusive Economic Zones (EEZ);

(b) 'territory' means the land territory, internal waters, territorial sea, archipelagic waters, the seabed and the sub-soil thereof and the airspace above them;

(c) 'nuclear weapon' means any explosive device capable of releasing nuclear energy in an uncontrolled manner but does not include the means, transport or delivery of such device if separable from and not an indivisible part thereof;

(d) 'station' means to deploy, emplace, emplant, install, stockpile or store;

(e) 'radioactive material' means material that contains radionuclides above clearance or exemption levels recommended by the International Atomic Energy Agency (IAEA);

(f) 'radioactive wastes' means material that contains or is contaminated with radionuclides at concentrations or activities greater than clearance levels recommended by the IAEA and for which no use is foreseen; and

(g) 'dumping' means

(i) any deliberate disposal at sea, including seabed, and subsoil insertion of radioactive wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, and

(ii) any deliberate disposal at sea, including seabed and subsoil insertion, of vessels, aircraft, platforms or other man-made structures at sea containing radioactive material,

but does not include the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose, of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures.

#### Article 2 – Application of the Treaty

1. This Treaty and its Protocol shall apply to the territories, continental shelves and EEZ of the States Parties within the Zone in which the Treaty is in force.

2. Nothing in this Treaty shall prejudice the rights or the exercise of these rights by any State under the provisions of the United

Nations Convention on the Law of the Sea of 1982, in particular with regard to freedom of the high seas, rights of innocent passage, archipelagic sea lanes passage or transit passage of ships and aircraft, and consistent with the Charter of the United Nations.

#### Article 3 – Basic Undertakings

1. Each State Party undertakes not to, anywhere inside or outside the Zone:

- (a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;
- (b) station or transport nuclear weapons by any means; or
- (c) test or use nuclear weapons.

2. Each State Party also undertakes not to allow, in its territory, any other State to:

- (a) develop, manufacture or otherwise acquire, possess or have control over nuclear weapons;
- (b) station nuclear weapons; or
- (c) test or use nuclear weapons.

3. Each State Party also undertakes not to:

- (a) dump at sea or discharge into the atmosphere anywhere within the Zone any radioactive material or wastes;
- (b) dispose radioactive material or wastes on land in the territory of or under the jurisdiction of other States except as stipulated in Paragraph 2(e) of Article 4; or
- (c) allow, within in territory, any other State to dump at sea or discharge into the atmosphere any radioactive material or wastes.

4. Each State Party undertakes not to:

- (a) seek or receive any assistance in the commission of any act in violation of the provisions of Paragraphs 1, 2 and 3 of this Article; or
- (b) take any action to assist or encourage the commission of any act in violation of the provisions of Paragraphs 1, 2 and 3 of this Article.

#### Article 4 – Use of Nuclear Energy for Peaceful Purposes

1. Nothing in this Treaty shall prejudice the right of the States Parties to use nuclear energy, in particular for their economic development and social progress.

2. Each State Party therefore undertakes:

- (a) to use exclusively for peaceful purposes nuclear material and facilities which are within its territory and areas under its jurisdiction and control;
- (b) prior to embarking on its peaceful nuclear energy programme, to subject its programme to rigorous nuclear safety assessment conforming to guidelines and standards recommended by the IAEA for the protection of health and minimization of danger to life and property in accordance with Paragraph 6 of Article III of the Statute of the IAEA;
- (c) upon request, to make available to another State Party the assessment except information relating to personal data, information protected by intellectual property rights or by industrial or commercial confidentiality, and information relating to national security;
- (d) to support the continued effectiveness of the international non-proliferation system based on the Treaty on Non-Proliferation of Nuclear Weapons (NPT) and the IAEA safeguards system; and
- (e) to dispose radioactive wastes and other radioactive material in accordance with IAEA standards and procedures on land within its territory or on land within the territory of another State which has consented to such disposal.

3. Each State Party further undertakes not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to:

- (a) any non-nuclear-weapon State except under conditions subject to the safeguards required by Paragraph I of Article III of the NPT; or
- (b) any nuclear-weapon State except in conformity with applicable safeguards agreements with the IAEA.

#### Article 5 – IAEA Safeguards

Each State Party which has not done so shall conclude an agreement with the IAEA for the application of full scope safeguards to its peaceful nuclear activities not later than eighteen months after the entry into force for that State Party of this Treaty.

**Article 6 – Early Notification of a Nuclear Accident**

Each State Party which has not acceded to the Convention on Early Notification of a Nuclear Accident shall endeavour to do so.

**Article 7 – Foreign Ships and Aircraft**

Each State Party, on being notified, may decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships through its territorial sea or archipelagic waters and overflight of foreign aircraft above those waters in a manner not governed by the rights of innocent passage, archipelagic sea lanes passage or transit passage.

**Article 8 – Establishment of the Commission for the Southeast Asia Nuclear Weapon-Free Zone**

1. There is hereby established a Commission for the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the 'Commission'.
2. All States Parties are *ipso facto* members of the Commission. Each State Party shall be represented by its Foreign Minister or his representative accompanied by alternates and advisers.
3. The function of the Commission shall be to oversee the implementation of this Treaty and ensure compliance with its provisions.
4. The Commission shall meet as and when necessary in accordance with the provisions of this Treaty including upon the request of any State Party. As far as possible, the Commission shall meet in conjunction with the ASEAN Ministerial Meeting.
5. At the beginning of each meeting, the Commission shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next meeting.
6. Unless otherwise provided for in this Treaty, two-thirds of the members of the Commission shall be present to constitute a quorum.
7. Each member of the Commission shall have one vote.
8. Except as provided for in this Treaty, decisions of the Commission shall be taken by consensus or, failing consensus, by a two-thirds majority of the members present and voting.
9. The Commission shall, by consensus, agree upon and adopt rules of procedure for itself as well as financial rules governing its funding and that of its subsidiary organs.

**Article 9 – The Executive Committee**

1. There is hereby established, as a subsidiary organ of the Commission, the Executive Committee.
2. The Executive Committee shall be composed of all States Parties to this Treaty. Each State Party shall be represented by one senior official as its representative, who may be accompanied by alternates and advisers.
3. The functions of the Executive Committee shall be to:
  - (a) ensure the proper operation of verification measures in accordance with the provisions on the Control System as stipulated in Article 10;
  - (b) consider and decide on requests for clarification and for a fact-finding mission;
  - (c) set up a fact-finding mission in accordance with the Annex of this Treaty;
  - (d) consider and decide on the findings of a fact-finding mission and report to the Commission;
  - (e) request the Commission to convene a meeting when appropriate and necessary;
  - (f) conclude such agreements with the IAEA or other international organizations as referred to in Article 18 on behalf of the Commission after being duly authorized to do so by the Commission; and
  - (g) carry out such other tasks as may, from time to time, be assigned by the Commission.
4. The Executive Committee shall meet as and when necessary for the efficient exercise of its functions. As far as possible, the Executive Committee shall meet in conjunction with the ASEAN Senior Officials Meeting.
5. The Chairman of the Executive Committee shall be the representative Chairman of the Commission. Any submission or communication made by a State Party to the Chairman of the Executive Committee shall be disseminated to the other members of the Executive Committee.
6. Two-thirds of the members of the Executive Committee shall

be present to constitute a quorum.

7. Each member of the Executive Committee shall have one vote.
8. Decisions of the Executive Committee shall be taken by consensus or, failing consensus, by two-thirds of the members present and voting.

**Article 10 – Control System**

1. There is hereby established a control system for the purpose of verifying compliance with the obligations of the States Parties under this Treaty.
2. The Control System shall comprise:
  - (a) the IAEA safeguards system as provided for in Article 5;
  - (b) report and exchange of information as provided for in Article 11;
  - (c) request for clarification as provided for in Article 12; and
  - (d) request and procedures for a fact-finding mission as provided for in Article 13.

**Article 11 – Report and Exchange of Information**

1. Each State Party shall submit reports to the Executive Committee on any significant event within its territory and areas under its jurisdiction and control affecting the implementation of this Treaty.
2. The States Parties may exchange information on matters arising under or in relation to this Treaty.

**Article 12 – Request for Clarification**

1. Each State Party shall have the right to request another State Party for clarification concerning any situation which may be considered ambiguous or which may give rise to doubts about the compliance of that State Party with this Treaty. It shall inform the Executive Committee of such a request. The requested State Party shall duly respond by providing without delay the necessary information and inform the Executive Committee of its reply to the requesting State Party.
2. Each State Party shall have the right to request the Executive Committee to seek clarification from another State Party concerning any situation which may be considered ambiguous or which may give rise to doubts about compliance of that State Party with this Treaty. Upon receipt of such a request, the Executive Committee shall consult the State Party from which clarification is sought for the purpose of obtaining the clarification requested.

**Article 13 – Request for a Fact-Finding Mission**

A State Party shall have the right to request the Executive Committee to send a fact-finding mission to another State Party in order to clarify and resolve a situation which may be considered ambiguous or which may give rise to doubts about compliance with the provisions of this Treaty, in accordance with the procedure contained in the Annex to this Treaty.

**Article 14 – Remedial Measures**

1. In case the Executive Committee decides in accordance with the Annex that there is a breach of this Treaty by a State Party, that State Party shall, within a reasonable time, take all steps necessary to bring itself in full compliance with this Treaty and shall promptly inform the Executive Committee of the action taken or proposed to be taken by it.
2. Where a State Party fails or refuses to comply with the provisions of Paragraph 1 of this Article, the Executive Committee shall request the Commission to convene a meeting in accordance with the provisions of Paragraph 3(e) of Article 9.
3. At the meeting convened pursuant to Paragraph 2 of this Article, the Commission shall consider the emergent situation and shall decide on any measure it deems appropriate to cope with the situation, including the submission of the matter to the IAEA and, where the situation might endanger international peace and security, the Security Council and the General Assembly of the United Nations.
4. In the event of breach of the Protocol attached to this Treaty by a State Party to the Protocol, the Executive Committee shall convene a special meeting of the Commission to decide on appropriate measures to be taken.

**Article 15 – Signature, Ratification, Accession, Deposit and Registration**

1. This Treaty shall be open for signature by all States in

Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

2. This Treaty shall be subject to ratification in accordance with the constitutional procedure of the signatory States. The instruments of ratification shall be deposited with the Government of the Kingdom of Thailand which is hereby designated as the Depository State.

3. This Treaty shall be open for accession. The instruments of accession shall be deposited with the Depository State.

4. The Depository State shall inform the other States Parties to this Treaty on the deposit of instruments of ratification or accession.

5. The Depository State shall register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations.

#### Article 16 – Entry Into Force

1. This Treaty shall enter into force on the date of the deposit of the seventh instrument of ratification and/or accession.

2. For States which ratify or accede to this Treaty after the date of this seventh instrument of ratification or accession, the Treaty shall enter into force on the date of deposit of its instrument of ratification or accession.

#### Article 17 – Reservations

This Treaty shall not be subject to reservations.

#### Article 18 – Relations with Other International Organizations

The Commission may conclude such agreements with the IAEA or other international organizations as it considers likely to facilitate the efficient operation of the Control System established by this Treaty.

#### Article 19 – Amendments

1. Any State Party may propose amendments to this Treaty and its Protocol and shall submit its proposals to the Executive Committee, which shall transmit them to all the other States Parties. The Executive Committee shall immediately request the Commission to convene a meeting to examine the proposed amendments. The quorum required for such a meeting shall be all the members of the Commission. Any amendment shall be adopted by a consensus decision of the Commission.

2. Amendments adopted shall enter into force 30 days after the receipt by the Deposit State of the seventh instrument of acceptance from the States Parties.

#### Article 20 – Review

Ten years after this Treaty enters into force, a meeting of the Commission shall be convened for the purpose of reviewing the operation of this Treaty. A meeting of the Commission for the same purpose may also be convened at anytime thereafter if there is consensus among all its members.

#### Article 21 – Settlement of Disputes

Any dispute arising from the interpretation of the provisions of this Treaty shall be settled by peaceful means as may be agreed upon by the States Parties to the dispute. If within one month the parties to the dispute are unable to achieve a peaceful settlement of the dispute by negotiation, mediation, enquiry or conciliation, any of the parties concerned shall, with the prior consent of the other parties concerned, refer the dispute to arbitration or to the International Court of Justice.

#### Article 22 – Duration and Withdrawal

1. This Treaty shall remain in force indefinitely.

2. In the event of a breach by any State Party of this Treaty essential to the achievement of the objectives of this Treaty, every other State Party shall have the right to withdraw from this Treaty.

3. Withdrawal under Paragraph 2 of Article 22, shall be effected by giving notice twelve months in advance to the members of the Commission.

*In witness whereof*, the undersigned have signed this Treaty.

Done at Bangkok, this fifteenth day of December, one thousand nine hundred and ninety-five, in one original in the English language.

## Annex

### Procedure for a Fact-Finding Mission

1. The State Party requesting a fact-finding mission as provided in Article 13, hereinafter referred to as the 'requesting State', shall submit the request to the Executive Committee specifying the following:

- (a) the doubts or concerns and the reasons for such doubts or concerns;
- (b) the location in which the situation which gives rise to doubts has allegedly occurred;
- (c) the relevant provisions of the Treaty about which doubts of compliance have arisen; and
- (d) any other relevant information.

2. Upon receipt of a request for a fact-finding mission, the Executive Committee shall:

- (a) immediately inform the State Party to which the fact-finding mission is requested to be sent, hereinafter referred to as the 'receiving State', about the receipt of the request; and
- (b) not later than 3 weeks after receiving the request, decide if the request complies with the provisions of Paragraph 1 and whether or not it is frivolous, abusive or clearly beyond the scope of this Treaty. Neither the requesting nor receiving State Party shall participate in such decisions.

3. In case the Executive Committee decides that the request does not comply with the provisions of Paragraph 1, or that it is frivolous, abusive or clearly beyond the scope of this Treaty, it shall take no further action on the request and inform the requesting State and the receiving State accordingly.

4. In the event that the Executive Committee decides that the request complies with the provisions of Paragraph 1, and that it is not frivolous, abusive or clearly beyond the scope of this Treaty, it shall immediately forward the request for a fact-finding mission to the receiving State, indicating, *inter alia*, the proposed date for sending the mission. The proposed date shall not be later than 3 weeks from the time the receiving State receives the request for a fact-finding mission. The Executive Committee shall also immediately set up a fact-finding mission consisting of 3 inspectors from the IAEA who are neither nationals of the requesting nor receiving State.

5. The receiving State shall comply with the request for a fact-finding mission referred to in Paragraph 4. It shall cooperate with the Executive Committee in order to facilitate the effective functioning of the fact-finding mission, *inter alia*, by promptly providing unimpeded access of the fact-finding mission to the location in question. The receiving State shall accord to the members of the fact-finding mission such privileges and immunities as are necessary for them to exercise their functions effectively, including inviolability of all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken for the purpose of the mission.

6. The receiving State shall have the right to take measures to protect sensitive installations and to prevent disclosures of confidential information and data not related to this Treaty.

7. The fact-finding mission, in the discharge of its functions, shall:

- (a) respect the laws and regulations of the receiving State;
- (b) refrain from activities inconsistent with the objectives and purposes of this Treaty;
- (c) submit preliminary or interim reports to the Executive Committee; and
- (d) complete its task without undue delay and shall submit its final report to the Executive Committee within a reasonable time upon completion of its work.

8. The Executive Committee shall:

- (a) consider the reports submitted by the fact-finding mission and reach a decision on whether or not there is a breach of this Treaty;
- (b) immediately communicate its decision to the requesting State and the receiving State; and
- (c) present a full report on its decision to the Commission.

9. In the event that the receiving State refuses to comply with the request for a fact-finding mission in accordance with Paragraph 4, the requesting State through the Executive Committee shall have the right to request for a meeting of the Commission. The Executive Committee shall immediately request the Commission to convene a meeting in accordance with Paragraph 3(e) of Article 9.



**Protocol to the Treaty on Southeast Asia Nuclear Weapon-Free Zone**

The States Parties to this Protocol,

*Desiring* to contribute to efforts towards achieving general and complete disarmament of nuclear weapons, and thereby ensuring international peace and security, including in Southeast Asia;

*Noting* the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, signed at Bangkok, on the fifteenth day of December, one thousand nine hundred and ninety-five;

*Have agreed* as follows:

**Article 1**

Each State Party undertakes to respect the Treaty on the Southeast Asia Nuclear Weapon-Free Zone, hereinafter referred to as the 'Treaty', and not to contribute to any act which constitutes a violation of the Treaty or its Protocol by States Parties to them.

**Article 2**

Each State Party undertakes not to use or threaten to use nuclear weapons against any State Party to the Treaty. It further undertakes not to use or threaten to use nuclear weapons within the Southeast Asia Nuclear Weapon-Free Zone.

**Article 3**

This Protocol shall be open for signature by the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

**Article 4**

Each State Party undertakes, by written notification to the Depositary State, to indicate its acceptance or other wise of any alteration to its obligations under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to Article 19 thereof.

**Article 5**

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. It shall give notice of such withdrawal to the Depositary State twelve months in advance. Such notice shall include a statement of the extraordinary events its regards as having jeopardized its supreme national interests.

**Article 6**

This Protocol shall be subject to ratification.

**Article 7**

This Protocol shall enter into force for each State Party on the date of its deposit of its instrument of ratification with the Depositary State. The Depositary State shall inform the other States Parties to the Treaty and to this Protocol on the deposit of instruments of ratification.

*In witness whereof* the undersigned, being duly authorised by their Governments, have signed the Protocol.

**Status of Southeast Asia Nuclear-Weapon-Free Zone Treaty [Treaty of Bangkok] and Protocols**

**Signed at** Bangkok, on 15 December 1995

**Entering into Force** on 27 March 1997

**Depositary:** Thailand

**Status:** 31 January 2012

Country	Signature	Deposit
Brunei	15 - Dec - 1995	22 - Nov - 1996
Cambodia	15 - Dec - 1995	27 - Mar - 1997
Indonesia	15 - Dec - 1995	10 - Apr - 1997
Laos	15 - Dec - 1995	16 - Jul - 1996
Malaysia	15 - Dec - 1995	11 - Oct - 1996
Myanmar	15 - Dec - 1995	17 - Jul - 1996
Philippines	15 - Dec - 1995	21 - Jun - 2001

Singapore	15 - Dec - 1995	27 - Mar - 1997
Thailand	15 - Dec - 1995	20 - Mar - 1997
Vietnam	15 - Dec - 1995	26 - Nov - 1996

**Protocol**

Country	Signature	Ratification	Deposit
China			
France			
Russia			
United Kingdom			
United States			

**Statement by UK Foreign Secretary, William Hague, on Southeast Asia Nuclear Weapon Free Zone Treaty**

[29 November 2011]

"I am pleased to announce that, following the most recent round of consultations in Bali last week, China, France, Russia, the UK and US (the P5) and the ten member states of ASEAN, reached agreement on all the outstanding issues related to P5 signature of the Protocol to the Southeast Asian Nuclear Weapon Free Zone Treaty. I congratulate ASEAN on this achievement under Indonesian Chairmanship.

After over ten years of negotiations, a process for P5 signature of this Protocol has now been agreed. By signing this Protocol, the P5 agree to respect the status of the South East Asia Nuclear Weapon Free Zone, and agree not to use, or threaten to use, nuclear weapons against the 10 states party to the Zone Treaty.

This marks an important milestone in the UK's commitment to nuclear non-proliferation and disarmament. The UK fully supports the creation of Nuclear Weapon-Free Zones and believes that they can make a valuable contribution to global and regional peace and security: building trust between Nuclear and Non-Nuclear Weapon States, and contributing to efforts to reduce the number of nuclear weapons worldwide."

**Treaty on a Nuclear-Weapon-Free Zone in Central Asia [Treaty of Semipalatinsk]**

[Opened for signature on 8 September 2006, entered into force 21 March 2009]

Signed by Kazakhstan, Tajikistan, Turkmenistan, Uzbekistan, Kyrgyzstan on 8 September 2006. Ratifications deposited by Kazakhstan 19 February 2009, Kyrgyzstan 27 July 2007, Tajikistan 13 January 2009, Turkmenistan 17 January 2009 and Uzbekistan 10 May 2007.

*The Parties to this Treaty,*

*Guided* by the Almaty Declaration of the Heads of State of the Central Asian States adopted on 28 February 1997; the Statement of the Ministers of Foreign Affairs of the five States of the region adopted at Tashkent on 15 September 1997; the United Nations General Assembly resolutions and decisions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 December 2000, 57/69 of 22 November 2002, 58/518 of 8 December 2003, 59/513 of 3 December 2004 and 60/516 of 8 December 2005, entitled "Establishment of a nuclear-weapon-free zone in Central Asia", and the Communiqué of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations adopted at Bishkek on 9 July 1998,

*Stressing* the need for continued systematic and consistent efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control, and *convinced* that all states are obliged to contribute to that end,

*Convinced* that a Central Asian Nuclear-Weapon-Free Zone will constitute an important step toward strengthening the nuclear non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting cooperation in the environmental rehabilitation of territories affected by radioactive contamination,

and enhancing regional and international peace and security,

*Believing* that a Central Asian Nuclear-Weapon-Free Zone will help to promote the security of Central Asian States, particularly if the five Nuclear-Weapon States, as recognized under the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 (hereafter referred to as the NPT) adhere to the accompanying Protocol on security assurances,

*Recognizing* that a number of regions, including Latin America and the Caribbean, the South Pacific, South-East Asia and Africa, have created nuclear-weapon-free zones, in which the possession of nuclear weapons, their development, production, introduction and deployment as well as use or threat of use, are prohibited, and *striving* to broaden such regime throughout the planet for the good of all living things,

*Reaffirming* the obligations set out in the NPT, the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted by the 1995 Review and Extension Conference of the Parties to the NPT, and the Final Document of the 2000 Review Conference of the Parties to the NPT, as well as the principles and objectives set out in the Comprehensive Nuclear-Test-Ban Treaty of 1996 (hereafter referred to as the CTBT),

*Have decided* to establish a nuclear-weapon-free zone in Central Asia and *have agreed* as follows:

#### Article 1

##### Definitions and Usage of Terms

For the purposes of this Treaty and its Protocol:

- (a) The "Central Asian Nuclear-Weapon-Free Zone" includes: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;
- (b) "Nuclear weapon or other nuclear explosive device" means any weapon or other explosive device capable of releasing nuclear energy, irrespective of the military or civilian purpose for which the weapon or device could be used. The term includes such a weapon or device in unassembled or partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;
- (c) "Stationing" means implantation, emplacement stockpiling, storage, installation and deployment;
- (d) "Nuclear material" means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (hereinafter referred to as the IAEA), as amended from time to time by the IAEA;
- (e) "Radioactive waste" means any radioactive material, i.e. any substance containing radionuclides, that will be or has already been removed and is no longer utilized, at activities and activity concentrations of radionuclides greater than the exemption levels established in international standards issued by the IAEA;
- (f) "Facility" means:
  - (i) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
  - (ii) any location where nuclear material in amounts greater than one effective kilogram is customarily used.

#### Article 2

##### Application of the Treaty

- a) The scope of application of a Central Asian Nuclear-Weapon-Free Zone is defined exclusively for the purposes of this Treaty as the land territory, all waters (harbors, lakes, rivers and streams) and the air space above them, which belong to the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;
- b) Nothing in this Treaty shall prejudice or in any way affect the rights of any Central Asian States in any dispute concerning the ownership of or sovereignty over lands or waters that may or may not be included within this zone.

#### Article 3

##### Basic Obligations

1. Each Party undertakes:
  - (a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear weapon or other nuclear explosive device by any means anywhere;
  - (b) Not to seek or receive any assistance in research on, development, manufacture, stockpiling, acquisition, possession or obtaining control over any nuclear weapon or other nuclear explosive device;
  - (c) Not to take any action to assist or encourage the conduct of research on, development, manufacture, stockpiling, acquisition or possession of any nuclear weapon or other nuclear explosive device;
  - (d) Not to allow in its territory:
    - (i) The production, acquisition, stationing, storage or use, of any nuclear weapon or other nuclear explosive device;
    - (ii) The receipt, storage, stockpiling, installation or other form of possession of or control over any nuclear weapon or other nuclear explosive device;
    - (iii) Any actions, by anyone, to assist or encourage the development, production, stockpiling, acquisition, possession of or control over any nuclear weapon or other nuclear explosive device.
2. Each Party undertakes not to allow the disposal in its territory of radioactive waste of other States.

#### Article 4

##### Foreign Ships, Aircraft, and Ground Transportation

Without prejudice to the purposes and objectives of this Treaty, each Party, in the exercise of its sovereign rights, is free to resolve issues related to transit through its territory by air, land or water, including visits by foreign ships to its ports and landing of foreign aircraft at its airfields.

#### Article 5

##### Prohibition of Testing of Nuclear Weapons or Other Nuclear Explosive Devices

Each Party undertakes, in accordance with the CTBT:

- (a) Not to carry out any nuclear weapon test explosion or any other nuclear explosion;
- (b) To prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control;
- (c) To refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

#### Article 6

##### Environmental Security

Each Party undertakes to assist any efforts toward the environmental rehabilitation of territories contaminated as a result of past activities related to the development, production or storage of nuclear weapons or other nuclear explosive devices, in particular uranium tailings storage sites and nuclear test sites.

#### Article 7

##### Use of Nuclear Energy for Peaceful Purposes

No provision of this Treaty shall prejudice the rights of the Parties to use nuclear energy for peaceful purposes.

#### Article 8

##### IAEA Safeguards

Each Party undertakes:

- (a) To use for exclusively peaceful purposes the nuclear material and facilities which are within its territory, under its jurisdiction, or under its control anywhere;
- (b) To conclude with the IAEA and bring into force, if it has not

already done so, an agreement for the application of safeguards in accordance with the NPT (INFCIRC/153 (Corr.)), and an Additional Protocol (INFCIRC/540 (Corr.)) not later than 18 months after the entry into force of this Treaty;

(c) Not to provide: (i) source or special fissionable material or (ii) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State, unless that State has concluded with the IAEA a comprehensive safeguards agreement and its Additional Protocol referred to in paragraph (b) of this article.

Article 9

Physical Protection of Nuclear Material and Equipment

Each Party undertakes to maintain effective standards of physical protection of nuclear material, facilities and equipment to prevent its unauthorized use or handling or theft. To that end, each Party undertakes to apply measures of physical protection to nuclear material in domestic use, transport and storage, to nuclear material in international transport, and to nuclear facilities within its territory at least as effective as those called for by the Convention on Physical Protection of Nuclear Material of 1987 and by the recommendations and guidelines developed by the IAEA for physical protection.

Article 10

Consultative Meetings

The Parties agree to hold annual meetings of their representatives, on a rotating basis, as well as extraordinary meetings, at the request of any Party, in order to review compliance with this Treaty or other matters related to its implementation.

Article 11

Settlement of Disputes

Disputes between the Parties involving the interpretation or application of this Treaty shall be settled through negotiations or by other means as may be deemed necessary by the Parties.

Article 12

Other Agreements

This Treaty does not affect the rights and obligations of the Parties under other international treaties which they may have concluded prior to the date of the entry into force of this Treaty. The Parties shall take all necessary measures for effective implementation of the purposes and objectives of this Treaty in accordance with the main principles contained therein.

Article 13

Reservations

This Treaty shall not be subject to reservations.

Article 14

Signature and Ratification

(a) This Treaty shall be open for signature at Semipalatinsk, the Republic of Kazakhstan, by all States of the Central Asian Nuclear-Weapon-Free Zone: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan.

(b) This Treaty shall be subject to ratification.

Article 15

Entry into Force and Duration

(a) This Treaty shall enter into force 30 days after the date of the deposit of the fifth instrument of ratification.

(b) This Treaty shall be of unlimited duration.

Article 16

Withdrawal from the Treaty

(a) Any Party may, by written notification addressed to the Depositary, withdraw from the Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme national interests. Such notification shall

include a statement of the extraordinary events it regards as having jeopardized its supreme national interests.

(b) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of the Protocol.

Article 17

Amendments

(a) Any amendment to this Treaty, proposed by a Party, shall be circulated by it to all Parties and submitted to the Consultative Meeting at least 90 days before the Meeting.

(b) Decisions on the adoption of such an amendment shall be taken by consensus of the Parties.

(c) An amendment so adopted shall enter into force for all Parties after receipt by the Depositary of the instrument of ratification of this amendment from all Parties.

Article 18

Depositary

(a) This Treaty shall be deposited with the Kyrgyz Republic, which is hereby designated as Depositary of this Treaty.

(b) The Depositary shall, *inter alia*:

(i) Provide an opportunity to sign this Treaty and its Protocol and receive instruments of ratification of this Treaty and its Protocol;

(ii) Register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations;

(iii) Transmit certified copies of this Treaty and its Protocol to all Parties and to all Parties to its Protocol, and notify them of signatures and ratifications of this Treaty and its Protocol.

*In witness whereof*, the undersigned, being duly authorized, have signed this Treaty.

*Done* at Semipalatinsk, the Republic of Kazakhstan, this eighth day of September, two thousand six, in one copy in the English and Russian languages, both texts being equally authentic.

**PROTOCOL**

*The Parties to this Protocol,*

*Recalling* the Almaty Declaration of the Heads of State of the Central Asian States adopted on 28 February 1997; the Statement of the Ministers of Foreign Affairs of the five States of the region adopted at Tashkent on 15 September 1997; the United Nations General Assembly resolutions and decisions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 December 2000, 57/69 of 22 November 2002, 58/518 of 8 December 2003, 59/513 of 3 December 2004 and 60/516 of 8 December 2005, entitled "Establishment of a nuclear-weapon-free zone in Central Asia"; and the Communiqué of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations adopted at Bishkek on 9 July 1998,

*Convinced* of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons and that all States are obliged to contribute to that end,

*Striving* therefore to support the establishment of a Nuclear-Weapon-Free Zone in Central Asia,

*Have agreed* as follows:

Article 1

Negative Security Assurances

Each Party to this Protocol undertakes not to use or threaten to use a nuclear weapon or other nuclear explosive device against any Party to the Treaty.

Article 2

Not Contributing to Violations

Each Party to this Protocol undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol by Parties to them.

## Article 3

Effect of Treaty Amendments

Each Party to this Protocol undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of amendments to the Treaty pursuant to Article 17 of the Treaty.

## Article 4

Signature

This Protocol shall be open for signature by the French Republic, the People's Republic of China, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

## Article 5

Ratification

This Protocol shall be subject to ratification.

## Article 6

Duration of and Withdrawal from the Protocol

(a) This Protocol is of a permanent nature and shall remain in force indefinitely;

(b) Any Party to this Protocol may, by written notification addressed to the Depositary, withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests;

(c) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of this Protocol.

## Article 7

Entry into Force

This Protocol shall enter into force for each Party to this Protocol on the date of its deposit with the Depositary of its instrument of ratification or on the date of entry into force of the Treaty, whichever is later.

**RULES OF PROCEDURE TO IMPLEMENT ARTICLE 10 OF  
THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN  
CENTRAL ASIA**

**CONSULTATIVE MEETINGS OF THE PARTIES TO THE  
TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN  
CENTRAL ASIA**

1. Consultative Meetings

Pursuant to Article 10 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia the Parties shall hold annual meetings or extraordinary meetings in order to review compliance with the Treaty or other matters related to its implementation.

2. First Consultative Meeting

2.1 The first annual consultative meeting shall take place no later than 2 months after the entry into force of the Treaty.

2.2 The first annual consultative meeting will take place in Dushanbe, the Republic of Tajikistan.

2.3 At the end of the first annual meeting, the Parties shall decide on the venue and date of the next annual meeting.

3. Extraordinary Consultative Meeting

3.1 Extraordinary consultative meetings shall be convened, at the request of any Party to the Treaty, whenever that motion is

seconded by two other Parties.

3.2 The motion to convene an extraordinary consultative meeting shall be transmitted through, diplomatic channels, by the initiating Party to the Party acting as Host at that time, with an explanation of the need to convene it.

3.3 The Host Party clears the holding of the meeting with all other Parties within 10 days since the receipt of the motion to convene such a meeting.

4. Duration of Consultative Meetings

The duration of consultative meetings shall be normally no more than 3 days unless the Parties decide otherwise.

5. Composition of Delegations

5.1 An official delegation of the Party shall consist of the head of the delegation (or an authorized official) and his/her advisors.

5.2 The names of the members of the official delegation and the accompanying officials are communicated by the Parties to the Host Party through, diplomatic channels, normally no later than 10 days before the start of the meeting.

5.3 The composition of official delegations sent to attend consultative meetings shall not exceed the "1+3" formula.

6. The Host Party's functions and responsibilities as Chair

6.1 The Host Party, through its representative, chairs annual and extraordinary consultative meetings.

6.2 The Host Party acts as Chair until the next annual meeting.

6.3 Throughout that period, the designated Depositary of the Treaty is responsible for any communications related to the implementation of Article 10 of the Treaty.

7. Decision Making

7.1 Each Party shall have one vote.

7.2 Decisions of consultative meetings shall be taken by consensus.

7.3 Decisions adopted by the Parties are reflected in the outcome documents signed by the heads of official delegations of the Parties (or authorized officials). Documents adopted at consultative meetings constitute a mandatory annex to the outcome documents.

7.4 The outcome documents are prepared in the Russian and, if needed, in the English languages.

8. Observers

With the consent of the Parties to the Treaty, the five Nuclear-Weapon States, as recognized under the NPT, as well as representatives of relevant international organization may be invited to attend annual as well as extraordinary consultative meetings as observers.

9. Working languages

English and Russian will be the working languages of annual meetings or extraordinary meetings.

10. Reporting

At the conclusion of the Consultative Meeting, the Host Country prepares a record in the Russian and, if needed, in the English languages. With the consent of all Parties to the Treaty, the record may be transmitted to all interested international organizations as well as to the observers attending the meeting.

11. Cost Sharing

The cost of holding of annual or extraordinary meetings, except transportation and accommodation, shall be borne by the Host Country.

## G – The International Atomic Energy Agency: Statutes, Resolutions and Decisions

### Statute of the International Atomic Energy Agency

[Approved 23 October 1956,  
entered into force 29 July 1957]

#### Article I — Establishment of the Agency

The Parties hereto establish an International Atomic Energy Agency (hereinafter referred to as 'the Agency') upon the terms and conditions hereinafter set forth.

#### Article II — Objectives

The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

#### Article III — Functions

A. The Agency is authorized:

1. To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the Agency for another: and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;
2. To make provision, in accordance with this Statute, for materials, services, equipment and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, with due consideration for the needs of the under-developed areas of the world;
3. To foster the exchange of scientific and technical information on peaceful uses of atomic energy;
4. To encourage the exchange and training of scientists and experts in the field of peaceful uses of atomic energy;
5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy;
6. To establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), and to provide for the application of these standards to its own operations as well as to the operations making use of materials, services, equipment, facilities, and information made available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of the parties, to operations under any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy;
7. To acquire or establish any facilities, plant and equipment useful in carrying out its authorized functions, whenever the facilities, plant, and equipment otherwise available to it in the area concerned are inadequate or available only on terms it deems unsatisfactory.

B. In carrying out its functions, the Agency shall:

1. Conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies;
2. Establish control over the use of special fissionable materials received by the Agency, in order to ensure that these materials are used only for peaceful purposes;

3. Allocate its resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the under-developed areas of the world;

4. Submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council: if in connexion with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security, and may also take the measures open to it under this Statute, including those provided in paragraph C or article XII;

5. Submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of these organs.

C. In carrying out its functions, the Agency shall not make assistance to members subject to any political, economic, military, or other conditions incompatible with the provisions of this Statute.

D. Subject to the provisions of this Statute and to the terms of agreements concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States.

#### Article IV — Membership

A. The initial members of the Agency shall be those States Members of the United Nations or of any of the specialized agencies which shall have signed this Statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.

B. Other members of the Agency shall be those States, whether or not Members of the United Nations or of any of the specialized agencies, which deposit an instrument of acceptance of this Statute after their membership has been approved by the General Conference upon the recommendation of the Board of Governors. In recommending and approving a State for membership, the Board of Governors and the General Conference shall determine that the State is able and willing to carry out the obligations of membership in the Agency, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations.

C. The Agency is based on the principle of the sovereign equality of all its members, and all members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligation assumed by them in accordance with this Statute.

#### Article V — General Conference

A. A General Conference consisting of representatives of all members shall meet in regular annual session and in such special sessions as shall be convened by the Director General at the request of the Board of Governors or of a majority of members. The sessions shall take place at the headquarters of the Agency unless otherwise determined by the General Conference.

B. At such sessions, each member shall be represented by one delegate who may be accompanied by alternates and by advisers. The cost of attendance of any delegation shall be borne by the member concerned.

C. The General Conference shall elect a President and such other officers as may be required at the beginning of each session. They shall hold office for the duration of the session. The General Conference, subject to the provisions of this Statute, shall adopt its own rules of procedure. Each member shall have one vote. Decisions pursuant to paragraph H of article XIV, paragraph C of article XVIII and paragraph B or article XIX shall be made by a two-thirds majority of the members present and voting. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting. A majority of members shall constitute of quorum.

D. The General Conference may discuss any questions or any matters within the scope of this Statute or relating to the powers and functions of any organs provided for in this Statute and may make recommendations to the membership of the Agency or to the Board of Governors or to both on any such questions or matters.

E. The General Conference shall:

1. Elect members of the Board of Governors in accordance with article VI;
2. Approve States for membership in accordance with article IV;
3. Suspend a member from the privileges and rights of membership in accordance with article XIX;
4. Consider the annual report of the Board;
5. In accordance with article XIV, approve the budget of the Agency recommended by the Board or return it with recommendations as to its entirety or parts to the Board for resubmission to the General Conference;
6. Approve reports to be submitted to the United Nations as required by the relationship agreement between the Agency and the United Nations, except reports referred to in paragraph C of article XI I, or return them to the Board with its recommendations;
7. Approve any agreement or agreements between the Agency and the United Nations and other organizations as provided in article XVI or return such agreements with its recommendations to the Board, for resubmission to the General Conference;
8. Approve rules and limitations regarding the exercise of borrowing powers by the Board, in accordance with paragraph G of article XIV; approve rules regarding the acceptance of voluntary contributions to the Agency; and approve, in accordance with paragraph F or article XIV, the manner in which the general fund referred to in that paragraph may be used;
9. Approve amendments to this Statute in accordance with paragraph C of article XVIII;
10. Approve the appointment of the Director General in accordance with paragraph A of article VII.

F. The General Conference shall have the authority:

1. To take decisions on any matter specifically referred to the General Conference for this purpose by the Board;
2. To propose matters for consideration by the Board and request from the Board reports on any matter relating to the functions of the Agency.

#### Article VI — Board of Governors

A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the ten members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid ten is located:

- (1) North America
- (2) Latin America
- (3) Western Europe
- (4) Eastern Europe
- (5) Africa
- (6) Middle East and South Asia
- (7) South East Asia and the Pacific
- (8) Far East

2. The General Conference shall elect to membership of the Board of Governors:

(a) Twenty members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office: and

(b) One further member from among the members in the following areas:

- Middle East and South Asia
- South East Asia and the Pacific
- Far East

(c) One further member from among the members in the

following areas:

- Africa
- Middle East and South Asia
- South East Asia and the Pacific

B. The designations provided for in sub-paragraph A-1 of this article shall take place not less than sixty days before each regular annual session of the General Conference. The elections provided for in sub-paragraph A-2 of this article shall take place at regular annual sessions of the General Conference.

C. Members represented on the Board of Governors in accordance with sub-paragraph A-1 of this article shall hold office from the end of the next regular annual session of the General Conference after their designation until the end of the following regular annual session of the General Conference.

D. Members represented on the Board of Governors in accordance with sub-paragraph A-2 of this article shall hold office from the end of the regular annual session of the General Conference at which they are elected until the end of the second regular annual session of the General Conference thereafter.

E. Each member of the Board of Governors shall have one vote. Decisions on the amount of the Agency's budget shall be made by a two-thirds majority of those present and voting, as provided in paragraph H of article XIV. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of those present and voting. Two-thirds of all members of the Board shall constitute a quorum.

F. The Board of Governors shall have authority to carry out the functions of the Agency in accordance with this Statute, subject to its responsibilities to the General Conference as provided in this Statute.

G. The Board of Governors shall meet at such times as it may determine. The meetings shall take place at the headquarters of the Agency unless otherwise determined by the Board.

H. The Board of Governors shall elect a Chairman and other officers from among its members and, subject to the provisions of this Statute, shall adopt its own rules of procedure.

I. The Board of Governors may establish such committees as it deems advisable. The Board may appoint persons to represent it in its relations with other organizations.

J. The Board of Governors shall prepare an annual report to the General Conference concerning the affairs of the Agency and any projects approved by the Agency. The Board shall also prepare for submission to the General Conference such reports as the Agency is or may be required to make to the United Nations or to any other organization the work of which is related to that of the Agency. These reports, along with the annual reports, shall be submitted to members of the Agency at least one month before the regular annual session of the General Conference.

#### Article VII — Staff

A. The staff of the Agency shall be headed by a Director General. The Director General shall be appointed by the Board of Governors with the approval of the General Conference for a term of four years. He shall be the chief administrative officer of the Agency.

B. The Director General shall be responsible for the appointment, organization and functioning of the staff and shall be under the authority of and subject to the control of the Board of Governors. He shall perform his duties in accordance with regulations adopted by the Board.

C. The staff shall include such qualified scientific and technical and other personnel as may be required to fulfil the objectives and functions of the Agency. The Agency shall be guided by the principle that its permanent staff shall be kept to a minimum.

D. The paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service shall be to secure employees of the highest standards of efficiency, technical competence, and integrity. Subject to this consideration, due regard shall be paid to the contributions of members to the Agency and to the importance of recruiting the

staff on as wide a geographical basis as possible.

E. The terms and conditions on which the staff shall be appointed, remunerated, and dismissed shall be in accordance with regulations made by the Board of Governors, subject to the provisions of this Statute and to general rules approved by the General Conference on the recommendation of the Board.

F. In the performance of their duties, the Director General and the staff shall not seek or receive instructions from any source external to the Agency. They shall refrain from any action which might reflect on their position as officials of the Agency; subject to their responsibilities to the Agency, they shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency. Each member undertakes to respect the international character of the responsibilities of the Director General and the staff and shall not seek to influence them in the discharge of their duties.

G. In this article the term 'staff' includes guards.

**Article VIII — Exchange of information**

A. Each member should make available such information as would, in the judgement of the member, be helpful to the Agency.

B. Each member shall make available to the Agency all scientific information developed as a result of assistance extended by the Agency pursuant to article XI.

C. The Agency shall assemble and make available in an accessible form the information made available to it under paragraphs A and B of this article. It shall take positive steps to encourage the exchange among its members of information relating to the nature and peaceful uses of atomic energy and shall serve as an intermediary among its members for this purpose.

**Article IX — Supplying of materials**

A. Members may make available to the Agency such quantities of special fissionable materials as they deem advisable and on such terms as shall be agreed with the Agency. The materials made available to the Agency may, at the discretion of the member making them available, be stored either by the member concerned or, with the agreement of the Agency, in the Agency's depots.

B. Members may also make available to the Agency source materials as defined in article XX and other materials. The Board of Governors shall determine the quantities of such materials which the Agency will accept under agreements provided for in article XIII.

C. Each member shall notify the Agency of the quantities, form, and composition of special fissionable materials, source materials, and other materials which that member is prepared, in conformity with its laws, to make available immediately or during a period specified by the Board of Governors.

D. On request of the Agency a member shall, from the materials which it has made available, without delay deliver to another member or group of members such quantities of such materials as the Agency may specify, and shall without delay deliver to the Agency itself such quantities of such materials as are really necessary for operations and scientific research in the facilities of the Agency.

E. The quantities, form and composition of materials made available by any member may be changed at any time by the member with the approval of the Board of Governors.

F. An initial notification in accordance with paragraph C of this article shall be made within three months of the entry into force of this Statute with respect to the member concerned. In the absence of a contrary decision of the Board of Governors, the materials initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to the member concerned. Subsequent notifications shall likewise, in the absence of a contrary action by the Board, relate to the period of the calendar year following the notification and shall be made no later than the first day of November of each year.

G. The Agency shall specify the place and method of delivery and, where appropriate, the form and composition, of materials which it has requested a member to deliver from the amounts which that member has notified the Agency it is prepared to make

available. The Agency shall also verify the quantities of materials delivered and shall report those quantities periodically to the members.

H. The Agency shall be responsible for storing and protecting materials in its possession. The Agency shall ensure that these materials shall be safeguarded against (1) hazards of the weather, (2) unauthorized removal or diversion, (3) damage or destruction, including sabotage, and (4) forcible seizure. In storing special fissionable materials in its possession, the Agency shall ensure the geographical distribution of these materials in such a way as not to allow concentration of large amounts of such materials in any one country or region of the world.

I. The Agency shall as soon as practicable establish or acquire such of the following as may be necessary:

1. Plant, equipment, and facilities for the receipt, storage, and issue of materials;
2. Physical safeguards;
3. Adequate health and safety measures;
4. Control laboratories for the analysis and verification of materials received;
5. Housing and administrative facilities for any staff required for the foregoing.

J. The materials made available pursuant to this article shall be used as determined by the Board of Governors in accordance with the provisions of this Statute. No member shall have the right to require that the materials it makes available to the Agency be kept separately by the Agency or to designate the specific project in which they must be used.

**Article X — Services, equipment, and facilities**

Members may make available to the Agency services, equipment, and facilities which may be of assistance in fulfilling the Agency's objectives and functions.

**Article XI — Agency projects**

A. Any member or group of members of the Agency desiring to set up any project for research on, or development or practical application of, atomic energy for peaceful purposes may request the assistance of the Agency in securing special fissionable and other materials, services, equipment, and facilities necessary for this purpose. Any such request shall be accompanied by an explanation of the purpose and extent of the project and shall be considered by the Board of Governors.

B. Upon request, the Agency may also assist any member or group of members to make arrangements to secure necessary financing from outside sources to carry out such projects. In extending this assistance, the Agency will not be required to provide any guarantees or to assume any financial responsibility for the project.

C. The Agency may arrange for the supplying of any materials, services, equipment, and facilities necessary for the project by one or more members or may itself undertake to provide any or all of these directly, taking into consideration the wishes of the member or members making the request.

D. For the purpose of considering the request, the Agency may send into the territory of the member or group of members making the request a person or persons qualified to examine the project. For this purpose the Agency may, with the approval of the member or group of members making the request, use members of its own staff or employ suitably qualified nationals of any member.

E. Before approving a project under this article, the Board of Governors shall give due consideration to:

1. The usefulness of the project, including its scientific and technical feasibility;
2. The adequacy of plans, funds, and technical personnel to assure the effective execution of the project;
3. The adequacy of proposed health and safety standards for handling and storing materials and for operating facilities;
4. The inability of the member or group of members making the request to secure the necessary finances, materials, facilities, equipment, and services;
5. The equitable distribution of materials and other resources available to the Agency;
6. The special needs of the under-developed areas of the world;

and

7. Such other matters as may be relevant.

F. Upon approving a project, the Agency shall enter into an agreement with the member or group of members submitting the project, which agreement shall:

1. Provide for allocation to the project of any required special fissionable or other materials;
2. Provide for transfer of special fissionable materials from their then place of custody, whether the materials be in the custody of the Agency or of the member making them available for use in Agency projects, to the member or group of members submitting the project, under conditions which ensure the safety of any shipment required and meet applicable health and safety standards;
3. Set forth the terms and conditions, including charges, on which any materials, services, equipment, and facilities are to be provided by the Agency itself, and, if any such materials, services, equipment, and facilities are to be provided by a member, the terms and conditions as arranged for by the member or group of members submitting the project and the supplying member;
4. Include undertakings by the member or group of members submitting the project: (a) that the assistance provided shall not be used in such a way as to further any military purpose; and (b) that the project shall be subject to the safeguards provided for in article XII, the relevant safeguards being specified in the agreement;
5. Make appropriate provision regarding the rights and interests of the Agency and the member or members concerned in any inventions or discoveries, or any patents therein, arising from the project;
6. Make appropriate provision regarding settlement of disputes;
7. Include such other provisions as may be appropriate.

G. The provisions of this article shall also apply where appropriate to a request for materials, services, facilities, or equipment in connexion with an existing project.

#### **Article XII — Agency safeguards**

A. With respect to any Agency project, or other arrangement where the Agency is requested by the parties concerned to apply safeguards, the Agency shall have the following rights and responsibilities to the extent relevant to the project or arrangement:

1. To examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the viewpoint of assuring that it will not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards provided for in this article.
2. To require the observance of any health and safety measures prescribed by the Agency;
3. To require maintenance and production of operating records to assist in ensuring accountability for source and special fissionable materials used or produced in the project or arrangement;
4. To call for and receive progress reports;
5. To approve the means to be used for the chemical processing of irradiated materials solely to ensure that this chemical processing will not lend itself to diversion of materials for military purposes and will comply with applicable health and safety standards; to require that special fissionable materials recovered or produced as a by-product be used for peaceful purposes under continuing Agency safeguards for research or in reactors, existing or under construction, specified by the member or members concerned; and to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stockpiling of these materials, provided that thereafter at the request of the member or members concerned special fissionable materials so deposited with the Agency shall be returned promptly to the member or members concerned for use under the same provisions as stated above.
6. To send into the territory of the recipient State or States inspectors, designated by the Agency after consultation with the State or States concerned, who shall have access at all times to all places and data and to any person who by reason of his occupation deals with materials, equipment, or facilities which are required by this Statute to be safeguarded, as necessary to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military

purpose referred to in sub-paragraph F-4 of article XI, with the health and safety measures referred to in sub-paragraph A-2 of this article, and with any other conditions prescribed in the agreement between the Agency and the State or States concerned. Inspectors designated by the Agency shall be accompanied by representatives of the authorities of the States concerned if that State so requests, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions;

7. In the event of non-compliance and failure by the recipient State or States to take requested corrective steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.

B. The Agency shall, as necessary, establish a staff of inspectors. The Staff of inspectors shall have the responsibility of examining all operations conducted by the Agency itself to determine whether the Agency is complying with the health and safety measures prescribed by it for application to projects subject to its approval, supervision or control, and whether the Agency is taking adequate measures to present the source and special fissionable materials in its custody or used or produced in its own operations from being used in furtherance of any military purpose. The Agency shall take remedial action forthwith to correct any non-compliance or failure to take adequate measures.

C. The staff of inspectors shall also have the responsibility of obtaining and verifying the accounting referred to in sub-paragraph A-6 of this article and of determining whether there is compliance with the undertaking referred to in sub-paragraph F-4 of article XI, with the measures referred to in sub-paragraph A-2 of this article, and with all other conditions of the project prescribed in the agreement between the Agency and the State or States concerned. The inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors. The Board shall call upon the recipient State or States to remedy forthwith any non-compliance which it finds to have occurred. The Board shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations. In the event of failure of the recipient State or States to take fully corrective action within a reasonable time, the Board may take one or both of the following measures: direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient member or group of members. The Agency may also, in accordance with article XIX, suspend any non-complying member from the exercise of the privileges and rights of membership.

#### **Article XIII — Reimbursement of members**

Unless otherwise agreed upon between the Board of Governors and the member furnishing to the Agency materials, services, equipment, or facilities, the Board shall enter into an agreement with such member providing for reimbursement for the items furnished.

#### **Article XIV — Finance**

A. The Board of Governors shall submit to the General Conference the annual budget estimates for the expenses of the Agency. To facilitate the work of the Board in this regard, the Director General shall initially prepare the budget estimates. If the General Conference does not approve the estimates, it shall return them together with its recommendations to the Board. The Board shall then submit further estimates to the General Conference for its approval.

B. Expenditures of the Agency shall be classified under the following categories:

1. Administrative expenses: these shall include:
  - (a) Costs of the staff of the Agency other than the staff employed in connexion with materials, services, equipment, and facilities referred to in sub-paragraph B-2 below; costs of meetings; and expenditures required for the preparation of Agency projects and for the distribution of information;
  - (b) Costs of implementing the safeguards referred to in article XII in relation to Agency projects or, under sub-paragraph A-5 of article III, in relation to any bilateral or multilateral arrangement, together with the costs of handling and storage of special fissionable material by the Agency other than the storage and



handling charges referred to in paragraph E below;

2. Expenses, other than those included in sub-paragraph 1 of this paragraph, in connexion with any materials, facilities, plant, and equipment acquired or established by the Agency in carrying out its authorized functions, and the costs of materials, services, equipment, and facilities provided by it under agreements with one or more members.

C. In fixing the expenditures under sub-paragraph B-1(b) above, the Board of Governors shall deduct such amounts as are recoverable under agreements regarding the application of safeguards between the Agency and parties to bilateral or multilateral arrangements.

D. The Board of Governors shall apportion the expenses referred to in sub-paragraph B-1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations.

E. The Board of Governors shall establish periodically a scale of charges, including reasonable uniform storage and handling charges, for materials, services, equipment, and facilities furnished to members by the Agency. The scale shall be designed to produce revenues for the Agency adequate to meet the expenses and costs referred to in sub-paragraph B-2 above, less any voluntary contributions which the Board of Governors may, in accordance with paragraph F, apply for this purpose. The proceeds of such charges shall be placed in a separate fund which shall be used to pay members for any materials, services, equipment, or facilities furnished by them and to meet other expenses referred to in sub-paragraph B-2 above which may be incurred by the Agency itself.

F. Any excess of revenues referred to in paragraph E over there referred to, and any voluntary contributions to the Agency, shall be placed in a general fund which may be used as the Board of Governors, with the approval of the General Conference, may determine.

G. Subject to rules and limitations approved by the General Conference, the Board of Governors shall have the authority to exercise borrowing powers on behalf of the Agency without, however, imposing on members of the Agency any liability in respect of loans entered into pursuant to this authority, and to accept voluntary contributions made to the Agency.

H. Decisions of the General Conference on financial questions and of the Board of Governors on the amount of the Agency's budget shall require a two-thirds majority of those present and voting.

#### **Article XV — Privileges and immunities**

A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connexion with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director General acting under instructions of the Board of Governors, and the members.

#### **Article XVI — Relationship with other organizations**

A. The Board of Governors, with the approval of the General Conference, is authorized to enter into an agreement or agreements establishing an appropriate relationship between the Agency and the United Nations and any other organizations the work of which is related to that of the Agency.

B. The agreement or agreements establishing the relationship of the Agency and the United Nations shall provide for:

1. Submission by the Agency of reports as provided for in sub-paragraphs B-4 and B-5 of Article I II;

2. Consideration by the Agency of resolutions relating to it adopted by the General Assembly or any of the Councils of the United Nations and the submission of reports, when requested, to the appropriate organ of the United Nations on the action taken by the Agency or by its members in accordance with this Statute as a result of such consideration.

#### **Article XVII — Settlement of disputes**

A. Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.

B. The General Conference and the Board of Governors are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Agency's activities.

#### **Article XVIII — Amendments and withdrawals**

A. Amendments to this Statute may be proposed by any member. Certified copies of the text of any amendment proposed shall be prepared by the Director General and communicated by him to all members at least ninety days in advance of its consideration by the General Conference.

B. At the fifth annual session of the General Conference following the coming into force of this Statute, the question of a general review of the provisions of this Statute shall be placed on the agenda of that session. On approval by a majority of the members present and voting, the review will take place at the following General Conference. Thereafter, proposals on the question of a general review of this Statute may be submitted for decision by the General Conference under the same procedure.

C. Amendments shall come into force for all members when:

- (i) Approved by the General Conference by a two-thirds majority of those present and voting after consideration of observations submitted by the Board of Governors on each proposed amendment, and
- (ii) Accepted by two-thirds of all the members in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the depositary Government referred to in paragraph C of article XXI.

D. At any time after five years from the date when this Statute shall take effect in accordance with paragraph E of article XXI or whenever a member is unwilling to accept an amendment to this Statute, it may withdraw from the Agency by notice in writing to that effect given to the depositary Government referred to in paragraph C of article XXI, which shall promptly inform the Board of Governors and all members.

E. Withdrawal by a member from the Agency shall not affect its contractual obligations entered into pursuant to article XI or its budgetary obligations for the year in which it withdraws.

#### **Article XIX — Suspension of privileges**

A. A member of the Agency which is in arrears in the payment of its financial contributions to the Agency shall have no vote in the Agency if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The General Conference may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. A member which has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute may be suspended from the exercise of the privileges and rights of membership by the General Conference acting by a two-thirds majority of the members present and voting upon recommendation by the Board of Governors.

#### **Article XX — Definitions**

As used in this Statute:

1. The term 'special fissionable materials' means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other

fissionable material as the Board of Governors shall from time to time determine; but the term 'special fissionable materials' does not include source material.

2. The term 'uranium enriched in the isotopes 235 or 233' means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. The term 'source material' means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

#### Article XXI — Signature, acceptance, and entry into force

A. This Statute shall be open for signature on 26 October 1956 by all States Members of the United Nations or of any of the specialized agencies and shall remain open for signature by those States for a period of ninety days.

B. The signatory States shall become parties to this Statute by deposit of an instrument of ratification.

C. Instruments of ratification by signatory States and instruments of acceptance by States whose membership has been approved under paragraph C or article IV of this Statute shall be deposited with the Government of the United States of America, hereby designated as depositary Government.

D. Ratification or acceptance of this Statute shall be effected by States in accordance with their respective constitutional processes.

E. This Statute, apart from the Annex, shall come into force when eighteen States have deposited instruments of ratification in accordance with paragraph B of this article, provided that such eighteen States shall include at least three of the following States: Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Instruments of ratification and instruments of acceptance deposited thereafter shall take effect on the date of their receipt.

F. The depositary Government shall promptly inform all States signatory to this Statute of the date of each deposit of ratification and the date of entry into force of the Statute. The depositary Government shall promptly inform all signatories and members of the dates on which States subsequently become parties thereto.

G. The Annex to this Statute shall come into force on the first day this Statute is open for signature.

#### Article XXII — Registration with the United Nations

A. This Statute shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

B. Agreements between the Agency and any member or members, agreements between the Agency and any other organization or organizations, and agreements between members subject to approval of the Agency, shall be registered with the Agency. Such agreements shall be registered by the agency with the United Nations if registration is required under Article 102 of the Charter of the United Nations.

#### Article XXIII — Authentic texts and certified copies

This Statute, done in the Chinese, English, French, Russian and Spanish languages, each being equally authentic, shall be deposited in the archives of the depositary Government. Duly certified copies of this Statute shall be transmitted by the depositary Government to the Governments of the other signatory States and to the Governments of States admitted to membership under paragraph B of article IV.

*In witness whereof* the undersigned, duly authorized, have signed this Statute.

DONE at the Headquarters of the United Nations, this twenty-sixth day of October, one thousand nine hundred and fifty-six.

## ANNEX

### PREPARATORY COMMISSION

A. A Preparatory Commission shall come into existence on the first day this Statute is open for signature. It shall be composed of one representative each of Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Portugal, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America, and one representative each of six other States to be chosen by the International Conference on the Statute of the International Atomic Energy Agency. The Preparatory Commission shall remain in existence until this Statute comes into force and thereafter until the General Conference has convened and a Board of Governors has been selected in accordance with Article VI.

B. The expenses of the Preparatory Commission may be met by a loan provided by the United Nations and for this purpose the Preparatory Commission shall make the necessary arrangements with the appropriate authorities of the United Nations, including arrangements for repayment of the loan by the Agency. Should these funds be insufficient, the Preparatory Commission may accept advances from Governments. Such advances may be set off against the contributions of the Governments concerned to the Agency.

C. The Preparatory Commission shall:

1. Elect its own officers, adopt its own rules of procedure, meet as often as necessary, determine its own place of meeting and establish such committees as it deems necessary;
2. Appoint an executive secretary and staff as shall be necessary, who shall exercise such powers and perform such duties as the Commission may determine;
3. Make arrangements for the first session of the General Conference, including the preparation of a provisional agenda and draft rules of procedure, such session to be held as soon as possible after the entry into force of this Statute;
4. Make designations for membership on the first Board of Governors in accordance with sub-paragraph A-1 and A-2 and paragraph B of article VI;
5. Make studies, reports, and recommendations for the first session of the General Conference and for the first meeting of the Board of Governors on subjects of concern to the Agency requiring immediate attention, including (a) the financing of the Agency; (b) the programmes and budget for the first year of the Agency; (c) technical problems relevant to advance planning of Agency operations; (d) the establishment of a permanent Agency staff; and (e) the location of the permanent headquarters of the Agency;
6. Make recommendations for the first meeting of the Board of Governors concerning the provisions of a headquarters agreement defining the status of the Agency and the rights and obligations which will exist in the relationship between the Agency and host Government;
7. (a) Enter into negotiations with the United Nations with a view to the preparation of a draft agreement in accordance with article XVI of this Statute, such draft agreement to be submitted to the first session of the General Conference and to the first meeting of the Board of Governors; and  
(b) make recommendations to the first session of the Conference and to the first meeting of the Board of Governors concerning the relationship of the Agency to other international organizations as contemplated in article XVI of this Statute.

### Amendment to Article VI of the Statute

[Resolution GC(43)/RES/19/Corr.1, adopted by the IAEA General Conference, September 1999]

*The General Conference,*

- a. *Recalling* its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
- b. *Having examined* the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.A of the Statute, contained in Annex 1 to document GC(42)/19,
- c. *Having also examined* the proposal for the modification of the Japanese amendment submitted by Slovenia in

accordance with Article XVIII.A of the Statute, contained in document GC(43)/12,

d. *Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/12, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,*

e. *Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,*

- 1 Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;
- 2 Approves the amendment proposed by Japan, as modified in operative paragraph (1) and as further modified, by which Article VI of the Agency's Statute is amended as follows:

I. Replace paragraph A of Article VI of the Agency's Statute by the following:

"A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the eighteen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:

North America	2
Latin America	2
Western Europe	4
Eastern Europe	2
Africa	2
Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

2. The General Conference shall elect to membership of the Board of Governors:

a. Twenty-two members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category:

four representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, five representatives of the area of Africa, three representatives of the area of the Middle East and South Asia, two representatives of the area of South East Asia and the Pacific, and one representative of the area of Far East.

b. Two further members from among the members in the following areas:

Western Europe  
Eastern Europe  
Middle East and South Asia

c. One further member from among the members in the following areas:

Latin America  
Eastern Europe"

and

II. Add at the end of Article VI the following new paragraph:

"K. The provisions of paragraph A of this Article as approved by the General Conference on 1 October 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list

thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change".

3. *Urges* all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII.C(ii) of the Statute;

4. *Requests* the Director General to report to the General Conference, at its 45th regular session on the progress made towards the entry into force of this amendment.

### **Amendment to Article VI of the Statute**

[Decision GC(55)/DEC/12, adopted by the General Council at its 55<sup>th</sup> Session, September 2011]

1. The General Conference recalls its resolution GC(43)/RES/19 of 1 October 1999, by which the Conference approved an amendment to Article VI of the Agency's Statute, and its decisions GC(47)/DEC/14, GC(49)/DEC/12, GC(50)/DEC/12, GC(51)/DEC/13 and GC(53)/DEC/12.

2. The General Conference takes note of the report by the Director General contained in document GC(55)/9.

3. The General Conference encourages all Member States which have not done so to accept the amendment as soon as possible in accordance with their respective constitutional processes.

4. The General Conference requests the Director General to draw the attention of the Governments of Member States to this issue, to submit to the Conference at its 57<sup>th</sup> (2013) regular session a report on the progress made towards the entry into force of this amendment and to include in the provisional agenda for that session an item entitled "Amendment to Article VI of the Statute".

### **Amendment to Article XIV.A of the Statute**

[GC(55)/DEC/10 September 2011]

**Decision adopted on 22 September 2011 during the seventh plenary meeting**

1. The General Conference recalls its resolution GC(43)/RES/8, which approved an amendment to Article XIV.A of the Agency's Statute permitting the establishment of biennial budgeting, and its decisions GC(49)/DEC/13, GC(50)/DEC/11, GC(51)/DEC/14, GC(52)/DEC/9, GC(53)/DEC/11 and GC(54)/DEC/11.

2. The General Conference notes that, in accordance with Article XVIII.C (ii) of the Statute, two thirds of all the members of the Agency will have to accept the amendment in order for it to enter into force, but also notes from document GC(55)/7 that as of 9 September 2011 only 48 Member States had deposited instruments of acceptance with the depositary Government. For this reason, the General Conference encourages and urges Member States that have not yet deposited an instrument of acceptance of this amendment to do so as soon as feasible in order to allow the benefits of biennial budgeting to be attained. This would permit the Agency to come into line with the virtually universal practice among UN system organizations of biennial budgeting.

3. The General Conference requests the Director General to draw the attention of the governments of Member States to this issue, to submit to the Conference at its 56th (2012) regular session a report on the progress made towards the entry into force of this amendment and to include in the provisional agenda for that session an item entitled "Amendment to Article XIV.A of the Statute".

## Executive Summary of 'Multilateral Approaches to the Nuclear Fuel Cycle': Expert Group Report Submitted to the Director General of the International Atomic Energy Agency

[Reproduced from INFCIRC 640, 22 February 2005]

[Editorial note: The Expert group Report is available in its entirety on the IAEA website

<http://www.iaea.org/Publications/Documents/infcircs/2005/infcirc640.pdf>]

### Multilateral Nuclear Approaches (MNAs)

#### Executive Summary

1. The global nuclear non-proliferation regime has been successful in limiting, albeit not entirely preventing, the further spread of nuclear weapons. The vast majority of States have legally pledged to forego the manufacture and acquisition of nuclear weapons and have abided by that commitment. Nonetheless, the past few years have been a tumultuous and difficult period.

2. The decades long nuclear non-proliferation effort is under threat: from regional arms races; from actions by non-nuclear weapon States (NNWS) that have been found to be in fundamental breach of, or in non-compliance with their safeguards agreement, and which have not taken full corrective measures; from the incomplete manner in which export controls required by the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) have been applied; from burgeoning and alarmingly well-organised nuclear supply networks; and from the increasing risk of acquisition of nuclear or other radioactive materials by terrorist and other non-State entities.

3. A different significant factor is that the civilian nuclear industry appears to be poised for worldwide expansion. Rapidly growing global demand for electricity, the uncertainty of supply and price of natural gas, soaring prices for oil, concerns about air pollution and the immense challenge of lowering greenhouse gas emissions, are all forcing a fresh look at nuclear power. As the technical and organisational foundations of nuclear safety improve, there is increasing confidence in the safety of nuclear power plants. In light of existing, new and reawakened interest in many regions of the world, the prospect of new nuclear power stations on a large scale is therefore real. A greater number of States will consider developing their own fuel cycle facilities and nuclear know-how, and will seek assurances of supply in materials, services and technologies.

4. In response to the growing emphasis being placed on international cooperation to cope with non-proliferation and security concerns, the Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei, appointed in June 2004 an international group of experts (participating in their personal capacity) to consider possible multilateral approaches to the civilian nuclear fuel cycle.

5. The mandate of the Expert Group was three-fold:

- To identify and provide an analysis of issues and options relevant to multilateral approaches to the front and back ends of the nuclear fuel cycle;
- To provide an overview of the policy, legal, security, economic, institutional and technological incentives and disincentives for cooperation in multilateral arrangements for the front and back ends of the nuclear fuel cycle; and
- To provide a brief review of the historical and current experiences and analyses relating to multilateral fuel cycle arrangements relevant to the work of the expert group.

6. Two primary deciding factors dominate all assessments of multilateral nuclear approaches, namely "**Assurance of non-proliferation**" and "**Assurance of supply and services**". Both are recognised overall objectives for governments and for the NPT community. In practice, each of these two objectives can seldom be achieved fully on its own. History has shown that it is even more difficult to find an optimum arrangement that will satisfy both objectives at the same time. As a matter of fact, multilateral

approaches could be a way to satisfy both objectives.

7. The non-proliferation value of a multilateral arrangement is measured by the various proliferation risks associated with a nuclear facility, whether national or multilateral. These risks include the diversion of materials from an MNA (reduced through the presence of a multinational team), the theft of fissile materials, the diffusion of proscribed or sensitive technologies from MNAs to unauthorised entities, the development of clandestine parallel programmes and the breakout scenario. The latter refers to the case of the host country "breaking out", for example, by expelling multinational staff, withdrawing from the NPT (and thereby terminating its safeguards agreement), and operating the multilateral facility without international control.

8. The "Assurance of supply" value of a multilateral arrangement is measured by the associated incentives, such as the guarantees provided by suppliers, governments and international organisations; the economic benefits that would be gained by countries participating in multilateral arrangements, and the better political and public acceptance for such nuclear projects. One of the most critical steps is to devise effective mechanisms for assurances of supply of material and services, which are commercially competitive, free of monopolies and free of political constraints. Effective assurances of supply would have to include back-up sources of supply in the event that an MNA supplier is unable to provide the required material or services.

#### Overview of options

9. Whether for uranium enrichment, spent fuel reprocessing, or spent fuel disposal and storage, **multilateral options** span the entire field between existing market mechanisms and a complete co-ownership of fuel cycle facilities. The following pattern reflects this diversity:

##### Type I: Assurances of services not involving ownership of facilities.

- (a) Suppliers provide additional assurances of supply;
- (b) International consortia of governments broaden the assurances;
- (c) IAEA-related arrangements provide even broader assurances.

##### Type II: Conversion of existing national facilities to multinational facilities.

##### Type III: Construction of new joint facilities.

10. On the basis of this pattern, the Group has reviewed the pros and cons associated with each type and option. Pros and cons were defined relative to a "non-MNA choice", namely that of a national facility under current safeguards.

**Uranium enrichment** – [Eds...]

**Reprocessing of nuclear spent fuel** – [Eds...]

**Spent fuel disposal** – [Eds...]

**Spent fuel storage** – [Eds...]

**Combined option: fuel-leasing/fuel take-back** – [Eds...]

**Overarching issues** – [Eds...]

**Relevant articles of the NPT** – [Eds...]

**Safeguards and export controls** – [Eds...]

**Voluntary participation in MNAs versus a binding norm** [Eds...]

**Nuclear-weapon States and non-NPT States** – [Eds...]

**Enforcement** – [Eds...]

#### Multilateral nuclear approaches: the future

44. Past initiatives for multilateral nuclear cooperation did not result in any tangible results. Proliferation concerns were perceived as not serious enough. Economic incentives were seldom strong enough. Concerns about assurances of supply were paramount. National pride also played a role, alongside expectations about the technological and economic spin-offs to be derived from nuclear activities. Many of those considerations may still be pertinent. However, the result of balancing those considerations today, in the face of a latent multiplication of nuclear facilities over the next

decades and the possible increase in proliferation dangers may well produce a political environment more conducive to MNAs in the 21<sup>st</sup> century.

45. The potential benefits of MNAs for the non-proliferation regime are both symbolic and practical. As a confidence-building measure, multilateral approaches can provide enhanced assurance to the partners and to the international community that the most sensitive parts of the civilian nuclear fuel cycle are less vulnerable to misuse for weapon purposes. Joint facilities with multinational staff put all MNA participants under a greater degree of scrutiny from peers and partners and may also constitute an obstacle against a breakout by the host partner. They also reduce the number of sites where sensitive facilities are operated, thereby curbing proliferation risks, and diminishing the number of locations subject to potential thefts of sensitive material. Moreover, these approaches can even help in creating a better acceptance for the continued use of nuclear power and for nuclear applications, and enhance the prospects for the safe and environmentally sound storage and disposal of spent nuclear fuel and radioactive waste.

46. As far as assurances of supply are concerned, multilateral approaches could also provide the benefits of cost-effectiveness and economies of scale for whole regions, for smaller countries or for those with limited resources. Similar benefits have been derived in the context of other technology sectors, such as aviation and aerospace. However, the case to be made in favour of MNAs is not entirely straightforward. States with differing levels of technology, different degrees of institutionalisation, economic development and resources and competing political considerations may not all reach the same conclusions as to the benefits, convenience and desirability of MNAs. Some might argue that multilateral approaches point to the loss or limitation of State sovereignty and independent ownership and control of a key technology sector, leaving unfairly the commercial benefits of these technologies to just a few countries. Others might argue that multilateral approaches could lead to further dissemination of, or loss of control over, sensitive nuclear technologies, and result in higher proliferation risks.

47. In summary, the Expert Group on Multilateral Approaches for the Nuclear Fuel Cycle has reviewed the various aspects of the fuel cycle, identified a number of options for MNAs deserving further consideration, and noted a number of pros and cons for each of the options. It is hoped that the report of the Expert Group will serve as a building block, or as a milestone. It is not intended to mark the end of the road. MNAs offer a potentially useful contribution to meeting prevailing concerns about assurances of supply and non-proliferation.

48. The Group recommends that steps be taken to strengthen overall controls on the nuclear fuel cycle and the transfer of technology, including safeguards and export controls: the former by promoting universal adherence to Additional Protocols, the latter through a more stringent implementation of guidelines and a universal participation in their development.

49. In order to maintain momentum, the Group recommends that attention be given - by the IAEA Member States, by the IAEA itself, by the nuclear industry and by other nuclear organisations - to multilateral nuclear approaches in general and to the **five approaches** suggested below.

**Five suggested approaches**

The objective of increasing non-proliferation assurances associated with the civilian nuclear fuel cycle, while preserving assurances of supply and services around the world could be achieved through a set of gradually introduced multilateral nuclear approaches (MNA):

1. Reinforcing **existing commercial market mechanisms** on a case-by-case basis through long-term contracts and transparent suppliers' arrangements with government backing. Examples would be: fuel leasing and fuel take-back offers, commercial offers to store and dispose of spent fuel, as well as commercial fuel banks.
2. Developing and implementing **international supply guarantees** with IAEA participation. Different models should be investigated, notably with the **IAEA as guarantor** of service supplies, e.g. as administrator of a fuel bank.

3. Promoting voluntary conversion of **existing facilities to MNAs**, and pursuing them as **confidence-building measures**, with the participation of NPT non-nuclear-weapon States and nuclear-weapon States, and non-NPT States.

4. Creating, through voluntary agreements and contracts, **multinational, and in particular regional, MNAs for new facilities** based on joint ownership, drawing rights or co-management for front-end and back-end nuclear facilities, such as uranium enrichment; fuel reprocessing; disposal and storage of spent fuel (and combinations thereof). Integrated nuclear power parks would also serve this objective.

5. The scenario of a further expansion of nuclear energy around the world might call for the development of a **nuclear fuel cycle with stronger multilateral arrangements** – by region or by continent - **and for broader cooperation**, involving the IAEA and the international community.

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**Israeli nuclear capabilities**

[GC(53)/RES/17, September 2009]

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[*Editorial note:* Footnote not included]

**The General Conference,**

(a) Recalling the relevant resolutions of the General Conference and the Presidential Statements endorsed by the General Conference on this issue,

(b) Recalling also UN Security Council Resolution 487 (1981), which, inter alia, requested Israel to submit all its nuclear facilities to the Agency's safeguards system,

(c) Bearing in mind the resolution on the Middle East adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in which the Conference noted with concern the continued existence of unsafeguarded nuclear facilities in the Middle East,

(d) Recalling the 2000 NPT Review Conference, which welcomed the fact that all States in the Middle East, with the exception of Israel, are States parties to the NPT and reaffirmed the importance of Israel's accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards for realizing the universality of the NPT in the Middle East,

(e) Recognizing that joining the NPT and submitting all nuclear facilities in the region to comprehensive IAEA safeguards is a prerequisite for establishing a nuclear-weapon-free zone (NWFZ) in the Middle East, and

(f) Welcoming the recent international initiatives calling for a "nuclear weapons-free world",

1. Expresses concern about the threat posed by the proliferation of nuclear weapons to the security and stability of the Middle East;

2. Expresses concern about the Israeli nuclear capabilities, and calls upon Israel to accede to the NPT and place all its nuclear facilities under comprehensive IAEA safeguards;

3. Urges the Director General to work with the concerned States towards achieving that end; and

4. Decides to remain seized of this matter and requests the Director General to report on the implementation of this resolution to the Board of Governors and the General Conference at its fifty-fourth regular session under an agenda item entitled "Israeli nuclear capabilities".

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**Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction**

[GC(53)/DEC/13, September 2009]

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[*Editorial note:* Footnote not included]

The General Conference considered the agenda item 24 entitled "Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction". The General Conference noted GC(XXIX)/RES/444 and GC(XXXIV)/RES/533, which noted that "any armed attack on and threat against nuclear facilities devoted to peaceful purposes constitutes a violation of the

principles of the United Nations Charter, international law and the Statute of the Agency”, and a thorough discussion was made on all aspects of the issue. Member States recognized the importance attached to safety, security and physical protection of nuclear material and nuclear facilities and, in that regard, expressed their views on the importance they attached to the protection of nuclear installations. They also noted the need to have the Agency involved in early notification and assistance in cases of radioactive release from nuclear installations.

## Report of the International Atomic Energy Agency

[A/RES/66/7 8 December 2011]

[Editorial note: Footnotes not included]

*The General Assembly,*

*Having received* the report of the International Atomic Energy Agency for 2010,

*Taking note* of the statement by the Director General of the International Atomic Energy Agency, in which he provided additional information on the main developments in the activities of the Agency during 2011,

*Recognizing* the importance of the work of the Agency,

*Recognizing also* the cooperation between the United Nations and the Agency and the Agreement governing the relationship between the United Nations and the Agency as approved by the General Conference of the Agency on 23 October 1957 and by the General Assembly in the annex to its resolution 1145 (XII) of 14 November 1957,

1. *Takes note with appreciation* of the report of the International Atomic Energy Agency;
2. *Takes note* of resolutions GC(55)/RES/9 on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety; GC(55)/RES/10 on nuclear security; GC(55)/RES/11 on the strengthening of the Agency's technical cooperation activities; GC(55)/RES/12 on strengthening the Agency's activities related to nuclear science, technology and applications, comprising GC(55)/RES/12 A on non-power nuclear applications and GC(55)/RES/12 B on nuclear power applications; GC(55)/RES/13 on the implementation of the Agreement between the Agency and the Democratic People's Republic of Korea for the application of safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons; GC(55)/RES/14 on the application of Agency safeguards in the Middle East; and GC(55)/RES/15 on personnel matters, comprising GC(55)/RES/15 A on the staffing of the Agency's Secretariat and GC(55)/RES/15 B on women in the Secretariat; and decisions GC(55)/DEC/10 on the amendment to article XIV.A of the Statute of the Agency; GC(55)/DEC/11 on strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol; and GC(55)/DEC/12 on the amendment to article VI of the Statute, adopted by the General Conference of the Agency at its fifty-fifth regular session, held from 19 to 23 September 2011;
3. *Reaffirms its strong support* for the indispensable role of the Agency in encouraging and assisting the development and practical application of atomic energy for peaceful uses, in technology transfer to developing countries and in nuclear safety, verification and security;
4. *Appeals* to Member States to continue to support the activities of the Agency;
5. *Requests* the Secretary-General to transmit to the Director General of the Agency the records of the sixty-sixth session of the General Assembly relating to the activities of the Agency.

## Measures to strengthen international cooperation in nuclear, radiation, transport and waste safety

[GC(55)/RES/9 September 2011]

The General Conference,

(a) Recalling resolution GC(54)/RES/7 and previous General Conference resolutions on matters relating to measures to strengthen international cooperation in nuclear, radiation, transport and waste safety,

(b) Acknowledging the Agency's statutory functions with respect to safety and recognizing the central role of the Agency in promoting international cooperation and in coordinating international efforts to strengthen global nuclear safety, in providing expertise and advice in this field and in promoting nuclear safety culture worldwide,

(c) Noting with appreciation the Director General's report in document GC(55)/15 on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety,

(d) Mindful of the need to undertake active measures at the national and the international level to ensure the highest level of nuclear safety and to provide for harmonization of national requirements on nuclear safety, taking into account national differences, building on Agency Safety Standards,

(e) Recalling the 11 March 2011 earthquake and tsunami and their devastating consequences, and the accident at TEPCO's Fukushima Daiichi Nuclear Power Station, expressing sympathy for and solidarity with Japan for the loss of life and severe damage caused, and emphasizing the resolve of the international community to continue to assist Japan in its efforts to mitigate and overcome the consequences of the disaster and the accident,

(f) Noting with appreciation the convening by the Director General of the Ministerial Conference on Nuclear Safety on 20-24 June 2011, welcoming the Ministerial Declaration and noting the Action Plan on Nuclear Safety (GC(55)/14),

(g) Recognizing the need for urgent and longer-term responses and actions to be taken internationally to ensure that the post-Fukushima nuclear safety framework is strengthened and the highest and most robust level of nuclear safety is in place worldwide,

(h) Recognizing that a global nuclear, radiation, transport and waste safety culture is a key element of the peaceful uses of nuclear energy, ionizing radiation and radioactive substances, and that continuous efforts are required to ensure its maintenance at the optimal level,

(i) Recognizing that nuclear accidents may have transboundary effects and raise the concerns of the public about nuclear energy and the radiological effects on people and the environment, and emphasizing the importance of timely and effective responses based on scientific knowledge and full transparency, should a nuclear accident occur,

(j) Recognizing the efforts of the international community to enhance knowledge in nuclear safety and radiation protection and strengthen international standards in nuclear safety, emergency preparedness and response, and the radiation protection of people and the environment, and the need to draw lessons from the accident at Fukushima,

(k) Recognizing the importance of Member States establishing and maintaining effective and sustainable regulatory infrastructures for nuclear, radiation, transport, and waste safety,

(l) Recognizing the opportunity to strengthen the international legal framework regulating the safe development of nuclear power and the safety of nuclear installations,

(m) Recalling the objectives of the Convention on Nuclear Safety, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (Joint Convention), the Convention on Early Notification of a Nuclear Accident (Early Notification Convention) and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (Assistance Convention) and the respective obligations of States Parties, and recognizing the need to ensure effective and sustainable implementation of these conventions,

(n) Recalling the objectives of the non-legally-binding Code of Conduct on the Safety of Research Reactors and the non-legally-binding Code of Conduct on the Safety and Security of Radioactive Sources, and the supplementary Guidance on the Import and Export of Radioactive Sources,

- (o) Encouraging close cooperation and coordination between the Agency and relevant intergovernmental and non-governmental organizations on nuclear safety-related matters,
- (p) Underscoring that medical uses of ionizing radiation constitute by far the largest source of man-made exposure, and emphasizing the need for enhanced efforts to optimize the radiation protection for patients,
- (q) Noting with interest United Nations General Assembly resolution A/RES/65/96 of 10 December 2010 related to the effects of atomic radiation, and recalling the Board decision in March 1960 (INFCIRC/18), which was reconfirmed in its 847th meeting, of 12 September 1994, related to the basis for the Agency's basic safety standards,
- (r) Recalling that States have under international law the obligation to protect and preserve the environment, including the marine and terrestrial environment, and emphasizing the importance of the Secretariat's continued collaboration with the contracting parties of international and regional instruments aimed at protecting the environment from radioactive wastes, such as the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter and the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR),
- (s) Recognizing that, historically, the safety record of civilian transport, including maritime transport, of radioactive materials has been excellent, and stressing the importance of international cooperation to enhance the safety of international transport,
- (t) Recalling maritime and air navigation rights and freedoms, as provided for in international law and as reflected in relevant international instruments,
- (u) Noting the importance of security for the safe transport of radioactive material and the strong concern of some States in this regard, and stressing the need to take adequate measures to prevent the loss of control of radioactive material during transport, including to deter or defeat terrorist and other hostile or criminal actions directed against carriers of radioactive material, in accordance with international law,
- (v) Noting that the timely shipment of radioactive materials, particularly those having important uses in the medical, academic and industrial sectors, is being affected by incidents of denial and delay of shipment in circumstances where the shipment complies with the Agency's Transport Regulations,
- (w) Recalling resolution GC(54)/RES/7 and the previous resolutions which invited Member States shipping radioactive material to provide, as appropriate, assurances to potentially affected States, upon their request, that their national regulations take into account the Agency's Transport Regulations and to provide them with relevant information relating to shipments of such material, and noting that the information provided should in no case be contradictory to the measures of physical protection and safety,
- (x) Recognizing the need to strengthen national capacities to ensure safety in uranium mining and ore processing, particularly in Member States entering or re-entering the uranium mining industry, and to address the remediation of contaminated sites,
- (y) Emphasizing the importance of education and training in establishing and maintaining an adequate nuclear, radiation, transport and waste safety infrastructure,
- (z) Emphasizing the importance of the implementation of national emergency preparedness and response measures, based on the Agency's Safety Standards, for improving preparedness and response and communication in an emergency and contributing to harmonization of national criteria for protective and other actions,
- (aa) Acknowledging the Secretariat's role in response to nuclear or radiological incidents or emergencies and recognizing the need to improve the timeliness of the collection, validation, analysis and dissemination by the Secretariat of incident or emergency information to Member States and the public, as well as the Secretariat's role in facilitating and rendering assistance upon request;
- (bb) Commending the Secretariat, Member States and other international organizations for finalizing the International Action

Plan for Strengthening the International Preparedness and Response System for Nuclear and Radiological Emergencies, and recognizing the need to review and strengthen the international emergency preparedness and response framework, taking into account the strategy outlined in the final report of that Plan,

(cc) Recognizing the importance of having in place effective and coherent nuclear liability mechanisms at the national and global levels to ensure prompt compensation for damage inter alia to people, property and the environment, including actual economic loss due to a nuclear accident or incident, and believing that the principle of strict liability should apply in the event of a nuclear accident or incident, including during the transport of radioactive material, and

(dd) Recalling the Paris Convention on Third Party Liability in the Field of Nuclear Energy, the Vienna Convention on Civil Liability for Nuclear Damage, the Brussels Convention supplementary to the Paris Convention, the Joint Protocol Related to the Application of the Vienna Convention and the Paris Convention and the protocols amending these conventions and the Convention on Supplementary Compensation for Nuclear Damage, and the objectives thereof, and noting also the intention of the Convention on Supplementary Compensation for Nuclear Damage to establish a worldwide nuclear liability regime based on the principles of nuclear liability law, without prejudice to other liability regimes,

### 1. General

1. Urges the Secretariat to continue to strengthen its efforts to maintain and improve nuclear, radiation, transport and waste safety, focusing particularly on mandatory activities and on technical areas and regions where the need is greatest;

2. Requests the Director General to continue the current programme to assist Member States in developing and improving their national infrastructure, including legislative and regulatory frameworks, for nuclear, radiation, transport, and waste safety;

3. Welcomes the IAEA Ministerial Conference on Nuclear Safety held in June 2011 and the Ministerial Declaration (INFCIRC/821), and notes the Director General's Statement, which collectively began the process of learning and acting upon lessons learned from the accident at Fukushima to strengthen nuclear safety, emergency preparedness and radiation protection of people and the environment worldwide;

4. Endorses the Board of Governors' decision to approve the Action Plan on Nuclear Safety (GOV/2011/59-GC(55)/14) and calls upon the Secretariat and the Member States to implement the actions as an overarching priority in a comprehensive and coordinated manner;

5. Reiterates the importance of a comprehensive and fully transparent assessment by Japan and the Agency of the accident at Fukushima, including by identifying root causes of the accident, in order for the international community to be able to draw and act upon the lessons learned, and welcomes the reports submitted by Japan and the IAEA International Fact-Finding Mission to Japan, which include preliminary assessments of the accident in this regard;

6. Acknowledges the need to strengthen global nuclear safety, building upon knowledge gained from the investigation of the accident at Fukushima, and looks forward to the international conference on nuclear safety to be co-hosted by Japan and the IAEA in 2012;

7. Requests the Secretariat to continue to establish its safety priorities using an integrated assessment process in close cooperation with Member States using that process, taking into account the advice of the relevant standing bodies and the relevant proposals in the Action Plan on Nuclear Safety, and to incorporate the results into the delivery of its review services;

8. Looks forward to the extraordinary meeting of the Contracting Parties to the Convention on Nuclear Safety in 2012, which will provide an opportunity to consider further measures to strengthen nuclear safety and to review the effectiveness and, if necessary, the continued suitability of the provisions of the Convention;

9. Encourages the Secretariat and Member States to make effective use of the Agency's technical cooperation resources for the further enhancement of safety;

10. Welcomes the Agency's capacity building activities for nuclear safety for countries expanding or embarking on nuclear power programmes;

11. Acknowledges that safety measures and security measures have in common the aim of protecting human life and health and the environment, calls upon the Secretariat to enhance its efforts to ensure coordination of its safety activities and security activities, and encourages Member States to work actively to ensure that neither safety nor security is compromised;

12. Recalls that the Agency is authorized by its Statute:

(i) to establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety; and,

(ii) to provide for the application of these standards, inter alia at the request of a State to any of that State's relevant activities,

and, in this regard,

(iii) welcomes the activities of the Commission on Safety Standards and the Safety Standards Committees, supported by the Secretariat, in developing and endorsing the safety standards being established by the Board and the Director General,

(iv) notes with appreciation the various specialized and ad hoc services rendered by the Secretariat to provide for the application of these standards at the request of a State by, inter alia, appraising its compliance in specific situations; and

(v) encourages Member States to make use of such services, as appropriate;

13. Recognizes the importance of an effective regulatory body as an essential element of national nuclear infrastructure, emphasizes that Member States should ensure that effective regulatory independence and clarity of roles are preserved in all circumstances in line with IAEA Safety standards, urges Member States to strengthen regulatory effectiveness in the field of nuclear, radiation, transport, and waste safety, and to continue sharing findings and lessons learned in their regulatory area, including promoting cooperation and coordination among regulatory bodies, and further urges Member States to make use of the Integrated Regulatory Review Service (IRRS);

14. Recognizes the primary responsibility of operators for ensuring safety, further recognizes the value of the Agency's review services for operators, and urges Member States to avail themselves of these services;

15. Encourages the sharing of findings and lessons learned between regulators, operators, industry and the public;

16. Encourages Member States and the Secretariat to promote recognition of the importance of technical and scientific support organizations in enhancing nuclear safety;

17. Recognizes that the Agency has developed guidance on *Establishing a Nuclear Safety Infrastructure for a National Nuclear Power Programme (SSG-16)*, encourages the Secretariat to ensure ongoing consistency amongst related nuclear power infrastructure publications, and encourages Member States embarking on new nuclear power programmes to take timely and proactive steps, based upon gradual and systematic application of Agency safety standards, to establish and sustain a strong safety culture and a competent regulatory body with effective independence and the necessary human and financial resources to fulfil its responsibilities;

18. Welcomes the maturing regional safety fora and related networks, encourages the Secretariat to assist in the establishment of similar fora and networks in regions where they do not exist, further encourages Member States to join relevant fora and networks, urges the Secretariat to continue to support the Global Nuclear Safety and Security Network (GNSSN) and the international Regulatory Network (RegNet) and further encourages Member States to join and actively support these networks;

19. Welcomes the international conferences on safety-related issues held by the Agency and requests the Secretariat to report to the policy-making organs the conclusions and recommendations from these conferences, as well as the Secretariat's proposed follow-up actions;

20. Recognizes that there are ongoing projects to construct transportable nuclear power plants, requests the Secretariat to facilitate information exchange on this issue, and encourages the Secretariat and Member States to continue considering the safety and security aspects related to such facilities throughout their life cycle, including through INPRO;

21. Encourages Member States, as appropriate, to give due consideration to the possibility of joining international nuclear liability instruments;

22. Welcomes the valuable work of International Expert Group on Nuclear Liability (INLEX), encourages its continuation, including the consideration and identification of specific actions to address gaps in the scope and coverage of the international nuclear liability regime, the recommendation of actions to facilitate the achievement of a coherent global nuclear liability regime, and outreach activities, and requests the Secretariat to report at appropriate times on the continuing work of INLEX,

23. Requests the Secretariat to undertake in-house coordination to fulfil the immediate, medium term and longer-term resource requirements, including financing, of the Agency's safety activities, and to consider prioritization, cost savings, and innovative means of financing;

24. Further requests that the implementation of actions by the Secretariat called for in this resolution be given priority, subject to the availability of financial resources;

25. Requests the Director General to report in detail at its fifty-sixth (2012) regular session on implementation of this resolution, including other relevant developments in the intervening period, and to report on implementation of the Action Plan on Nuclear Safety;

## 2. The Agency's Safety Standards Programme

26. Emphasizes the importance of implementing enhanced national and international measures to ensure that the highest and most robust levels of nuclear safety are in place, based on IAEA safety standards, which should be continuously reviewed, strengthened and implemented as broadly and effectively as possible and commits to increase bilateral, regional and international cooperation to that effect;

27. Supports the Commission on Safety Standards (CSS) in its review of the relevant safety standards, in particular those pertaining to multiple severe hazards such as tsunamis and earthquakes, and to the particular requirements in siting, design and severe accident management;

28. Encourages Member States to use the safety standards issued by the IAEA in their national regulatory programmes, and notes the need to consider the periodic alignment of national regulations and guidance to internationally established standards and guidance, for the inclusion particularly of new lessons learned from global experiences of the impact of external hazards;

29. Notes that the Safety Requirements: Radiation Protection and Safety of Radiation Sources: International Basic Safety Standards (revised BSS) were endorsed by the Commission on Safety Standards at its meeting in May 2011 and approved by the Board in September 2011 (as GOV/2011/42), urges the Secretariat to ensure the timely publication of the revised BSS, further notes that the new Safety Requirements: Safety of Nuclear Power Plants: Design (revised NS-R-1) reflects feedback and experience accumulated up to 2010, and requests that lessons from Fukushima are reflected in subsequent safety requirements;

30. Urges the Secretariat:

i. to continue to use the estimates of the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) for the development of the Agency safety standards, to continue to base such standards, as much as possible, on the recommendations of the International Commission on Radiological Protection (ICRP) and to maintain close cooperation with UNSCEAR and ICRP to these ends, and

ii. to cooperate closely with UNSCEAR on the development and use of such databases — that also support UNSCEAR assessments — as an Information System on occupational Exposure in Medicine, Industry and Research (ISEMIR), a



database on Discharges of Radionuclides to the Atmosphere and the Aquatic Environment (DIRATA), the Directory of Radiotherapy Centres (DIRAC) and the Nuclear Medicine DataBase (NUMDAB);

iii. to liaise closely with UNSCEAR in the Committee's follow-up of the estimates of exposures, and health and environmental effects from the Fukushima accident;

31. Requests the Secretariat, given the importance of the Safety Standards Committees, to facilitate the effective participation of all interested Member States in those committees;

**3. Nuclear Installation Safety [Eds...]**

**4. Radiation Safety [Eds...]**

**5. Transport Safety [Eds...]**

**6. The Safety of Spent Fuel and Radioactive Waste Management [Eds...]**

**7. The Safe Decommissioning of Nuclear Facilities and Other Facilities Using Radioactive Material**

60. Emphasizes the importance of IAEA decommissioning activities and encourages Member States to ensure that plans for the decommissioning of facilities are developed and mechanisms are put in place for establishment and maintenance of the resources necessary to implement these plans;

61. Acknowledges the successful work of the International Decommissioning Network (IDN) in training and the exchange of knowledge and information and encourages its further development, and encourages participating States to implement the lessons learned in the Research Reactor Decommissioning Demonstration Project;

62. Commends the Government of Iraq for putting together the first overarching decommissioning plan for the nuclear legacy sites in Iraq, welcomes and encourages Member States' continuing support for this work, and encourages the Government of Iraq to promulgate its statutory and regulatory framework;

**8. Safety in Uranium Mining and Processing and Remediation of Contaminated Sites [Eds...]**

**9. Education and Training in Nuclear, Radiation, Transport, and Waste Safety [Eds...]**

**10. Safety and Security of Radioactive Sources**

72. Commends the many national and multinational efforts to recover and maintain control of vulnerable and orphan sources, encourages the Secretariat and Member States to strengthen and continue these efforts, and invites Member States to consider establishing radiation detection systems as appropriate;

73. Continues to endorse the principles and objectives of the non-legally-binding Code of Conduct on the Safety and Security of Radioactive Sources, notes that, as at 23 May 2011, 103 States had notified the Director General of their intention to act in accordance with the Code, and urges other States to make such a notification;

74. Underlines the important role of the Guidance on the Import and Export of Radioactive Sources for the establishment of continuous control of radioactive sources, notes that, as at 5 September 2011, 66 States had notified the Director General of their intention to act in accordance with the Guidance, encourages other States to make such a notification, reiterates the need for States to implement the Guidance in a harmonized and consistent fashion, and requests the Secretariat to continue to provide support to facilitate States' implementation of the Guidance;

75. Welcomes the progress made by many Member States in working towards sustainable control of radioactive sources through implementing the non-legally-binding Code of Conduct on the Safety and Security of Radioactive Sources and the supplementary Guidance on the Import and Export of Radioactive Sources;

76. Endorses the revised Guidance on the Import and Export of Radioactive Sources contained in document GC(55)/11, and notes that the revision of the Guidance does not require States which

have previously notified the Director General of their intention to act in accordance with the Guidance to do so again;

77. Encourages Member States to support the review meetings on the Code of Conduct and its supplementary Guidance to ensure their maintenance, and requests the Secretariat to continue to foster information exchange on implementation of the Code of Conduct and its supplementary Guidance;

78. Notes the outcomes of an open-ended meeting of technical and legal experts held in July 2011 concerning the development of a non-binding instrument on the transboundary movement of scrap metal that may inadvertently contain radioactive material, and calls upon the Secretariat to proceed with the development of a Code of Conduct;

**11. Nuclear and Radiological Incident and Emergency Preparedness and Response [Eds...]**

**Nuclear security**

[GC(55)/RES/10 September 2011]

The General Conference,

(a) Recalling its previous resolutions on measures to improve the security of nuclear and other radioactive materials and on measures against the illicit trafficking of these materials,

(b) Taking note of the Nuclear Security Report 2011 submitted by the Director General in document GC(55)/21) and the Nuclear Security Plan for 2010-13 approved by the Board of Governors in September 2009,

(c) Mindful of the responsibilities of every Member State, in accordance with its international obligations, to maintain effective nuclear security, and asserting that the responsibility for nuclear security within a State rests entirely with that State, and noting the important contribution of the Agency in facilitating international cooperation in supporting the efforts of States to fulfil their nuclear security responsibilities,

(d) Noting United Nations Security Council resolutions 1373, 1540, 1673, 1810 and 1977, United Nations General Assembly resolution 65/62, the International Convention for the Suppression of Acts of Nuclear Terrorism, and international efforts in conformity with these instruments to prevent access by non-State actors to weapons of mass destruction and related materials,

(e) Reaffirming the importance of the Convention on the Physical Protection of Nuclear Material and the value of the Amendment extending its scope,

(f) Noting the conclusions and recommendations for follow-on actions of the 2010 NPT Review Conference relating to nuclear security,

(g) Recognizing the Agency's leading role in the field of nuclear security and the need for improved cooperation and co-ordination of international efforts in order to avoid duplication and overlap,

(h) Noting the central role of the Agency in developing comprehensive nuclear security guidance documents and, on request, providing assistance to Member States in their implementation,

(i) Emphasizing the need for the involvement of all Member States of the Agency in nuclear security related activities and initiatives in an inclusive manner; and noting the role that international processes and initiatives, including Nuclear Security Summits and the one to be held in Seoul in 2012, could play in facilitating synergy and cooperation in the area of nuclear security,

(j) Recalling that UN General Assembly Resolution 65/62 states that progress is urgently needed in the area of disarmament and non-proliferation in order to maintain international peace and security and to contribute to global efforts against terrorism, and acknowledging the need to make further progress towards achieving nuclear disarmament,

(k) Reaffirming the importance and the value of the non-legally-binding Code of Conduct on the Safety and Security of Radioactive Sources and underlining the important role of the supplementary Guidance on the Import and Export of Radioactive Sources,

(l) Noting the central contribution of Member States' systems of

accounting for and control of nuclear materials to preventing loss of control and illicit trafficking and to deterring and detecting the unauthorized removal of nuclear materials,

(m) Underlining the importance of IAEA programmes for education and training in nuclear security, as well as other international, regional and national efforts in this area, and welcoming in that regard the efforts to establish a collaborative network of national nuclear security support centres,

(n) Recognizing the work done by the Agency in providing technical assistance and expert advice to countries hosting major public events,

(o) Recognizing the IAEA's central role in compiling and sharing information on illicit trafficking, and

(p) Stressing the essential importance of ensuring the confidentiality of information relevant to nuclear security,

1. Welcomes the Nuclear Security Report 2011 submitted by the Director General in document GC(55)/21, in particular the goals and priorities for the coming year, and invites the Director General and the Secretariat to continue to implement the Agency's activities relevant to nuclear security;

2. Calls upon all Member States to maintain the highest possible standards of security and physical protection of nuclear materials and facilities;

3. Calls upon all States to ensure that measures to strengthen nuclear security do not hamper international cooperation in the field of peaceful nuclear activities, production, transfer and use of nuclear and other radioactive materials, the exchange of nuclear materials for peaceful purposes and the promotion of peaceful uses of nuclear energy, without undermining the established priorities of the technical cooperation programme;

4. Calls upon all Member States to consider providing the necessary support to international efforts to enhance nuclear security through various arrangements at the bilateral, regional and international levels, and recalls the decision of the Board of Governors on support for the Nuclear Security Fund;

5. Calls upon all States Parties to the Convention on the Physical Protection of Nuclear Material to ratify the Amendment to the Convention as soon as possible and encourages them to act in accordance with the objectives and purposes of the Amendment until such time as it enters into force, and also encourages all Member States that have not yet done so to adhere to the Convention and adopt its Amendment as soon as possible;

6. Encourages all Member States that have not yet done so to become party to the International Convention on the Suppression of Acts of Nuclear Terrorism as soon as possible;

7. Welcomes the publication of the three Nuclear Security Recommendation documents NSS 13, 14 and 15, and notes the intent of the Secretariat, at the request of some Member States, also to publish the recommendations in NSS 13 as INFCIRC/225/Rev.5, and encourages all Member States to take into account, as appropriate, these IAEA recommendations;

8. Encourages the Agency to establish a Nuclear Security Guidance Committee to enhance Member States' interaction with the Secretariat in producing Nuclear Security Series documents;

9. Encourages the Secretariat to continue, in coordination with Member States, to play a constructive and coordinated role in nuclear security-related initiatives, inter alia the Global Initiative to Combat Nuclear Terrorism, and to work jointly, as appropriate, with relevant international and regional organizations and institutions, and notes in that regard the information exchange meeting held in May 2011;

10. Encourages the Secretariat, in cooperation with Member States, to continue training programmes and the education of trainers and to adapt the courses as appropriate to meet the needs of Member States;

11. Invites the Secretariat to provide assistance to Member States, upon their request, in fulfilling their obligations under United Nations Security Council resolution 1540 and to the 1540 Committee, provided that the requests are within the scope of the Agency's statutory responsibilities;

12. Encourages the Secretariat to provide assistance to Member States, upon request, to ensure the security of radioactive sources, particularly when the sources are provided by the Agency;

13. Calls upon all States to identify secure storage and disposition pathways for disused radioactive sealed sources so that such sources within their territories remain under regulatory control, unless exempted from regulatory control, and further calls upon States to address obstacles to the return of disused sources to the supplier State;

14. Strongly encourages all States to improve their national capabilities to prevent, detect, and deter illicit trafficking in nuclear materials and radioactive sources throughout their territories, to meet their relevant international obligations, and calls upon those States in a position to do so to work to enhance international partnerships and capacity-building in this regard;

15. Notes that the Agency's Illicit Trafficking Database (ITDB) Programme may help in identifying potential risks, and encourages the Secretariat to improve the reporting mechanism of the ITDB Programme, and Member States to provide timely and relevant information to the ITDB;

16. Reaffirms the leading role of the Agency, in cooperation with Member States, in ensuring coordination of activities in the field of nuclear security, whilst avoiding duplication and overlap, as mentioned in the Nuclear Security Report 2011;

17. Notes the Agency's efforts to raise awareness of the growing threat of cyber attacks and their potential impact on nuclear security, and encourages the Agency to assist Member States in this area by developing appropriate guidance documents, providing training courses, and hosting further expert meetings specific to cyber security at nuclear facilities;

18. Welcomes the Agency's work in the field of nuclear forensics, including the expansion of training courses aimed at assisting Member States in connection with the detection of, response to and determination of the origin of illicitly trafficked, stored or handled nuclear and other radioactive materials, and encourages Member States to provide continued support to the Agency's activities in this field, and encourages Member States which have not yet done so to establish national nuclear material databases, where practical;

19. Encourages the Member States concerned, on a voluntary basis, to further minimize HEU in civilian stocks and use LEU, where technically and economically feasible;

20. Encourages Member States to use the Agency's nuclear security advisory services for exchanges of views and advice on nuclear security measures, and welcomes in particular the increased recognition of IPPAS (International Physical Protection Advisory Service) missions by Member States;

21. Encourages the Secretariat, in cooperation with Member States, to establish and promote self assessment methodologies and approaches that are based on universally applicable guidance within the Nuclear Security Series and can be used by Member States on a voluntary basis to ensure effective and sustainable national nuclear security infrastructure;

22. Encourages Member States to ensure, at an early stage, that nuclear security is fully taken into account in the design process for new nuclear facilities, from the initial planning stage through site selection, design, construction and operation, drawing on Agency assistance if required;

23. Supports the steps taken by the Secretariat to ensure confidentiality of information relevant to nuclear security and requests the Secretariat to continue its efforts to implement appropriate confidentiality measures in conformity with the Agency's confidentiality regime and to report as appropriate to the Board of Governors on the status of the implementation of the confidentiality measures;

24. Requests that the actions of the Secretariat called for in this resolution be undertaken subject to the availability of resources; and

25. Requests the Director General to submit an annual Nuclear Security Report to the General Conference at its fifty-sixth (2012) regular session on activities undertaken by the Agency in the area

of nuclear security, highlighting significant accomplishments of the prior year and indicating programmatic goals and priorities for the year to come.

### **Strengthening of the Agency's technical cooperation activities**

[GC(53)/RES/12, September 2009]

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

#### **The General Conference.**

(a) Recalling resolution GC(52)/RES/11 on "Strengthening of the Agency's technical cooperation activities",

(b) Recalling the Brussels Declaration on the Least Developed Countries (LDCs) and the 2001-2010 Programme of Action for the LDCs,

(c) Bearing in mind that the objectives of the Agency as stated in Article II of the Statute are "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world" and to ensure that the assistance provided by it is not used "to further any military purpose",

(d) Recalling that one of the statutory functions of the Agency is to "encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world", and acknowledging that for developing countries, including LDCs, the technical cooperation programme of the Agency is a major vehicle for executing this function,

(e) Considering that the strengthening of technical cooperation activities in the fields of – inter alia - food and agriculture, human health, water resource management, environment, industry, knowledge management, and nuclear energy planning and production will substantially contribute to the well-being and help enrich the quality of life of the peoples of the world, and particularly those of developing Member States of the Agency, including the least developed ones,

(f) Conscious of the potential of nuclear power for meeting increasing energy requirements in a number of countries, and of the need for sustainable development, including climate protection,

(g) Also conscious of the need for the internationally recognized standards of safety to be applied in all uses of nuclear technology in order to protect mankind and the environment;

(h) Recalling previous resolutions favouring innovative educational partnerships - like the World Nuclear University - involving academia, government and industry, confident that such initiatives can, with Agency and Member States' support, play a valuable role in promoting strong educational standards and building leadership for an expanding global nuclear profession,

(i) Stressing the importance of nuclear knowledge sharing and the transfer of nuclear technology to developing countries for sustaining and further enhancing their scientific and technological capabilities and thereby contributing to their socio-economic development,

(j) Stressing that the Agency's resources for technical cooperation (TC) activities should be sufficient, assured and predictable (SAP) to meet the objectives mandated in Article II of the Statute and noting that the Director General has issued in 2007 a report entitled "TC Programme Resources – Sufficient, Assured and Predictable",

(k) Aware of the significant number of approved projects without financing (including footnote-a/ projects) in the technical cooperation programme,

(l) Recognizing that the number of countries and territories requiring technical support has reached 122 in 2008, and hence that the Technical Cooperation Fund (TCF) target should be set at an adequate and realistic level taking into account the growing needs of Member States,

(m) Noting the decision of the Board of Governors to set the target for voluntary contributions to the TCF at the level of US \$85 million in each of the years 2009 and 2010 and \$86 million for the year 2011, and that the Indicative Planning Figures for the years 2012-2013 shall be approximately, but not less than, US \$87 million,

(n) Stressing the importance of maintaining an appropriate balance between the promotional and other statutory activities of the Agency, and taking note of the decision of the Board, which - inter alia - notes that the synchronization of the TC programme cycle with the budget cycle provides a framework beginning in 2012, to consider appropriate increases to the resources for the TC programme, including the TCF target where such adjustments would take into account the changes in the level of the regular operational budget from 2009 onwards, the price adjustment factor and other relevant factors as contained in document GOV/2009/52/Rev.1, and taking note of the decision of the Board on the "split contribution system" as one of the measures to protect the purchasing power of the fund as contained in document GOV/2009/52/Rev.1,

(o) Recalling the obligation of some Member States in regard to National Participation Costs (NPCs), noting with appreciation the good record of an increasing number of Member States in their payments of NPCs, which demonstrates the strong commitment of recipient Member States to the TC programme, and recognizing the need to take into account the fact that Member States' national financial regulations and budgetary and fiscal schedules differ,

(p) Taking note of the subsequent results of the Rate of Attainment mechanism as established by resolution GC(44)/RES/8, noting with appreciation the 94.7% Rate of Attainment level at the end of 2008, and looking forward to reaching the rate of 100%, which is central to reconfirming the commitment of Member States to the Agency's TC programme,

(q) Recalling that the financing of TC should be in line with the concept of shared responsibility and that all members share a common responsibility towards financing and enhancing the TC activities of the Agency and recognizing the increase in the number of recipient Member States contributing through government cost-sharing,

(r) Expressing appreciation to those Member States which have contributed to the TCF their full TCF target shares in a timely manner,

(s) Recognizing that the effectiveness of the due account mechanism depends on its consistent application to all Member States, and taking note of the Director General's report on the application of the mechanism as contained in document GOV/INF/2008/6,

(t) Expressing concern that some Member States do not contribute their full TCF target shares or do not contribute to the TCF at all,

(u) Emphasizing the importance of the TC activities of the Agency, the financing of which should be guaranteed by, inter alia, results-based budgeting and the appropriate use of the Regular Budget in supporting the implementation of those activities,

(v) Recognizing that human capital planning and development of human resources, expert services, fellowships, training courses and appropriate equipment supply continue to be important components of TC activities to ensure impact and sustainability,

(w) Taking note with appreciation of the different activities carried out by the Secretariat in implementing the Technical Cooperation Strategy, including holding regional meetings for planning purposes, carrying out Country Programme Frameworks (CPFs) and the thematic planning, efforts to ensure that projects meet the national priorities of Member States, and encouraging technical cooperation activities, particularly through technical cooperation among developing countries (TCDC) and regional resource centres, partnerships in development, greater outreach, and in-house coordination, in line with the Technical Cooperation Management Principles (SEC/NOT/1790: Annex 1),

(x) Stressing that CPFs are non-legally-binding documents and are subject to revision as Member States' priorities evolve, and recalling that they are developed by Member States in cooperation with the Secretariat with the objective of facilitating an understanding of the real needs of developing Member States and of encouraging technical cooperation among developing countries (TCDC), where applicable,

(y) Reiterating the need to strengthen technical cooperation activities and to continuously enhance the effectiveness and efficiency of the TC programme in accordance with the requests

and needs of Member States with a view to strengthening their national programmes, and emphasizing that all measures taken in this regard should also preserve and enhance the ownership of TC projects by recipient Member States,

(z) Appreciating that the TC programme contributes to the achievement of national goals for sustainable development in TC-recipient Member States, particularly developing countries,

(aa) Noting the report of the UN Secretary General's High Level Panel on System Wide Coherence of November 2006, which proposed the establishment of a "Delivering as One" approach for the development, financing and delivery of country programmes by all UN system organizations which may have a possible impact on the TC programme in many areas, including resource mobilization, while noting the relationship between the Agency and the UN system and the nature, character and specificity of the TC programme, and noting that there are pilot countries implementing this exercise on a voluntary basis,

(bb) Recognizing that national nuclear and other entities are important partners in the implementation of TC programmes in Member States and in promoting the use of nuclear and related technologies for achieving national development objectives, and recognizing also in this regard the role of the National Liaison Officers and the Programme Management Officer (PMO),

(cc) Taking note with appreciation of the activities being developed by the Agency in the field of nuclear knowledge management, and particularly of the initiatives being emphasized by the TC programme in assisting national nuclear and other entities to enhance the basic infrastructure in this field, including safety aspects, and to further improve their technical capacity for ensuring sustainability,

(dd) Taking note also of the efforts, through – inter alia – the TC programme, towards the voluntary reduction and return of highly enriched uranium (HEU) fuels of nuclear research facilities, and

(ee) Noting the use of the Programme Cycle Management Framework and emphasizing the need for assessing its impact on, inter alia, enhancing coordination, programme planning and the quality of programme delivery as well as increasing the implementation rate, and also noting the Secretariat's statement that the International Public Sector Accounting Standards (IPSAS) would have no negative impact on the delivery and implementation of the TC programme,

1. Requests the Secretariat to continue to facilitate and to enhance the transfer of nuclear technology and know-how among Member States for peaceful uses as embodied in the Agency's TC programme, taking into account specific needs of developing countries including those of LDCs;

2. Urges Member States to make every effort towards facilitating the process for setting the TCF targets in accordance with the decision of the Board as contained in document GOV/2009/52/Rev.1;

3. Stresses the need for the Secretariat to continue to work, in consultation with Member States, towards establishing means, including mechanisms, that would achieve the goal of making TC resources sufficient, assured and predictable (SAP);

4. Requests the Director General to resume and to further develop and facilitate cost-sharing, outsourcing and other forms of partnership in development by reviewing and amending or simplifying, as appropriate, relevant financial and legal procedures and by developing a model arrangement and agreement for these partnerships, to ensure that their objectives are Specific, Measurable, Achievable, Realistic & Timely (SMART);

5. Requests the Secretariat to continue working with Member States, within relevant regions and regional cooperative agreements, in identifying regional resource centres or other qualified institutes, and formulating guidelines for the use of such centres and in developing and refining SMART partnership mechanisms in the context of enhancing regional and interregional cooperation;

6. Further requests the Director General to continue to take account of the views of the General Conference when requesting Member States to pledge and pay their respective shares of the TCF targets and to make timely payments to the TCF;

7. Encourages Member States to pay in full and on time their voluntary contributions to the TCF, encourages Member States to pay their NPCs on time, and requests those recipient Member States which are in arrears in Assessed Programme Costs (APCs) to meet this obligation;

8. Stresses the need to strengthen TC activities and to continuously enhance the effectiveness and efficiency of the TC programme in accordance with the requests and needs of Member States in all areas of concern;

9. Requests the Secretariat to ensure that the commencement of projects within a national programme will take place upon the receipt of at least the minimum payment of the NPCs and, in this regard, that preparatory activities will not be affected before this occurs and that, in the event of a failure to pay any second instalment falling due during a biennium, funding for a core project in the next biennium will be suspended until full payment is received;

10. Further requests that the Secretariat continue exploring, in consultation with Member States, the possibility and practicability of paying NPCs in kind and, in this context, that it find efficient ways of accurately valuing in-kind contributions pending the implementation of the International Public Sector Accounting Standards (IPSAS);

11. Requests the Secretariat to make every effort to apply the due account mechanism to all Member States equally and efficiently and to inform the Board about the application of the mechanism to Member States as appropriate;

12. Stresses the need to strengthen TC activities, including the provision of sufficient resources, and to continually enhance the effectiveness, efficiency and sustainability of the programmes and their management, and requests the Secretariat to continue to further refine the Technical Cooperation Strategy 2002 Review (GOV/1NF/2002/8) in consultation with all Member States, taking into consideration the increasing number of Member States requesting TC projects;

13. Requests the Secretariat to continue its efforts to improve the effectiveness and efficiency of TC management by, inter alia, ensuring that the components of TC projects, e.g. training, expertise and equipment, are readily available to Member States requesting them, and requests also that the supply of equipment to Member States meet international quality standards;

14. Requests the Secretariat to explore ways of giving an update on the progress of TC programme implementation in between annual TC reports;

15. Requests the Secretariat to play a more proactive role in seeking resources to implement footnote-a/ projects and encourages Member States to show more flexibility in the use of their extrabudgetary contributions in order to enable the implementation of more footnote-a/ projects;

16. Also requests the Director General to pursue, in consultation with Member States, efforts to strengthen the TC activities of the Agency through the development of effective programmes with well-defined outcomes aimed at promoting and improving the scientific, technological, research and regulatory capabilities of TC-recipient Member States, account being taken of the infrastructure and the level of technology of the countries concerned, by continuing to assist them in their peaceful, safe, secure and regulated applications of atomic energy and nuclear techniques in the fields of – inter alia –

(a) food and agriculture, human health, industry, water resource management, environment, knowledge management and biotechnology, and

(b) nuclear energy planning and production for those States pursuing nuclear power as a component of their sustainable energy mix, through relevant areas of importance as identified by Member States;

17. Requests the Director-General to continue consultations and interactions with interested States, the competent organizations of the United Nations system, multilateral financial institutions, regional development bodies and other relevant inter-governmental and non-governmental bodies to ensure the coordination of optimization of complementary activities, and to ensure that they are regularly informed about the developmental impact of the TC programme, while aiming at achieving sufficient,

assured and predictable resources for the TC programme;

18. Requests the Director General to help interested Member States to obtain relevant information on

- (a) the role of nuclear power in mitigating GHG emissions, guided by the objective of sustainable development, and
- (b) the role of radiation and nuclear technology in mitigating polluting gases (FGs and GHGs), in managing agricultural and industrial wastes and effluents, and in improving water security, with particular emphasis on the use of electron beams and isotopes, and, where appropriate and requested by Member States, to assist in the preparation of potential TC projects;

19. Requests the Director General to make every effort to ensure, where relevant, that the Agency's TC programme, taking into account specific needs of each Member States, particularly developing countries and LDCs, contributes to the promotion of key areas identified in the Johannesburg Plan of Implementation and to the attainment of the Millennium Development Goals, and further requests the Director General to keep Member States informed of the Agency's activities in this regard;

20. Requests the Secretariat to examine in depth the specific characteristics and problems of the developing countries and LDCs with respect to the peaceful applications of nuclear energy in consultation with the Member States;

21. Requests the Director General to promote, within the framework of the TC programme, activities supporting the self-reliance, sustainability and further relevance of national nuclear and other entities in Member States, particularly in developing countries, including encouraging regional and interregional cooperation on this issue;

22. Underlines the importance of consultations between the Secretariat and Member States on the support for and implementation of activities under regional cooperation agreements or other regional cooperation arrangements, and emphasizes also the need for complementarity between the regional cooperative agreements and regular regional projects, and notes the recommendations of SAGTAC in this regard;

23. Encourages the Secretariat to continue implementing the Programme Cycle Management Framework (PCMF) in phases, and to make it simpler and user-friendly so that Member States may use the tools effectively, and to take into account, in designing and implementing subsequent phases, difficulties experienced and concerns of Member States, including lack of adequate training, equipment and IT infrastructure in developing countries, particularly in LDCs; and

24. Requests the Director General and the Board of Governors to remain seized of this matter and further requests the Director General to report to the Board of Governors periodically and to the General Conference at its fifty-fourth (2010) regular session on the implementation of this resolution highlighting significant accomplishments of the prior year and indicating goals and priorities for the year to come under an agenda item entitled "Strengthening of the Agency's technical cooperation activities".

**Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol**

[GC(54)/RES/11 September 2010]

Resolution adopted on 24 September 2010 during the eleventh plenary meeting.

The resolution was adopted with 80 votes in favour, 0 against and 20 abstentions (roll call vote).

[Editorial note – other footnotes not included]

The General Conference,

(a) Recalling resolution GC(53)/RES/14,

(b) Convinced that the Agency's safeguards are a fundamental component of the nuclear non-proliferation regime, promote greater confidence among States, inter alia, by providing assurance that States are complying with their obligations under relevant safeguards agreements, contribute to strengthening their

collective security and help to create an environment conducive to nuclear cooperation,

(c) Considering the Agency's essential role in applying safeguards in accordance with the relevant articles of its Statute, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), nuclear-weapon-free zone treaties and other relevant treaties,

(d) Considering also the existing initiatives for the establishment of new nuclear-weapon-free zones and the positive role that the establishment of such zones, freely arrived at among States of the region concerned, and in accordance with the 1999 Guidelines of the United Nations Disarmament Commission, could play in furthering the application of Agency safeguards in those regions,

(e) Noting that the 2010 Review Conference of the States party to the Treaty on the Non-Proliferation of Nuclear Weapons achieved a substantive outcome in the form of a Final Document, including conclusions and recommendations for follow-on actions applicable to Agency safeguards,

(f) Noting that the implementation of comprehensive safeguards agreements should be designed to provide for verification by the Agency of the correctness and completeness of a State's declaration,

(g) Stressing the importance of the Model Additional Protocol approved on 15 May 1997 by the Board of Governors aimed at strengthening the effectiveness and improving the efficiency of the safeguards system,

(h) Welcoming the fact that all nuclear-weapon States have now brought into force protocols additional to their voluntary offer safeguards agreements incorporating those measures provided for in the Model Additional Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with the State's obligations under article I of the NPT,

(i) Noting that safeguards agreements are necessary for the Agency to provide assurances about a State's nuclear activities, and that additional protocols are very important instruments to enhance the Agency's ability to derive safeguards conclusions regarding the absence of undeclared nuclear materials and activities,

(j) Stressing the importance of the Agency exercising fully its mandate and its authority in accordance with its Statute to provide assurances about the non-diversion of declared nuclear material and the absence of undeclared nuclear material and activities in accordance with respective safeguards agreements and, where relevant, with additional protocols,

(k) Noting that decisions adopted by the Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of Agency safeguards should be supported and implemented and that the Agency's capability to detect undeclared nuclear material and activities should be increased within the context of its statutory responsibilities and safeguards agreements,

(l) Welcoming the Board's decision, in September 2005, that the Small Quantities Protocol (SQP) should remain part of the Agency's safeguards system, subject to the modifications in the standardized text and the change in the criteria for an SQP referred to in paragraph 2 of document GC(50)/2,

(m) Welcoming the important work being undertaken by the Agency in the conceptualization and development of State-level approaches to safeguards implementation and evaluation and in the implementation of State-level integrated safeguards approaches which support more effective and efficient safeguards,

(n) Taking note of the Agency's Safeguards Statement for 2009,

(o) Welcoming the work the Agency has undertaken in verifying nuclear material from dismantled nuclear weapons,

(p) Stressing that in using information received from open sources the Secretariat carefully considers the reliability of the source and whether or not the information is authenticated prior to reflection with the State concerned,

(q) Emphasising that there is a distinction between the legal obligations of States and voluntary measures aimed at facilitating

and strengthening the implementation of safeguards and aimed at confidence building, bearing in mind the obligation of States to cooperate with the Agency to facilitate the implementation of safeguards agreements,

(r) Welcoming the efforts by the Agency to assist States, upon request, in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of State Systems of Accounting for and Control of Nuclear Material (SSACs),

(s) Noting that bilateral and regional safeguards arrangements, involving the IAEA, play an important role in the further promotion of transparency and mutual confidence between the States and also provide assurances concerning nuclear non-proliferation,

(t) Stressing that the strengthening of the safeguards system should not entail any decrease in the resources available for technical assistance and co-operation and that it should be compatible with the Agency's function of encouraging and assisting the development and practical application of atomic energy for peaceful uses and with adequate technology transfer,

(u) Stressing the importance of maintaining and observing fully the principle of confidentiality regarding all information related to the implementation of safeguards in accordance with the Agency's Statute and safeguards agreements,

(v) Stressing the importance of the State, other concerned parties and the Agency, party to a safeguards agreement, cooperating in a transparent manner in the context of facilitating the implementation of that safeguards agreement, and

(w) Noting that the Secretariat ensures that all measures for strengthening effectiveness and improving efficiency of the safeguards system remain consistent with the Agency's statutory responsibilities and functions,

Consistent with the respective safeguards undertakings of Member States and in order to pursue further efforts to improve both the effectiveness and efficiency of the safeguards system:

1. Calls on all Member States to give their full and continuing support to the Agency in order to ensure that the Agency is able to meet its safeguards responsibilities;

2. Stresses the need for effective safeguards in order to prevent the use of nuclear material for prohibited purposes in contravention of safeguards agreements, and underlines the vital importance of effective and efficient safeguards for facilitating cooperation in the field of peaceful uses of nuclear energy;

3. Bearing in mind the importance of achieving the universal application of the Agency's safeguards system, urges all States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible;

4. Welcomes that, as of 24 September 2010, 167 States parties to the NPT have brought into force comprehensive safeguards agreements; however notes that 18 non-nuclear-weapon States parties to the NPT have yet to bring into force a comprehensive safeguards agreement;

5. Stresses the importance of States to comply fully with their safeguards obligations;

6. Underscores the importance of resolving all cases of non-compliance with safeguards obligations in full conformity with the Statute and States' legal obligations, and calls upon all States to extend their cooperation in this regard;

7. Bearing in mind that it is the sovereign decision of any State to conclude an additional protocol, but once in force, the additional protocol is a legal obligation, encourages all States which have not yet done so to conclude and to bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force in conformity with their national legislation;

8. Welcomes that, as of 24 September 2010, 135 States and other parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for 102 of those States and other parties;

9. Recommends that the Agency further facilitate and assist concerned Member States, at their request, in the conclusion and

entry into force of comprehensive safeguards agreements and additional protocols;

10. Notes that, for States with both a comprehensive safeguards agreement, and an additional protocol in force or being otherwise applied, Agency safeguards can provide increased assurances regarding both the non-diversion of nuclear material placed under safeguards and the absence of undeclared nuclear material and activities for a State as a whole;

11. Notes that, in the case of a State with a comprehensive safeguards agreement supplemented by an additional protocol in force, these measures represent the enhanced verification standard for that State;

12. Notes that, as of 24 September 2010, 97 States have comprehensive safeguards agreements supplemented by additional protocols in force, which represents a majority of those non-nuclear-weapon States parties to the NPT that have concluded comprehensive safeguards agreements, and that, of these, 46 States have significant nuclear activities and 42 States have operative SQPs;

13. Reaffirms that the Director General use the Model Additional Protocol as the standard for additional protocols which are to be concluded by States and other Parties to comprehensive safeguards agreements with the Agency and which should contain all of the measures in the Model Additional Protocol;

14. Reaffirms that the Director General negotiate additional protocols with other States that are prepared to accept measures provided for in the Model Additional Protocol in pursuance of safeguards effectiveness and efficiency objectives;

15. Further invites the nuclear-weapon States to keep the scope of their additional protocols under review;

16. Takes note of the revised standardized text for SQPs, and encourages States with SQPs to conclude with the Agency, as soon as possible, exchanges of letters consistent with the Board decision of 20 September 2005 with regard to SQPs, and requests the Secretariat to continue to assist States with SQPs, including non-members of the Agency, through available resources, in the establishment and maintenance of their SSACs;

17. Welcomes that, as of 24 September 2010, 45 States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors;

18. Urges the Secretariat to continue to improve the effectiveness and efficiency of safeguards through the use of a State-level approach in the planning, implementation and evaluation of safeguards activities, in conformity with the relevant safeguards agreement(s) in force for a State;

19. Welcomes that, as of 24 September 2010, the Agency is implementing State-level integrated safeguards approaches for 48 States;

20. Urges the Secretariat to continue to ensure that the transition to integrated safeguards is given high priority and that elements of the conceptual framework are continually reviewed in the light of experience and technological developments with a view to maintaining effectiveness and maximizing cost savings for the Agency and for States under integrated safeguards, including the reduction of verification effort;

21. Encourages States concerned to promote early consultations with the Agency at the appropriate stage on safeguards-relevant aspects for new nuclear facilities in order to facilitate future safeguards implementation;

22. Acknowledges the concerns expressed by the Director General on the need to protect safeguards confidential information within the Secretariat and his announcement of additional measures to protect such information, urges the Director General to exercise the highest vigilance in ensuring the proper protection of safeguards confidential information, and requests the Director General to continue to review and update the established procedure for the protection of safeguards confidential information within the Secretariat and report periodically to the Board about the implementation of the regime for the protection of safeguards confidential information;

23. Welcomes Agency and Member State efforts in strengthening the analytical capabilities of the Safeguards Analytical Laboratories (SAL) of the Agency, encourages the expansion of such analytical capabilities in other laboratories with a view to their qualification in the Network of Analytical Laboratories, encourages support for efforts towards the establishment of such capabilities, especially in developing countries, and encourages the Director General to keep the Member States informed on developments and measures taken by the Secretariat in this respect;

24. Welcomes continued cooperation between the Secretariat and State and regional systems of accounting for and control of nuclear material, and encourages them to increase their cooperation, taking into account their respective responsibilities and competencies;

25. Notes the commendable efforts of some Member States, notably Japan, and the Agency Secretariat in implementing elements of the plan of action outlined in resolution GC(44)/RES/19 and the Agency's updated plan of action (September 2010), and encourages them to continue these efforts, as appropriate and subject to the availability of resources, and review the progress in this regard, and recommends that the other Member States consider implementing elements of that plan of action, as appropriate, with the aim of facilitating the entry into force of comprehensive safeguards agreements and additional protocols, and the amendment of operative SQPs;

26. Welcomes efforts to strengthen safeguards, and in this context takes note of the Secretariat's activities in verifying and analysing information provided by Member States on nuclear supply and procurement in accordance with the Statute and relevant State safeguards agreements, taking into account the need for efficiency, and invites all States to cooperate with the Agency in this regard;

27. Requests the Director General and the Secretariat to continue to provide objective technically and factually based reports to the Board of Governors and the General Conference on the implementation of safeguards, with appropriate reference to relevant provisions of safeguards agreements;

28. Acknowledges the continued importance of the opportunity for Member States to express their views on the contents of the Safeguards Implementation Report (SIR);

29. Requests the Agency and Member States to continue to cooperate, as appropriate, to provide assistance to facilitate the implementation of safeguards agreements and of additional protocols, inter alia, through the exchange of equipment, material and scientific and technological information;

30. Requests that any new or expanded actions in this resolution be subject to the availability of resources, without detriment to the Agency's other statutory activities; and

31. Requests the Director General to report on the implementation of this resolution to the General Conference at its fifty-fifth (2011) regular session.

**Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol**

[GC(55)/DEC/11 September 2011]

The General Conference decided that the Director General shall report to the fifty-sixth (2012) regular session on the implementation of GC(54)/RES/11 "Strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol".

**Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea**

[GC(55)/RES/13 September 2011]

**Resolution adopted on 22 September 2011 during the seventh plenary meeting**

The General Conference,

(a) Recalling previous reports by the Agency's Director General regarding nuclear activities in the Democratic People's Republic of

Korea (DPRK), as well as relevant resolutions of the Agency's Board of Governors and General Conference,

(b) Recalling with deep concern the steps taken by the DPRK which led the Board of Governors to find that the DPRK was in non-compliance with its safeguards agreement and to report the DPRK's non-compliance to the United Nations Security Council,

(c) Further recalling with grave concern the nuclear tests by the DPRK on 9 October 2006, and on 25 May 2009 in violation of United Nations Security Council resolution 1718 (2006),

(d) Conscious that a Korean Peninsula free of nuclear weapons would contribute positively to regional and global peace and security,

(e) Recognizing the importance of the Six-Party Talks, in particular the commitments made by the Six Parties in the 19 September 2005 Joint Statement, and on 13 February and 3 October 2007,

(f) Recalling the important role that the Agency has played in monitoring and verification activities at the Yongbyon nuclear facilities, including as agreed in the Six-Party Talks,

(g) Noting with deep concern the DPRK's decision to cease all cooperation with the Agency, and its demand on 14 April 2009 that Agency inspectors leave the DPRK and remove all Agency containment and surveillance equipment from its facilities,

(h) Further noting in this context serious concerns regarding the subsequent actions announced by the DPRK, including reactivation of all facilities at Yongbyon, reprocessing of spent fuel and weaponization of the extracted plutonium, and development of uranium enrichment technology,

(i) Noting the report of the Director General (GC(55)/24) that the nuclear programme of the DPRK is a matter of serious concern, and that reports about the construction of a new uranium enrichment facility and a light water reactor in the DPRK are deeply troubling, and expressing concern regarding the DPRK's claimed uranium enrichment program and light water reactor construction,

(j) Noting the Director General's report that, contrary to the requirements of United Nations Security Council resolutions 1718 (2006) and 1874 (2009), the DPRK has not abandoned its existing nuclear programme in a complete, verifiable and irreversible manner or ceased all related activities, and

(k) Having considered the Director General's report contained in document GC(55)/24,

1. Stresses its desire for a diplomatic resolution of the DPRK nuclear issue so as to achieve the complete, verifiable and irreversible denuclearization of the Korean Peninsula;

2. Supports the Six-Party Talks as an effective mechanism for dealing with the DPRK nuclear issue, stresses the importance of the full implementation of the 19 September 2005 Joint Statement, welcomes the recent bilateral efforts for early resumption of the Six-Party Talks, and underscores the importance of continued efforts by all the parties concerned in this regard;

3. Strongly urges the DPRK not to conduct any further nuclear test, to fully comply with all its obligations under United Nations Security Council resolutions 1718 (2006) and 1874 (2009) and other relevant resolutions, and to fulfil its commitments under the 19 September 2005 Joint Statement of the Six-Party Talks, including abandoning all its nuclear weapons and existing nuclear programmes and immediately ceasing all related activities;

4. Stresses the importance of all Member States fully implementing their obligations pursuant to United Nations Security Council resolutions 1718 (2006) and 1874 (2009), including the DPRK's non-proliferation obligations;

5. Reaffirms that the DPRK cannot have the status of a nuclear-weapon State in accordance with the NPT as stated in United Nations Security Council resolutions 1718 (2006) and 1874 (2009), and the Final Document of the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

6. Calls upon the DPRK to come into full compliance with the NPT and to cooperate promptly with the Agency in the full and effective implementation of Agency comprehensive safeguards, including all necessary safeguards activities provided for in the Safeguards

Agreement which the Agency has not been able to conduct since 1994, and to resolve any outstanding issues that may have arisen due to the long absence of Agency safeguards and the lack of Agency access since April 2009;

7. Deplores the DPRK's actions to cease all cooperation with the Agency, strongly endorses the actions taken by the Board of Governors, commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK, and encourages the Secretariat to maintain its readiness to play an essential role in verifying the DPRK's nuclear programme, including the capability to re-establish implementation of safeguards-related activities in the DPRK;

8. Supports the international community's peaceful efforts in all available and appropriate forums to address the challenge posed by the DPRK; and

9. Decides to remain seized of the matter and to include the item in the agenda for its fifty-sixth (2012) regular session.

### **Application of IAEA safeguards in the Middle East**

[GC(55)/RES/14 September 2011]

[Eds – footnotes not included]

The General Conference,

(a) Recognizing the importance of the non-proliferation of nuclear weapons – both globally and regionally – in enhancing international peace and security,

(b) Mindful of the usefulness of the Agency's safeguards system as a reliable means of verification of the peaceful uses of nuclear energy,

(c) Concerned by the grave consequences, endangering peace and security, of the presence in the Middle East region of nuclear activities not wholly devoted to peaceful purposes,

(d) Welcoming the initiatives regarding the establishment of a zone free of all weapons of mass destruction, including nuclear weapons, in the Middle East and earlier initiatives regarding arms control in the region,

(e) Recognizing that full realization of these objectives would be promoted by the participation of all States of the region,

(f) Commending the efforts of the Agency concerning the application of safeguards in the Middle East and the positive response of most States in concluding a full-scope safeguards

agreement, and

(g) Recalling its resolution GC(54)/RES/13,

1 Takes note of the Director General's report in document GC(55)/23;

2 Calls upon all States in the region to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

3 Calls upon all States in the region to accede to and implement all

relevant nuclear disarmament and non-proliferation conventions, to fulfil in good faith international obligations and commitments relating to safeguards, and to cooperate fully with the IAEA within the framework of their respective obligations;

4 Affirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of an NWFZ;

5 Calls upon all parties directly concerned to consider seriously taking the practical and appropriate steps required for the implementation of the proposal to establish a mutually and effectively verifiable NWFZ in the region, and invites the countries concerned which have not yet done so to adhere to international non-proliferation regimes, including the Treaty on the Non-Proliferation of Nuclear Weapons, as a means of complementing participation in a zone free of all weapons of mass destruction in the Middle East and of strengthening peace and security in the region;

6 Further calls upon all States of the region, pending the establishment of the zone, not to pursue actions that would undermine the goal of establishing the zone, including developing, producing, testing or otherwise acquiring nuclear weapons;

7 Further calls upon all States in the region to take measures, including confidence-building and verification measures, aimed at establishing an NWFZ in the Middle East;

8 Urges all States to render assistance in the establishment of the zone and at the same time to refrain from any action that would hinder efforts aiming at its establishment;

9 Mindful of the importance of establishing the Middle East as a nuclear-weapon-free zone, and in this context, emphasizing the importance of establishing peace therein;

10 Requests the Director General to pursue further consultations with the States of the Middle East to facilitate the early application of full-scope Agency safeguards to all nuclear activities in the region as relevant to the preparation of model agreements, as a necessary step towards the establishment of an NWFZ in the region, referred to in resolution GC(XXXVII)/RES/627;

11 Calls upon all States in the region to extend their fullest cooperation to the Director General in the fulfilment of the tasks entrusted to him in the preceding paragraph;

12 Calls upon all other States, especially those with a special responsibility for the maintenance of international peace and security, to render all assistance to the Director General by facilitating the implementation of this resolution; and

13 Requests the Director General to submit to the Board of Governors and to the General Conference at its fifty-sixth (2012) regular session a report on the implementation of this resolution and to include in the provisional agenda for that session an item entitled "Application of IAEA safeguards in the Middle East".



## H – Safeguards Agreements with the International Atomic Energy Agency

### The Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968)

[Reproduced from IAEA Information Circular 66/Rev.2, (INFCIRC/66/Rev.2), 16 September 1968]

#### I. GENERAL CONSIDERATIONS

##### A. The purpose of this document

1. Pursuant to Article II of the Statute the Agency has the task of seeking 'to accelerate and enlarge the contribution of atomic energy and peace, health and prosperity throughout the world'. Inasmuch as the technology of nuclear energy for peaceful purposes is closely coupled with that for the production of materials for nuclear weapons, the same Article of the Statute provides that the Agency 'shall ensure so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose'.

2. The principal purpose of the present document is to establish a system of controls to enable the Agency to comply with this statutory obligation with respect to the activities of Member States in the field of the peaceful uses of nuclear energy, as provided in the Statute. The authority to establish such a system is provided by Article III.A.5 of the Statute, which authorizes the Agency to 'establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose'. This Article further authorizes the Agency to 'apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy'. Article XII.A sets forth the rights and responsibilities that the Agency is to have, to the extent relevant, with respect to any project or arrangement which it is to safeguard.

3. The principles set forth in this document and the procedures for which it provides are established for the information of Member States, to enable them to determine in advance the circumstances and manner in which the Agency would administer safeguards, and for the guidance of the organs of the Agency itself, to enable the Board and the Director General to determine readily what provisions should be included in agreements relating to safeguards and how to interpret such provisions.

4. Provisions of this document that are relevant to a particular project, arrangement or activity in the field of nuclear energy will only become legally binding upon the entry into force of a *safeguards agreement* and to the extent that they are incorporated therein. Such incorporation may be made by reference.

5. Appropriate provisions of this document may also be incorporated in bilateral or multilateral arrangements between Member States, including all those that provide for the transfer to the Agency of responsibility for administering safeguards. The Agency will not assume such responsibility unless the principles of the safeguards and the procedures to be used are essentially consistent with those set forth in this document.

6. Agreements incorporating provisions from the earlier version of the Agency's safeguards system will continue to be administered in accordance with such provisions, unless all States parties thereto request the Agency to substitute the provisions of the present document.

7. Provisions relating to types of *principal nuclear facilities*, other than *reactors*, which may produce, process or use safeguarded *nuclear material* will be developed as necessary.

8. The principles and procedures set forth in this document shall be subject to periodic review in the light of the further experience gained by the Agency as well as of technological developments.

##### B. General principles of the Agency's safeguards The Agency's obligations

9. Bearing in mind Article II of the Statute, the Agency shall implement safeguards in a manner designed to avoid hampering a State's economic or technological development.

10. The safeguards procedures set forth in this document shall be implemented in a manner designed to be consistent with

prudent management practices required for the economic and safe conduct of nuclear activities.

11. In no case shall the Agency request a State to stop the construction or operation of any *principal nuclear facility* to which the Agency's safeguards procedures extend, except by explicit decision of the Board.

12. The State or States concerned and the Director General shall hold consultations regarding the application of the provisions of the present document.

13. In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency.

14. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards, except that:

- (a) Specific information relating to such implementation in a State may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its safeguards responsibilities;
- (b) Summarized lists of items being safeguarded by the Agency may be published upon decision of the Board; and
- (c) Additional information may be published upon decision of the Board and if all States directly concerned agree.

##### Principles of implementation

15. The Agency shall implement safeguards in a State if:

- (a) The Agency has concluded with the State a *project agreement* under which materials, services, equipment, facilities or information are supplied, and such agreement provides for the application of safeguards; or
- (b) The State is a party to a bilateral or multilateral arrangement under which materials, services, equipment, facilities or information are supplied or otherwise transferred, and:
  - (i) All the parties to the arrangement have requested the Agency to administer safeguards; and
  - (ii) The Agency has concluded the necessary *safeguards agreement* with the State; or
- (c) The Agency has been requested by the State to safeguard certain nuclear activities under the latter's jurisdiction, and the Agency has concluded the necessary *safeguards agreement* with the State.

16. In the light of Article XI I.A.5 of the Statute, it is desirable that *safeguards agreements* should provide for the continuation of safeguards, subject to the provisions of this document, with respect to produced special fissionable material and to any materials substituted therefor.

17. The principal factors to be considered by the Board in determining the relevance of particular provisions of this document to various types of materials and facilities shall be the form, scope and amount of the assistance supplied, the character of each individual project and the degree to which such assistance could further any military purpose. The related *safeguards agreement* shall take account of all pertinent circumstances at the time of its conclusion.

18. In the event of any non-compliance by a State with a *safeguards agreement*, the Agency may take the measures set forth in Articles XI I.A.7 and XI I.C of the Statute.

#### II. CIRCUMSTANCES REQUIRING SAFEGUARDS

##### A. Nuclear materials subject to safeguards

19. Except as provided in paragraphs 21-28, *nuclear material* shall be subject to the Agency's safeguards if it is being or has been:

- (a) Supplied under a *project agreement*; or
- (b) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or
- (c) *Unilaterally submitted* to safeguards under a *safeguards agreement*; or

- (d) Produced, processed or used in a *principal nuclear facility* which has been:
- (i) Supplied wholly or substantially under a *project agreement*; or
  - (ii) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or
  - (iii) *Unilaterally submitted* to safeguards under a *safeguards agreement*; or
- (e) Produced in or by the use of safeguarded *nuclear material*; or
- (f) Substituted, pursuant to paragraph 26(d), for safeguarded *nuclear material*.

20. A *principal nuclear facility* shall be considered as substantially supplied under a *project agreement* if the Board has so determined.

## B. Exemption from Safeguards

### General Exemptions

21. *Nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request so exempted in that State may not at any time exceed:

- (a) 1 kilogram in total of special fissionable material, which may consist of one or more of the following:
  - (i) Plutonium;
  - (ii) Uranium with an *enrichment* of 0.2 (20%) above, taken account of by multiplying its weight by its *enrichment*.
  - (iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its *enrichment*.
- (b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
- (c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and
- (d) 20 metric tons of thorium.

### Exemptions related to reactors

22. Produced or used *nuclear material* that would otherwise be subject to safeguards pursuant to paragraph 19(d) or (e) shall be exempted from safeguards if:

- (a) It is plutonium produced in the fuel of a *reactor* whose rate of production does not exceed 100 grams of plutonium per year; or
- (b) It is produced in a *reactor* determined by the Agency to have a maximum calculated power for continuous operation of less than 3 thermal megawatts, or is used in such a *reactor* and would not be subject to safeguards except for such use, provided that the total power of the *reactors* with respect to which these exemptions apply in any State may not exceed 6 thermal megawatts.

23. Produced special fissionable material that would otherwise be subject to safeguards pursuant only to paragraph 19(e) shall in part be exempted from safeguards if it is produced in a *reactor* in which the ratio of fissionable isotopes within safeguarded *nuclear material* to all fissionable isotopes is less than 0.3 (calculated each time any change is made in the loading of the *reactor* and assumed to be maintained until the next such change). Such fraction of the produced material as corresponds to the calculated ratio shall be subject to safeguards.

### C. Suspension of safeguards

24. Safeguards with respect to *nuclear material* may be suspended while the material is transferred, under an arrangement or agreement approved by the Agency, for the purpose of processing, reprocessing, testing, research or development within the State concerned or to any other member State or to an international organization, provided that the quantities of *nuclear material* with respect to which safeguards are thus suspended in a State may not at any time exceed:

- (a) 1 *effective kilogram* of special fissionable material;
- (b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
- (c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and
- (d) 20 metric tons of thorium.

25. Safeguards with respect to *nuclear material* in irradiated fuel which is transferred for the purpose of reprocessing may also be suspended if the State or States concerned have, with the agreement of the Agency, placed under safeguards substitute *nuclear material* in accordance with paragraph 26(d) for the period of suspension. In addition, safeguards with respect to plutonium contained in irradiated fuel which is transferred for the purpose of

reprocessing may be suspended for a period not to exceed six months if the State or States concerned have, with the agreement of the Agency, placed under safeguards a quantity of uranium whose *enrichment* in the isotope uranium-235 is not less than 0.9 (90%) and the uranium-235 content of which is equal weight to such plutonium. Upon expiration of the said six months or the completion of reprocessing, whichever is earlier, safeguards shall, with the agreement of the Agency, be applied to such plutonium and shall cease to apply to the uranium substituted therefor.

## D. Termination of Safeguards

26. *Nuclear material* shall no longer be subject to safeguards after:

(a) It has been returned to the State that originally supplied it (whether directly or through the Agency), if it was subject to safeguards only by reason of such supply and if:

- (i) It was not *improved* while under safeguards; or
- (ii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or

(b) The Agency has determined that:

(i) It was subject to safeguards only by reason of its use in a *principal nuclear facility* specified in paragraph 19(d);

(ii) It has been removed from such facility; and

(iii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or

(c) The Agency has determined that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable; or

(d) The State or States concerned have, with the agreement of the Agency, placed under safeguards, as a substitute, such amount of the same element, not otherwise subject to safeguards, as the Agency has determined contains fissionable isotopes:

(i) Whose weight (with due allowance for processing losses) is equal to or greater than the weight of the fissionable isotopes of the material with respect to which safeguards are to terminate; and

(ii) Whose ratio by weight to the total substituted element is similar to or greater than the ratio by weight of the fissionable isotopes of the material with respect to which safeguards are to terminate to the total weight of such material; provided that the Agency may agree to the substitution of plutonium for uranium-235 contained in uranium whose *enrichment* is not greater than 0.05 (5%); or

(e) It has been transferred out of the State under paragraph 28(d), provided that such material shall again be subject to safeguards if it is returned to the State in which the Agency had safeguarded it; or

(f) The conditions specified in the *safeguards agreement* pursuant to which it was subject to Agency safeguards, no longer apply, by expiration of the agreement or otherwise.

27. If a State wishes to use safeguarded source material for non-nuclear purposes, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such material may be terminated.

## E. Transfer of safeguarded nuclear material out of the State

28. No safeguarded *nuclear material* shall be transferred outside the jurisdiction of the State in which it is being safeguarded until the Agency has satisfied itself that one or more of the following conditions apply:

(a) The material is being returned, under the conditions specified in paragraph 26(a), to the State that originally supplied it; or

(b) The material is being transferred subject to the provisions of paragraph 24 or 24; or

(c) Arrangements have been made by the Agency to safeguard the material in accordance with this document in the State to which it is being transferred; or

(d) The material was not subject to safeguards pursuant to a *project agreement* and will be subject, in the State to which it is being transferred, to safeguards other than those of the Agency but generally consistent with such safeguards and accepted by the Agency.

### III. SAFEGUARDS PROCEDURES

#### A. General procedures

##### Introduction

29. The safeguards procedures, set forth below shall be followed, as far as relevant with respect to safeguarded *nuclear materials*, whether they are being produced, processed or used in any *principal nuclear facility* or are outside any such facility. These procedures also extend to facilities containing or to contain such materials, including *principal nuclear facilities* to which the criteria in paragraph 19(d) apply.

##### Design review

30. The Agency shall review the design of *principal nuclear facilities*, for the sole purpose of satisfying itself that a facility will permit the effective application of safeguards.

31. The design review of a *principal nuclear facility* shall take place at as early a stage as possible. In particular, such review shall be carried out in the case of:

- (a) An Agency project, before the project is approved;
- (b) A bilateral or multilateral arrangement under which the responsibility for administering safeguards is to be transferred to the Agency, or an activity *unilaterally submitted* by a State, before the Agency assumes safeguards responsibilities with respect to the facility;
- (c) A transfer of safeguarded *nuclear material* to a *principal nuclear facility* whose design has not previously been reviewed, before such transfer takes place; and
- (d) A significant modification of a *principal nuclear facility* whose design has previously been reviewed, before such modification is undertaken.

32. To enable the Agency to perform the required design review, the State shall submit to it relevant design information sufficient for the purpose, including information on such basic characteristics of the *principal nuclear facility* as may bear on the Agency's safeguards procedures. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibility under this section. It shall complete the review promptly after the submission of this information by the State and shall notify the latter of its conclusions without delay.

##### Records

33. The State shall arrange for the keeping of records with respect to *principal nuclear facilities* and also with respect to all safeguarded *nuclear material* outside such facilities. For this purpose the State and the Agency shall agree on a system of records with respect to each facility and also with respect to such material, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the records need to be kept.

34. If the records are not kept in one of the working languages of the Board, the State shall make arrangements to facilitate their examination by inspectors.

35. The records shall consist, as appropriate, of:

- (a) Accounting records of all safeguarded *nuclear material*; and
- (b) Operating records for *principal nuclear facilities*.

36. All records shall be retained for at least two years.

##### Reports

###### General Requirements

37. The State shall submit to the Agency reports with respect to the production, processing and use of safeguarded *nuclear material* in or outside *principal nuclear facilities*. For this purpose the State and the Agency shall agree on a system of reports with respect to each facility and also with respect to safeguarded *nuclear material* outside such facilities, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the reports need to be submitted. The reports need include only such information as is relevant for the purpose of safeguards.

38. Unless otherwise provided in the applicable *safeguards agreement*, reports shall be submitted in one of the working languages of the Board.

###### Routine reports

39. Routine reports shall be based on the records compiled in accordance with paragraphs 33-36 and shall consist, as

appropriate, of:

- (a) Accounting reports showing the receipt, transfer out, inventory and use of all safeguarded *nuclear material*. The inventory shall indicate the nuclear and chemical composition and physical form of all material and its location on the date of the report; and
- (b) Operating reports showing the use that has been made of each *principal nuclear facility* since the last report and, as far as possible, the programme of future work in the period until the next routine report is expected to reach the Agency.

40. The first routine report shall be submitted as soon as:

- (a) There is any safeguarded *nuclear material* to be accounted for; or
- (b) The *principal nuclear facility* to which it relates is in a condition to operate.

###### Progress in construction

41. The Agency may, if so provided in a *safeguards agreement*, request information as to when particular stages in the construction of a *principal nuclear facility* have been or are to be reached.

###### Special reports

42. The State shall report to the Agency without delay:

- (a) If any unusual incident occurs involving actual or potential loss or destruction of, or damage to, any safeguarded *nuclear material* or *principal nuclear facility*; or
- (b) If there is good reason to believe that safeguarded *nuclear material* is lost or unaccounted for in quantities that exceed the normal operating and handling losses that have been accepted by the Agency as characteristic of the facility.

43. The State shall report to the Agency, as soon as possible, and in any case within two weeks, any transfer not requiring advance notification that will result in a significant change (to be defined by the Agency in agreement with the State) in the quantity of safeguarded *nuclear material* in a facility, or in a complex of facilities considered as a unit for this purpose by agreement with the Agency. Such report shall indicate the amount and nature of the material and its intended use.

###### Amplification of reports

44. At the Agency's request, the State shall submit amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

##### Inspections

###### General procedures

45. The Agency may inspect safeguarded *nuclear materials* and *principal nuclear facilities*.

46. The purpose of safeguards inspections shall be to verify compliance with *safeguards agreements* and to assist States in complying with such agreements and in resolving any questions arising out of the implementation of safeguards.

47. The number, duration and intensity of inspections actually carried out shall be kept to the minimum consistent with the effective implementation of safeguards, and if the Agency considers that the authorized inspections are not all required, fewer shall be carried out.

48. Inspectors shall neither operate any facility themselves nor direct the staff of a facility to carry out any particular operation.

###### Routine inspections

49. Routine inspections may include, as appropriate:

- (a) Audit of records and reports;
- (b) Verification of the amount of safeguarded *nuclear material* by physical inspection, measurement and sampling;
- (c) Examination of *principal nuclear facilities*, including a check of their measuring instruments and operating characteristics; and
- (d) Check of the operations carried out at *principal nuclear facilities* and at *research and development facilities* containing safeguarded *nuclear material*.

50. Whenever the Agency has the right of access to a *principal nuclear facility* at all times, it may perform inspections of which notice as required by paragraph 4 of the *Inspectors Document* need not be given, in so far as this is necessary for the effective application of safeguards. The actual procedures to implement these provisions shall be agreed upon between the parties concerned in the *safeguards agreement*.

**Initial inspections**

51. To verify that the construction of a *principal nuclear facility* is in accordance with the design reviewed by the Agency, an initial inspection or inspections of the facility may be carried out, if so provided in a *safeguards agreement*:

- (a) As soon as possible after the facility has come under Agency safeguards, in the case of a facility already in operation; or
- (b) Before the facility starts to operate, in other cases.

52. The measuring instruments and operating characteristics of the facility shall be reviewed to the extent necessary for the purpose of implementing safeguards. Instruments that will be used to obtain data on the *nuclear materials* in the facility may be tested to determine their satisfactory functioning. Such testing may include the observation by inspectors of commissioning or routine tests by the staff of the facility, but shall not hamper or delay the construction, commissioning or normal operation of the facility.

**Special inspections**

53. The Agency may carry out special inspections if:

- (a) The study of a report indicates that such inspection is desirable; or
- (b) Any unforeseen circumstance requires immediate action. The Board shall subsequently be informed of the reasons for and the results of each such inspection.

54. The Agency may also carry out special inspections of substantial amounts of safeguarded *nuclear material* that are to be transferred outside the jurisdiction of the State in which it is being safeguarded, for which purpose the State shall give the Agency sufficient advance notice of any such proposed transfer.

**B. Special procedures for reactors Reports**

55. The frequency of submission of routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections. However, at least two such reports shall be submitted each year and in no case shall more than 12 such reports be required in any year.

**Inspections**

56. One of the initial inspections of a *reactor* shall if possible be made just before the reactor first reaches criticality.

57. The maximum frequency of routine inspections of a *reactor* and of the safeguarded *nuclear material* in it shall be determined from the following table:

Whichever is the largest of: (a) Facility inventory (including loading); (b) Annual throughput; (c) Maximum potential annual production of special fissionable material ( <i>Effective kilograms of nuclear material</i> )	Maximum number of routine inspections annually
Up to 1	0
More than 1 and up to 5	1
More than 5 and up to 10	2
More than 10 and up to 15	3
More than 15 and up to 20	4
More than 20 and up to 25	5
More than 25 and up to 30	6
More than 30 and up to 35	7
More than 35 and up to 40	8
More than 40 and up to 45	9
More than 45 and up to 50	10
More than 50 and up to 55	11
More than 55 and up to 60	12
More than 60	Right of access at all times

58. The actual frequency of inspection of a *reactor* shall take account of:

- (a) Whether the State possesses irradiated-fuel reprocessing facilities;
- (b) The nature of the *reactor*; and
- (c) The nature and amount of the *nuclear material* produced or used in the *reactor*.

**C. Special procedures relating to safeguarded nuclear material outside principal nuclear facilities Nuclear material in research and development facilities**

**Routine reports**

59. Only accounting reports need be submitted in respect of *nuclear material* in *research and development facilities*. The frequency of submission of such routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

**Routine inspections**

60. The maximum frequency of routine inspections of safeguarded *nuclear material* in a *research and development facility* shall be that specified in the table in paragraph 57 for the total amount of material in the facility.

**Source materials in sealed storage**

61. The following simplified procedures for safeguarding stockpiled source material shall be applied if a State undertakes to store such material in a sealed storage facility and not to remove it therefrom without previously informing the Agency.

**Design of storage facilities**

62. The State shall submit to the Agency information on the design of each sealed storage facility and agree with the Agency on the method and procedure for sealing it.

**Routine reports**

63. Two routine accounting reports in respect of source material in sealed storage shall be submitted each year.

**Routine inspections**

64. The Agency may perform one routine inspection of each sealed storage facility annually.

**Removal of material**

65. The State may remove safeguarded source material from a sealed storage facility after informing the Agency of the amount, type and intended use of the material to be removed, and providing sufficient other data in time to enable the Agency to continue safeguarding the material after it has been removed.

**Nuclear material in other locations**

66. Except to the extent that safeguarded *nuclear material* outside of *principal nuclear facilities* is covered by any of the provisions set forth in paragraphs 59-65, the following procedures shall be applied with respect to such material (for example, source material stored elsewhere than in a sealed storage facility, or special fissionable material used in a sealed neutron source in the field).

**Routine reports**

67. Routine accounting reports in respect of all safeguarded *nuclear material* in this category shall be submitted periodically. The frequency of submission of such reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

**Routine inspections**

68. The maximum frequency of routine inspections of safeguarded *nuclear material* in this category shall be one inspection annually if the total amount of such material does not exceed five *effective kilograms*, and shall be determined from the table in paragraph 57 if the amount is greater.

**IV. DEFINITIONS**

- 69. 'Agency' means the International Atomic Energy Agency.
- 70. 'Board' means the Board of Governors of the Agency.
- 71. 'Director General' means the Director General of the Agency.
- 72. 'Effective kilograms' means:
  - (a) In the case of plutonium, its weight in kilograms;

- (b) In the case of uranium with an *enrichment* of 0.01 (1 %) and above, its weight in kilograms multiplied by the square of its *enrichment*;
- (c) In the case of uranium with an *enrichment* below 0.01 (1 %) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
- (d) In the case of depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and in the case of thorium, its weight in kilograms multiplied by 0.00005.

73. 'Enrichment' means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

74. 'Improved' means, with respect to *nuclear material*, that either:

- (a) The concentration of fissionable isotopes in it has been increased; or
- (b) The amount of chemically separable fissionable isotopes in it has been increased; or
- (c) Its chemical or physical form has been changed so as to facilitate further use or processing.

75. 'Inspector' means an Agency official designated in accordance with the *Inspectors Document*.

76. 'Inspectors Document' means the Annex to the Agency's document GC(V)/INF/39.

77. 'Nuclear material' means any source or special fissionable material as defined in Article XX of the Statute.

78. 'Principal nuclear facility' means a *reactor*, a plant for processing *nuclear material* irradiated in a *reactor*, a plant for separating the isotopes of a *nuclear material*, a plant for processing or fabricating *nuclear material* (excepting a mine or ore-processing plant) or a facility or plant of such other type as may be designated by the Board from time to time, including associated storage facilities.

79. 'Project agreement' means a *safeguards agreement* relating to an Agency project and containing provisions as foreseen in Article XI.F4(b) of the Statute.

80. 'Reactor' means any device in which a controlled, self-sustaining fission chain-reaction can be maintained.

81. 'Research and development facility' means a facility, other than a *principal nuclear facility*, used for research or development in the field of nuclear energy.

82. 'Safeguards agreement' means an agreement between the Agency and one or more Member States which contains an undertaking by one or more of those States not to use certain items in such a way as to further any military purpose and which gives the Agency the right to observe compliance with such undertaking. Such an agreement may concern:

- (a) An Agency project;
- (b) A bilateral or multilateral arrangement in the field of nuclear energy under which the Agency may be asked to administer safeguards; or
- (c) Any of a State's nuclear activities *unilaterally submitted* to Agency safeguards.

83. 'Statute' means the Statute of the Agency.

84. 'Throughput' means the rate at which *nuclear material* is introduced into a facility operating at full capacity.

85. 'Unilaterally submitted' means submitted by a State to Agency safeguards, pursuant to a *safeguards agreement*.

## ANNEX I. PROVISIONS FOR REPROCESSING PLANTS

### Introduction

1. The Agency's Safeguards System (1965) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to the safeguarding of *reprocessing plants*. However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two year's experience of their application has been gained.

### Special procedures

#### Reports

2. The frequency of submission of routine reports shall be once each calendar month.

#### Inspections

3. A *reprocessing plant* having an annual *throughput* not

exceeding 5 *effective kilograms* of *nuclear material*, and the safeguarded *nuclear material* in it, may be routinely inspected twice a year. A *reprocessing plant* having an annual *throughput* exceeding 5 *effective kilograms* of *nuclear material*, and the safeguarded *nuclear material* in it, may be inspected at all times. The arrangements for inspections set forth in paragraph 50 shall apply to all inspections to be made under this paragraph.

4. When a *reprocessing plant* is under Agency safeguards only because it contains safeguarded *nuclear material*, the inspection frequency shall be based on the rate of delivery of safeguarded *nuclear material*.

5. The State and the Agency shall co-operate in making all the necessary arrangements to facilitate the taking, shipping or analysis of samples, due account being taken of the limitations imposed by the characteristics of a plant already in operation when placed under Agency safeguards.

### Mixtures of safeguarded and un-safeguarded nuclear material

6. By agreement between the State and the Agency, the following special arrangements may be made in the case of a *reprocessing plant* to which the criteria in paragraph 19(d) do not apply, and in which safeguarded and unsafeguarded *nuclear materials* are present:

(a) Subject to the provisions of sub-paragraph (b) below, the Agency shall restrict its safeguards procedures to the area in which irradiated fuel is stored, until such time as all or any part of such fuel is transferred out of the storage area into other parts of the plant. Safeguards procedures shall cease to apply to the storage area or plant when either contains no safeguarded *nuclear material*; and

(b) Where possible, safeguarded *nuclear material* shall be measured and sampled separately from unsafeguarded material, and at as early a stage as possible. Where separate measurement, sampling or processing are not possible, the whole of the material being processed in that *campaign* shall be subject to the safeguards procedures set out in this Annex. At the conclusion of the processing the *nuclear material* that is thereafter to be safeguarded shall be selected by agreement between the State and the Agency from the whole output of the plant resulting from that *campaign*, due account being taken of any processing losses accepted by the Agency.

### Definitions

7. 'Reprocessing plant' means a facility to separate irradiated *nuclear materials* and fission products, and includes the facility's head-end treatment section and its associated storage and analytical sections.

8. 'Campaign' means the period during which the chemical processing equipment in a *reprocessing plant* is operated between two successive wash-outs of the *nuclear material* present in the equipment.

## ANNEX II. PROVISIONS FOR SAFEGUARDED NUCLEAR MATERIAL IN CONVERSION PLANTS AND FABRICATION PLANTS

### Introduction

1. The Agency's Safeguards System (1965, as Provisionally Extended in 1966) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to safeguarded *nuclear material* in *conversion plants* and *fabrication plants*. However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two years' experience of their application has been gained.

### Special procedures

#### Reports

2. The frequency of submission of routine reports shall be once each calendar month.

#### Inspections

3. A *conversion plant* or *fabrication plant* to which the criteria in paragraph 19(d) apply and the *nuclear material* in it, may be inspected at all times if the plant inventory at any time, or the annual input, of *nuclear material* exceeds five *effective kilograms*.

Where neither the inventory at any time, nor the annual input, exceeds five *effective kilograms* of *nuclear material*, the routine inspections shall not exceed two in a year. The arrangements for inspection set forth in paragraph 50 shall apply to all inspections to be made under this paragraph.

4. When a *conversion plant* or *fabrication plant* to which the criteria in paragraph 19(d) do not apply contains safeguarded *nuclear material* the frequency of routine inspections shall be based on the inventory at any time and the annual input of safeguarded *nuclear material*. Where the inventory at any time, or the annual input, of safeguarded *nuclear material* exceeds five *effective kilograms* the plant may be inspected at all times. Where neither the inventory at any time, nor the annual input, exceeds five *effective kilograms* of safeguarded *nuclear material* the routine inspections shall not exceed two a year. The arrangements for inspection set forth in paragraph 50 shall apply to all inspections to be made under this paragraph 2.

5. The intensity of inspection of safeguarded *nuclear material* at various steps in a *conversion plant* or *fabrication plant* shall take account of the nature, isotopic composition and amount of safeguarded *nuclear material* in the plant. Safeguards shall be applied in accordance with the general principles set forth in paragraphs 9-14. Emphasis shall be placed on inspection to control uranium of high enrichments and plutonium.

6. Where a plant may handle safeguarded and unsafeguarded *nuclear material*, the State shall notify the Agency in advance of the programme for handling safeguarded batches to enable the Agency to make inspections during these periods, due account being also taken of the arrangements under paragraph 10 below.

7. The State and the Agency shall co-operate in making all the necessary arrangements to facilitate the preparation of inventories of safeguarded *nuclear material* and the taking, shipping and/or analysis of samples, due account being taken of the limitations imposed by the characteristics of a plant already in operation when placed under Agency safeguards.

#### Residue, scrap and waste

8. The State shall ensure that safeguarded *nuclear material* contained in residues, scrap or waste created during conversion or fabrication is recovered, as far as is practicable, in its facilities and within a reasonable period of time. If such recovery is not considered practicable by the State, the State and the Agency shall co-operate in making arrangements to account for and dispose of the material.

#### Safeguarded and unsafeguarded nuclear material

9. By agreement between the State and the Agency, the following special arrangements may be made in the case of a conversion plant or a fabrication plant to which the criteria in paragraph 19(d) do not apply, and in which safeguarded and unsafeguarded nuclear material are both present:

(a) Subject to the provisions of sub-paragraph (b) below, the Agency shall restrict its safeguards procedures to the area in which safeguarded *nuclear material* is stored, until such time as all or any part of such *nuclear material* is transferred out of the storage area into other parts of the plant. Safeguards procedures shall cease to be applied to the storage area or plant when it contains no safeguarded *nuclear material*; and

(b) Where possible, safeguarded *nuclear material* shall be measured and sampled separately from unsafeguarded *nuclear material*, and at as early a stage as possible. Where separate measurement sampling or processing is not possible, any *nuclear material* containing safeguarded *nuclear material* shall be subject to the safeguards procedures set out in this Annex. At the conclusion of processing, the *nuclear material* that is thereafter to be safeguarded shall be selected, in accordance with paragraph 11 below when applicable, by agreement between the State and the Agency, due account being taken of any processing losses accepted by the Agency.

#### Blending of nuclear material

10. When safeguarded *nuclear material* is to be blended with either safeguarded or unsafeguarded *nuclear material*, the State shall notify the Agency sufficiently in advance of the programme of blending to enable the Agency to exercise its right to obtain evidence, through inspection of the blending operation or otherwise, that the blending is performed according to the programme.

11. When safeguarded and unsafeguarded *nuclear material* are blended, if the ratio of fissionable isotopes in the safeguarded component going into the blend to all the fissionable isotopes in the blend is 0.3 or greater, and if the concentration of fissionable isotopes in the unsafeguarded *nuclear material* is increased by such blending, then the whole blend shall remain subject to safeguards. In other cases the following procedures shall apply:

(a) Plutonium/plutonium blending. The quantity of the blend that shall continue to be safeguarded shall be such that its weight, when multiplied by the square of the weight fraction of contained fissionable isotopes, is not less than the weight of originally safeguarded plutonium multiplied by the square of the weight fraction of fissionable isotopes therein, provided however that:

(i) In cases where the weight of the whole blend, when multiplied by the square of the weight fraction of contained fissionable isotopes, is less than the weight of originally safeguarded plutonium multiplied by the square of the weight fraction of fissionable isotopes therein, the whole of the blend shall be safeguarded; and

(ii) The number of fissionable atoms in the portion of the blend that shall continue to be under safeguards shall in no case be less than the number of fissionable atoms in the originally safeguarded plutonium;

(b) Uranium/uranium blending. The quantity of the blend that shall continue to be safeguarded shall be such that the number of *effective kilograms* is not less than the number of *effective kilograms* in the originally safeguarded uranium, provided however that:

(i) In cases where the number of *effective kilograms* in the whole blend is less than in the safeguarded uranium, the whole of the blend shall be safeguarded; and

(ii) The number of fissionable atoms in the portion of the blend that shall continue to be under safeguards shall in no case be less than the number of fissionable atoms in the originally safeguarded uranium;

(c) Uranium/plutonium blending. The whole of the resultant blend shall be safeguarded until the uranium and the plutonium constituents are separated. After separation of the uranium and plutonium, safeguards shall apply to the originally safeguarded component; and

(d) Due account shall be taken of any processing losses agreed upon between the State and the Agency.

#### Definitions

12. 'Conversion plant' means a facility (excepting a mine or re-processing) plant to *improve* unirradiated *nuclear material*, or irradiated *nuclear material* that has been separated from fission products, by changing its chemical or physical form so as to facilitate further use or processing. The term *conversion plant* includes the facility's storage and analytical sections. The term does not include a plant intended for separating the isotopes of a *nuclear material*.

13. 'Fabrication plant' means a plant to manufacture fuel elements or other components containing *nuclear material* and includes the plant's storage and analytical sections.

[Editorial note: Footnotes not included. They may be viewed at <http://www.iaea.org/Publications/Documents/Infcircs/Others/inf66r2.shtml>]

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### The Structure and Content of Agreements between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

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[Reproduced from IAEA Information Circular 153 (Corrected) (INFCIRC/153), dated June 1972]

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#### PART I

##### Basic Undertaking

1. The Agreement should contain, in accordance with Article I II.1 of the Treaty on the Non-Proliferation of Nuclear Weapons, an undertaking by the State to accept safeguards, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

### Application of Safeguards

2. The Agreement should provide for the Agency's right and obligation to ensure that safeguards will be applied, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territory of the State, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

### Co-operation Between the Agency and the State

3. The Agreement should provide that the Agency and the State shall co-operate to facilitate the implementation of the safeguards provided for therein.

### Implementation of Safeguards

4. The Agreement should provide that safeguards shall be implemented in a manner designed:

- (a) To avoid hampering the economic and technological development of the State or international co-operation in the field of peaceful nuclear activities, including international exchange of *nuclear material*;
- (b) To avoid undue interference in the State's peaceful nuclear activities, and in particular in the operation of *facilities*; and
- (c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

5. The Agreement should provide that the Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of the Agreement, except that specific information relating to such implementation in the State may be given to the Board of Governors and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing the Agreement. Summarized information on *nuclear material* being safeguarded by the Agency under the Agreement may be published upon decision of the Board if the states directly concerned agree.

6. The Agreement should provide that in implementing safeguards pursuant thereto the Agency shall take full account of technological developments in the field of safeguards, and shall make every effort to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of *nuclear material* subject to safeguards under the Agreement by use of instruments and other techniques at certain *strategic points* to the extent that present or future technology permits. In order to ensure optimum cost-effectiveness, use should be made, for example, of such means as:

- (a) Containment as a means of defining *material balance points* for accounting purposes;
- (b) Statistical techniques and random sampling in evaluating the flow of *nuclear material*; and
- (c) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of *nuclear material* from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other *nuclear material* on condition that this does not hamper the Agency in applying safeguards under the Agreement.

### National System of Accounting for and Control of Nuclear Material

7. The Agreement should provide that the State shall establish and maintain a system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement, and that such safeguards shall be applied in such a manner as to enable the Agency to verify, in ascertaining that there has been no diversion of *nuclear material* from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of the State's system. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency in accordance with the procedures specified in Part II below. The Agency, in its verification, shall take due account of the technical effectiveness of the State's system.

### Provision of Information to the Agency

8. The Agreement should provide that to ensure the effective implementation of safeguards thereunder the Agency shall be provided, in accordance with the provisions set out in Part II below, with information concerning *nuclear material* subject to safeguards under the Agreement and the features of *facilities* relevant to safeguarding such material. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under the Agreement. Information pertaining to *facilities* shall be the minimum necessary for safeguarding *nuclear material* subject to safeguards under the Agreement. In examining design information, the Agency shall, at the request of the State, be prepared to examine on premises of the State design information which the State regards as being of particular sensitivity. Such information would not have to be physically transmitted to the Agency provided that it remained available for ready further examination by the Agency on premises of the State.

### Agency Inspectors

9. The Agreement should provide that the State shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under the Agreement. The Agency shall secure the consent of the State to the designation of Agency inspectors to that State. If the State, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to the State an alternative designation or designations. The repeated refusal of a State to accept the designation of Agency inspectors which would impede the inspections conducted under the Agreement would be considered by the Board upon referral by the Director General with a view to appropriate action. The visits and activities of Agency Inspectors shall be so arranged as to reduce to a minimum the possible inconvenience and disturbance to the State and to the peaceful nuclear activities inspected, as well as to ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

### Privileges and Immunities

10. The Agreement should specify the privileges and immunities which shall be granted to the Agency and its staff in respect of their functions under the Agreement. In the case of a State party to the Agreement on the Privileges and Immunities of the Agency, the provisions thereof, as in force for such State, shall apply. In the case of other States, the privileges and immunities granted should be such as to ensure that:

- (a) The Agency and its staff will be in a position to discharge their functions under the Agreement effectively; and
- (b) No such State will be placed thereby in a more favourable position than States party to the Agreement on the Privileges and Immunities of the Agency.

### Termination of Safeguards

#### *Consumption or dilution of nuclear material*

11. The Agreement should provide that safeguards shall terminate on *nuclear material* subject to safeguards thereunder upon determination by the Agency that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable.

#### *Transfer of nuclear material out of the State*

12. The Agreement should provide, with respect to *nuclear material* subject to safeguards thereunder, for notification of transfers of such material out of the State, in accordance with the provisions set out in paragraphs 92-94 below. The Agency shall terminate the Agreement on *nuclear material* when the recipient State has assumed responsibility therefore, as provided for in paragraph 91. The Agency shall maintain records indicating each transfer and, where applicable, the re-application of safeguards to the transferred *nuclear material*.

#### *Provisions relating to nuclear material to be used in non-nuclear activities*

13. The Agreement should provide that if the State wishes to use *nuclear material* subject to safeguards thereunder in non-nuclear activities, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the

safeguards on such *nuclear material* may be terminated.

#### **Non-application of Safeguards to Nuclear Material to be Used in Non-peaceful Activities**

14. The Agreement should provide that if the State intends to exercise its discretion to use *nuclear material* which is required to be safeguarded thereunder in a nuclear activity which does not require the application of safeguards under the Agreement, the following procedures will apply:

(a) The State shall inform the Agency of the activity, making it clear:

(i) That the use of the *nuclear material* is a non-prescribed military activity will not be in conflict with an undertaking the State may have given and in respect of which Agency safeguards apply, that the *nuclear material* will be used only in a peaceful nuclear activity; and

(ii) That during the period of non-application of safeguards the *nuclear material* will not be used for the production of nuclear weapons or other nuclear explosive devices;

(b) The Agency and the State shall make an arrangement so that, only while the *nuclear material* is in such an activity, the safeguards provided for in the Agreement will not be applied. The arrangement shall identify, to the extent possible, the period or circumstances during which safeguards will not be applied. In any event, the safeguards provided for in the Agreement shall again apply as soon as the *nuclear material* is reintroduced into a peaceful nuclear activity. The Agency shall be kept informed of the total quantity and composition of such unsafeguarded *nuclear material* in the State and of any exports of such material; and

(c) Each arrangement shall be made in agreement with the Agency. The Agency's agreement shall be given as promptly as possible; it shall only relate to the temporary and procedural provisions, reporting arrangements, etc., but shall not involve any approval or classified knowledge of the military activity or relate to the use of the *nuclear material* therein.

#### **Finance**

15. The Agreement should contain one of the following sets of provisions:

(a) An agreement with a Member of the Agency should provide that each party thereto shall bear the expenses it incurs in implementing its responsibilities thereunder. However, if the State or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case the Agency shall bear the cost of any additional measuring or sampling which inspectors may request; or

(b) An agreement with a party not a Member of the Agency should in application of the provisions of Article XIV.C of the Statute, provide that the party shall reimburse fully to the Agency the safeguards expenses the Agency incurs thereunder. However, if the party or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so.

#### **Third Party Liability for Nuclear Damage**

16. The Agreement should provide that the State shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security, which may be available under its laws or regulations shall apply to the Agency and its officials for the purpose of the implementation of the Agreement, in the same way as that protection applies to nationals of the State.

#### **International Responsibility**

17. The Agreement should provide that any claim by one party thereto against the other in respect of any damage, other than damage arising out of a nuclear incident, resulting from the implementation of safeguards under the Agreement, shall be settled in accordance with international law.

#### **Measures in Relation to Verification of Non-diversion**

18. The Agreement should provide that if the Board, upon report of the Director General decides that an action by the State is essential and urgent in order to ensure verification that *nuclear material* subject to safeguards under the Agreement is not diverted to nuclear weapons or other nuclear explosive devices the Board

shall be able to call upon the State to take the required action without delay, irrespective of whether procedures for the settlement of a dispute have been invoked.

19. The Agreement should provide that if the Board upon examination of relevant information reported to it by the Director General finds that the Agency is not able to verify that there has been no diversion of *nuclear material* required to be safeguarded under the Agreement to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in paragraph C of Article XI I of the Statute and may also take, where applicable, the other measures provided for in that paragraph. In taking such action the Board shall take account of the degree of assurance provided by the safeguards measures that have been applied and shall afford the State every reasonable opportunity to furnish the Board with any necessary reassurance.

#### **Interpretation and Application of the Agreement and Settlement of Disputes**

20. The Agreement should provide that the parties thereto shall, at the request of either, consult about any question arising out of the interpretation or application thereof.

21. The Agreement should provide that the State shall have the right to request that any question arising out of the interpretation or application thereof be considered by the Board; and that the State shall be invited by the Board to participate in the discussion of any such question by the Board.

22. The Agreement should provide that any dispute arising out of the interpretation or application thereof except a dispute with regard to a finding by the Board under paragraph 19 above or an action taken by the Board pursuant to such a finding which is not settled by negotiation or another procedure agreed to by the parties should, on the request of either party, be submitted to an arbitral tribunal composed as follows: each party would designate one arbitrator, and the two arbitrators so designated would elect a third, who would be the Chairman. If, within 30 days of the request for arbitration, either party has not designated an arbitrator, either party to the dispute may request the president of the International Court of Justice to appoint an arbitrator. The same procedure would apply if, within 30 days of the designation or appointment of the second arbitrator, the third arbitrator had not been elected. A majority of the members of the arbitral tribunal would constitute a quorum, and all decisions would require the concurrence of two arbitrators. The arbitral procedure would be fixed by the tribunal. The decisions of the tribunal would be binding on both parties.

#### **Final Clauses**

##### *Amendment of the Agreement*

23. The Agreement should provide that the parties thereto shall, at the request of either of them, consult each other on amendment of the Agreement. All amendments shall require the agreement of both parties. It might additionally be provided, if convenient to the State, that the agreement of the parties on amendments to Part I I of the Agreement could be achieved by recourse to a simplified procedure. The Director General shall promptly inform all Member States of any amendment to the Agreement.

##### *Suspension of application of Agency safeguards under other agreements*

24. Where applicable and where the State desires such a provision to appear, the Agreement should provide that the application of Agency safeguards in the State under other safeguards agreements with the Agency shall be suspended while the Agreement is in force. If the State has received assistance from the Agency for a project, the State's undertaking in the Project Agreement not to use items subject thereto in such a way as to further any military purpose shall continue to apply.

##### *Entry into force and duration*

25. The Agreement should provide that it shall enter into force on the date on which the Agency receives from the State written notification that the statutory and constitutional requirements for entry into force have been met. The Director General shall promptly inform all Member States of the entry into force.

26. The Agreement should provide for it to remain in force as long as the State is party to the Treaty on the Non-Proliferation of Nuclear Weapons.



**PART II**

**Introduction**

27. The Agreement should provide that the purpose of Part II thereof is to specify the procedures to be applied for the implementation of the safeguards provisions of Part I.

**Objective of Safeguards**

28. The Agreement should provide that the objective of safeguards is the timely detection of diversion of significant quantities of *nuclear material* from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.

29. To this end the Agreement should provide for the use of material accountancy as a safeguards measure of fundamental importance, with containment and surveillance as important complementary measures.

30. The Agreement should provide that the technical conclusion of the Agency's verification activities shall be a statement, in respect of each *material balance area*, of the amount of *material unaccounted for* over a specific period, giving the limits of accuracy of the amounts stated.

**National System of Accounting for and Control of Nuclear Material**

31. The Agreement should provide that pursuant to paragraph 7 above the Agency, in carrying out its verification activities, shall make full use of the State's system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement, and shall avoid unnecessary duplication of the State's accounting and control activities.

32. The Agreement should provide that the State's system of accounting for and control of all *nuclear material* subject to safeguards under the Agreement shall be based on a structure of material balance areas, and shall make provision as appropriate and specified in the Subsidiary Arrangements for the establishment of such measures as:

- (a) A measurement system for the determination of the quantities of *nuclear material* received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;
- (b) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
- (c) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;
- (d) Procedures for taking a *physical inventory*;
- (e) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;
- (f) A system of records and reports showing, for each *material balance area*, the inventory of *nuclear material* and the changes in that inventory including receipts into and transfers out of the *material balance area*;
- (g) Provisions to ensure that the accounting procedures and arrangements are being operated correctly; and
- (h) Procedures for the submission of reports to the Agency in accordance with paragraphs 59–69 below.

**Starting Point of Safeguards**

33. The Agreement should provide that safeguards shall not apply thereunder to material in mining or ore processing activities.

34. The Agreement should provide that:

- (a) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in subparagraph (c) below is directly or indirectly exported to a non-nuclear-weapon State, the State shall inform the Agency of its quantity, composition and destination, unless the material is exported for specifically non-nuclear purposes;
- (b) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in subparagraph (c) below is imported, the State shall inform the Agency of its quantity and composition, unless the material is imported for specifically non-nuclear purposes; and
- (c) When any *nuclear material* of a composition and purity suitable for fuel fabrication or for being isotopically enriched leaves the plant or the process stage in which it has been produced, or when such *nuclear materials*, or any other *nuclear material* produced at a later stage in the nuclear fuel cycle, is imported into the State, the *nuclear material* shall become subject to the other

safeguards procedures specified in the Agreement.

**Termination of Safeguards**

35. The Agreement should provide that safeguards shall terminate on *nuclear material* subject to safeguards thereunder under the conditions set forth in paragraph 11 above. Where the conditions of that paragraph are not met, but the State considers that the recovery of safeguarded *nuclear material* from residues is not for the time being practicable or desirable, the Agency and the State shall consult on the appropriate safeguards measures to be applied. It should further be provided that safeguards shall terminate on *nuclear material* subject to safeguards under the Agreement under the conditions set forth in paragraph 13 above, provided that the State and the Agency agree that such *nuclear material* is practicably irrecoverable.

**Exemptions from Safeguards**

36. The Agreement should provide that the Agency shall, at the request of the State, exempt *nuclear material* from safeguards, as follows:

- (a) Special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;
- (b) *Nuclear material*, when it is used in non-nuclear activities in accordance with paragraph 13 above, if such *nuclear material* is recoverable; and
- (c) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

37. The Agreement should provide that *nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request of the State, provided that *nuclear material* so exempted in the State may not at any time exceed:

- (a) One kilogram in total of special fissionable material, which may consist of one or more of the following:
    - (i) Plutonium;
    - (ii) Uranium with an *enrichment* of 0.2 (20%) and above, taken account of by multiplying its weight by its *enrichment*; and
    - (iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight five times the square of its *enrichment*;
  - (b) Ten metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
  - (c) Twenty metric tons of depleted uranium with a *enrichment* of 0.005 (0.5%) or below; and
  - (d) Twenty metric tons of thorium;
- or such greater amounts as may be specified by the Board of Governors for uniform application.

38. The Agreement should provide that if exempted *nuclear material* is to be processed or stored together with safeguarded *nuclear material*, provision should be made for the re-application of safeguards thereto.

**Subsidiary Arrangements**

39. The Agreement should provide that the Agency and the State shall make Subsidiary Arrangements which shall specify in detail, to the extent necessary to permit the Agency to fulfil its responsibilities under the Agreement in an effective and efficient manner, how the procedures laid down in the Agreement are to be applied. Provision should be made for the possibility of an extension or change of the Subsidiary Arrangements by agreement between the Agency and the State without amendment of the Agreement.

40. It should be provided that the Subsidiary Arrangements shall enter into force at the same time as, or as soon as possible after, the entry into force of the Agreement. The State and the Agency shall make every effort to achieve their entry into force within 90 days of the entry into force of the Agreement, a later date being acceptable only with the agreement of both parties. The State shall provide the Agency promptly with the information required for completing the Subsidiary Arrangements. The Agreement should also provide that, upon its entry into force, the Agency shall be entitled to apply the procedures laid down therein in respect of the *nuclear material* listed in the inventory provided for in paragraph 41 below.

**Inventory**

41. The Agreement should provide that, on the basis of the initial report referred to in paragraph 62 below, the Agency shall establish

a unified inventory of all *nuclear material* in the State subject to safeguards under the Agreement, irrespective of its origin, and maintain this inventory on the basis of subsequent reports and of the results of its verification activities. Copies of the inventory shall be made available to the State at agreed intervals.

### Design Information

#### General

42. Pursuant to paragraph 8 above, the Agreement should stipulate that design information in respect of existing *facilities* shall be provided to the Agency during the discussion of the Subsidiary Arrangements, and that the time limits for the provision of such information in respect of new *facilities* shall be specified in the Subsidiary Arrangements. It should further be stipulated that such information shall be provided as early as possible before *nuclear material* is introduced into a new *facility*.

43. The Agreement should specify that the design information in respect of each *facility* to be made available to the Agency shall include, when applicable:

- (a) Identification of the *facility*, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;
- (b) A description of the general arrangement of the *facility* with reference, to the extent feasible, to the form, location and flow of *nuclear material* and to the general layout of important items of equipment which use, produce or process *nuclear material*;
- (c) A description of features of the *facility* relating to material accountancy, containment and surveillance; and
- (d) A description of the existing and proposed procedures at the *facility* for *nuclear material* accountancy and control, with special reference to *material balance areas* established by the operator, measurements of flow and procedures for *physical inventory* taking.

44. The Agreement should further provide that other information relevant to the application of safeguards shall be made available to the Agency in respect of each *facility*, in particular on organizational responsibility for material accountancy and control. It should also be provided that the State shall make available to the Agency supplementary information on the health and safety procedures which the Agency shall observe and with which the inspectors shall comply at the *facility*.

45. The Agreement should stipulate that design information in respect of a modification relevant for safeguards purposes shall be provided for examination sufficiently in advance for the safeguards procedures to be adjusted when necessary.

#### Purposes of examination of design information

46. The Agreement should provide that the design information made available to the Agency shall be used for the following purposes:

- (a) To identify the features of *facility* and *nuclear material* relevant to the application of safeguards to *nuclear material* in sufficient detail to facilitate verification;
- (b) To determine *material balance points* to be used for Agency accounting purposes and to select those *strategic points* which are *key measurement points* and which will be used to determine the *nuclear material* flows and inventories; in determining such *material balance points* the Agency shall, inter alia, use the following criteria:
  - (i) The size of the *material balance area* should be related to the accuracy with which the material balance can be established;
  - (ii) In determining the *material balance area* advantage should be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby simplify the application of safeguards and concentrate measurement efforts at *key measurement points*;
  - (iii) A number of *material balance points* in use at a *facility* or at distinct sites may be combined in one *material balance area* to be used for Agency accounting purposes when the Agency determines that this is consistent with its verification requirements; and
  - (iv) If the State so requests, a special *material balance area* around a process step involving commercially sensitive information may be established;
- (c) To establish the nominal timing and procedures for taking of *physical inventory* for Agency accounting purposes;
- (d) To establish the records and reports requirements and records evaluation procedures;
- (e) To establish requirements and procedures for verification of

the quantity and location of *nuclear material*; and

- (f) To select appropriate combinations of containment and surveillance methods and techniques and the *strategic points* at which they are to be applied.

It should further be provided that the results of the examination of the design information shall be included in the Subsidiary Arrangements.

#### Re-examination of design information

47. The Agreement should provide that design information shall be re-examined in the light of changes in operating conditions, of developments in safeguards technology or of experience in the application of verification procedures, with a view to modifying the action the Agency has taken pursuant to paragraph 46 above.

#### Verification of design information

48. The Agreement should provide that the Agency, in cooperation with the State, may send inspectors to *facilities* to verify the design information provided to the Agency pursuant to paragraphs 42-45 above for the purposes stated in paragraph 46.

#### Information in Respect of Nuclear Material Outside Facilities

49. The Agreement should provide that the following information concerning *nuclear material* customarily used outside *facilities* shall be provided as applicable to the Agency:

- (a) A general description of the use of the *nuclear material*, its geographic location, and the user's name and address for routine business purposes; and
- (b) A general description of the existing and proposed procedures for *nuclear material* accountancy and control, including organizations responsibility for material accountancy and control. The Agreement should further provide that the Agency shall be informed on a timely basis of any change in the information provided to it under this paragraph.

50. The Agreement should provide that the information made available to the Agency in respect of *nuclear material* customarily used outside *facilities* may be used, to the extent relevant, for the purposes set out in sub-paragraphs 46(b)-(f) above.

#### Records System

##### General

51. The Agreement should provide that in establishing a national system of accounting for and control of *nuclear material* as referred to in paragraph 7 above, the State shall arrange that records are kept in respect of each *material balance area*. Provision should also be made that the Subsidiary Arrangements shall describe the records to be kept in respect of each *material balance area*.

52. The Agreement should provide that the State shall make arrangements to facilitate the examination of records by inspectors, particularly if the records are not kept in English, French, Russian or Spanish.

53. The Agreement should provide that the records shall be retained for at least five years.

54. The Agreement should provide that the records shall consist, as appropriate, of:

- (a) Accounting records of all *nuclear material* subject to safeguards under the Agreement; and
- (b) Operating records for *facilities* containing such *nuclear material*.

55. The Agreement should provide that the system of measurements on which the records used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

##### Accounting records

56. The Agreement should provide that the accounting records shall set forth the following in respect of each *material balance area*:

- (a) All *inventory changes*, so as to permit a determination of the *book inventory* at any time;
- (b) All measurement results that are used for determination of the *physical inventory*; and
- (c) All *adjustments* and *corrections* that have been made in respect of *inventory changes*, *book inventories* and *physical inventories*.

57. The Agreement should provide that for all *inventory changes* and *physical inventories* the records shall show, in respect of each

*batch of nuclear material*: material identification, *batch data* and *source data*. Provision should further be included that records shall account for uranium, thorium and plutonium separately in each *batch of nuclear material*. Furthermore, the date of the *inventory change* and, when appropriate, the originating *material balance area* and the receiving *material balance area* or the recipient, shall be indicated for each *inventory change*.

#### Operating records

58. The Agreement should provide that the operating records shall set forth as appropriate in respect of each *material balance area*:

- (a) Those operating data which are used to establish changes in the quantities and composition of *nuclear material*;
- (b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) A description of the sequence of the actions taken in preparing for, and in taking, a *physical inventory* in order to ensure that it is correct and complete; and
- (d) A description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

#### Reports System

##### General

59. The Agreement should specify that the State shall provide the Agency with reports as detailed in paragraphs 60-69 below in respect of *nuclear material* subject to safeguards thereunder.

60. The Agreement should provide that reports shall be made in English, French, Russian or Spanish, except as otherwise specified in the Subsidiary Arrangements.

61. The Agreement should provide that reports shall be based on the records kept in accordance with paragraphs 51-58 above and shall consist, as appropriate, of accounting reports and special reports.

##### Accounting reports

62. The Agreement should stipulate that the Agency shall be provided with an initial report on all *nuclear material* which is to be subject to safeguards thereunder. It should also be provided that the initial report shall be dispatched by the State to the Agency within 30 days of the last day of the calendar month in which the Agreement enters into force, and shall reflect the situation as of the last day of that month.

63. The Agreement should stipulate that for each *material balance area* the State shall provide the Agency with the following accounting reports:

- (a) *Inventory change* reports showing changes in the inventory of *nuclear material*. The reports shall be dispatched as soon as possible and in any event within 30 days after the end of the month in which the *inventory changes* occurred or were established; and
- (b) Material balance reports showing the material balance based on a *physical inventory* of *nuclear material* actually present in the *material balance area*. The report shall be dispatched as soon as possible and in any event within 30 days after the *physical inventory* has been taken. The reports shall be based on data available as of the date of reporting and may be corrected at a later date as required.

64. The Agreement should provide that *inventory change* reports shall specify identification and *batch data* for each *batch of nuclear material*, the date of the *inventory change* and, as appropriate, the originating *material balance area* and the receiving *material balance area* or the recipient. These reports shall be accompanied by concise notes:

- (a) Explaining the *inventory changes*, on the basis of the operating data contained in the operating records provided for under sub-paragraph 58(a) above; and
- (b) Describing, as specified in the Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a *physical inventory*.

65. The Agreement should provide that the State shall report each *inventory change*, *adjustment* and *correction* either periodically in a consolidated list or individually. The *inventory changes* shall be reported in terms of *batches*; small amounts, such as analytical samples, as specified in the Subsidiary Arrangements, may be combined and reported as one *inventory*

*change*.

66. The Agreement should stipulate that the Agency shall provide the State with semi-annual statements of *book inventory* of *nuclear material* subject to safeguards, for each *material balance area*, as based on the *inventory change* reports for the period covered by each such statement.

67. The Agreement should specify that the material balance reports shall include the following entries, unless otherwise agreed by the Agency and the State:

- (a) Beginning *physical inventory*;
- (b) *Inventory changes* (first increases, then decreases);
- (c) Ending *book inventory*;
- (d) *Shipper/receiver differences*;
- (e) Adjusted ending *book inventory*;
- (f) Ending *physical inventory*; and
- (g) *Material accounted for*.

A statement of the *physical inventory*, listing all *batches* separately and specifying material identification and *batch data* for each *batch*, shall be attached to each material balance report.

##### Special reports

68. The Agreement should provide that the State shall make special reports without delay:

- (a) If any unusual incident or circumstances lead the State to believe that there is or may have been loss of *nuclear material* that exceeds the limits to be specified for this purpose in the Subsidiary Arrangements; or
- (b) If the containment has unexpectedly changed from that specified in the Subsidiary Arrangements to the extent that unauthorized removal of *nuclear material* has become possible.

##### Amplification and clarification of reports

69. The Agreement should provide that at the Agency's request the State shall supply amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

#### Inspections

##### General

70. The Agreement should stipulate that the Agency shall have the right to make inspections as provided for in paragraphs 71-82 below.

##### Purposes of inspections

71. The Agreement should provide that the Agency may make ad hoc inspections in order to:

- (a) Verify the information contained in the initial report on the *nuclear material* subject to safeguards under the Agreement;
- (b) Identify and verify changes in the situation which have occurred since the date of the initial report; and
- (c) Identify, and if possible verify the quantity and composition of, *nuclear material* in accordance with paragraphs 93 and 96 below, before its transfer out of or upon its transfer into the State.

72. The Agreement should provide that the Agency may make routine inspections in order to:

- (a) Verify that reports are consistent with records;
- (b) Verify the location, identity, quantity and composition of all *nuclear material* subject to safeguards under the Agreement; and
- (c) Verify information on the possible causes of *material unaccounted for*, *shipper/receiver differences* and uncertainties in the *book inventory*.

73. The Agreement should provide that the Agency may make special inspections subject to the procedures laid down in paragraph 77 below:

- (a) In order to verify the information contained in special reports; or
- (b) If the Agency considers that information made available by the State, including explanations from the State and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under the Agreement. An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in paragraphs 78-82 below, or involves access to information or locations in addition to the access specified in paragraph 76 for ad hoc and routine inspections, or both.

##### Scope of inspections

74. The Agreement should provide that for the purposes stated in paragraphs 71-73 above the Agency may:

- (a) Examine the records kept pursuant to paragraphs 51-58;
- (b) Make independent measurements of all *nuclear material* subject to safeguards under the Agreement;
- (c) Verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) Apply and make use of surveillance and containment measures; and
- (e) Use other objective methods which have been demonstrated to be technically feasible.

75. It should further be provided that within the scope of paragraph 74 above the Agency shall be enabled:

- (a) To observe that samples at *key measurement points* for material balance accounting are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;
- (b) To observe that the measurements of *nuclear material* at *key measurement points* for material balance accounting are representative, and to observe the calibration of the instruments and equipment involved;
- (c) To make arrangements with the State that, if necessary:
  - (i) Additional measurements are made and additional samples taken for the Agency's use;
  - (ii) The Agency's standard analytical samples are analysed;
  - (iii) Appropriate absolute standards are used in calibrating instruments and other equipment; and
- (d) To arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the Subsidiary Arrangements, to arrange to install such equipment;
- (e) To apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
- (f) To make arrangements with the State for the shipping of samples taken for the Agency's use.

#### Access for inspections

76. The Agreement should provide that:

- (a) For the purposes specified in sub-paragraphs 71(a) and (b) above and until such time as the *strategic points* have been specified in the Subsidiary Arrangements, the Agency's inspectors shall have access to any location where the initial report or any inspections carried out in connection with it indicate that *nuclear material* is present;
- (b) For the purposes specified in sub-paragraph 71(c) above the inspectors shall have access to any location of which the Agency has been notified in accordance with sub-paragraphs 92(c) or 95(c) below;
- (c) For the purposes specified in paragraph 72 above the Agency's inspectors shall have access only to the *strategic points* specified in the Subsidiary Arrangements and to the records maintained pursuant to paragraphs 51-58; and
- (d) In the event of the State concluding that any unusual circumstances require extended limitations on access by the Agency, the State and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations. The Director General shall report each such arrangement to the Board.

77. The Agreement should provide that in circumstances which may lead to special inspections for the purposes specified in paragraph 73 above the State and the Agency shall consult forthwith. As a result of such consultations the Agency may make inspections in addition to the routine inspection effort provided for in paragraphs 78-82 below, and may obtain access in agreement with the State to information or locations in addition to the access specified in paragraph 76 above for ad hoc and routine inspections. Any disagreement concerning the need for additional access shall be resolved in accordance with paragraphs 21 and 22; in case action by the State is essential and urgent, paragraph 18 above shall apply.

#### Frequency and intensity of routine inspections

78. The Agreement should provide that the number, intensity, duration and timing of routine inspections shall be kept to the minimum consistent with the effective implementation of the safeguards procedures set forth therein, and that the Agency shall make the optimum and most economical use of available inspection resources.

79. The Agreement should provide that in the case of *facilities* and *material balance area* outside *facilities* with a content or *annual throughput*, whichever is greater, of *nuclear material* not exceeding five *effective kilograms*, routine inspections shall not exceed one per year. For other *facilities* the number, intensity, duration, timing and mode of inspections shall be determined on the basis that in the maximum or limiting case the inspection regime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of *nuclear material*.

80. The Agreement should provide that the maximum routine inspection effort in respect of *facilities* with a content or *annual throughput* of *nuclear material* exceeding five *effective kilograms* shall be determined as follows:

- (a) For reactors and sealed stores, the maximum total of routine inspection per year shall be determined by allowing one sixth of a *man-year of inspection* for each such *facility* in the State;
- (b) For other *facilities* involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such *facility* 30 x -E man-days of inspection per year, where E is the inventory or *annual throughput* of *nuclear material*, whichever is greater, expressed in *effective kilograms*. The maximum established for any such *facility* shall not, however, be less than 1.5 *man-years of inspection*; and
- (c) For all other *facilities*, the maximum total of routine inspection per year shall be determined by allowing for each such *facility* one third of a *man-year of inspection* plus 0.4 x E man-days of inspection per year, where E is the inventory or *annual throughput* of *nuclear material*, whichever is greater, expressed in *effective kilograms*.

The Agreement should further provide that the Agency and the State may agree to amend the maximum figures specified in this paragraph upon determination by the Board that such amendment is reasonable.

81. Subject to paragraphs 78-80 above the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections of any *facility* shall include:

- (a) The form of *nuclear material*, in particular, whether the material is in bulk form or contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high *enrichment*; and its accessibility;
- (b) The effectiveness of the State's accounting and control system, including the extent to which the operators of *facilities* are functionally independent of the State's accounting and control system; the extent to which the measures specified in paragraph 32 above have been implemented by the State; the promptness of reports submitted to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the *material unaccounted for*, as verified by the Agency;
- (c) Characteristics of the State's nuclear fuel cycle, in particular, the number and types of *facilities* containing *nuclear material* subject to safeguards, the characteristics of such *facilities* relevant to safeguards, notably the degree of containment; the extent to which the design of such *facilities* facilitates verification of the flow and inventory of *nuclear material*; and the extent to which information from different *material balance points* can be correlated;
- (d) International interdependence, in particular, the extent to which *nuclear material* is received from or sent to other States for use or processing; any verification activity by the Agency in connection therewith; and the extent to which the State's nuclear activities are interrelated with those of other States; and
- (e) Technical developments in the field of safeguards, including the use of statistical techniques and random sampling in evaluating the flow of *nuclear material*.

82. The Agreement should provide for consultation between the Agency and the State if the latter considers that the inspection effort is being deployed with undue concentration on particular *facilities*.

#### Notice of inspections

83. The Agreement should provide that the Agency shall give advance notice to the State before arrival of inspectors at *facilities* or *material balance points* outside *facilities*, as follows:

- (a) For ad hoc inspections pursuant to sub-paragraph 71(c) above, at least 24 hours, for those pursuant to sub-paragraphs 71(a) and (b), as well as the activities provided for in paragraph 48, at least one week;
- (b) For special inspections pursuant to paragraph 73 above, as

promptly as possible after the Agency and the State have consulted as provided for in paragraph 77, it being understood that notification of arrival normally will constitute part of the consultations; and

(c) For routine inspections pursuant to paragraph 72 above, at least 24 hours in respect of the *facilities* referred to in sub-paragraph 80(b) and sealed stores containing plutonium or uranium enriched to more than 5%, and one week in all other cases. Such notice of inspections shall include the names of the inspectors and shall indicate the *facilities* and the *material balance area* outside *facilities* to be visited and the periods during which they will be visited. If the inspectors are to arrive from outside the State the Agency shall also give advance notice of the place and time of their arrival in the State.

84. However, the Agreement should also provide that, as a supplementary measure, the Agency may carry out without advance notification a portion of the routine inspections pursuant to paragraph 80 above in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided by the State pursuant to paragraph 64(b). Moreover, whenever practicable, and on the basis of the operational programme, it shall advise the State periodically of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections, the Agency shall make every effort to minimize any practical difficulties for *facility* operators and the State, bearing in mind the relevant provisions of paragraphs 44 above and 89 below. Similarly the State shall make every effort to facilitate the task of the inspectors.

#### Designation of inspectors

85. The Agreement should provide that:

- (a) The Director General shall inform the State in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an inspector for the State;
- (b) The State shall inform the Director General within 30 days of the receipt of such a proposal whether it accepts the proposal;
- (c) The Director General may designate each official who has been accepted by the State as one of the inspectors for the State, and shall inform the State of such designations; and
- (d) The Director General, acting in response to a request by the State or on his own initiative, shall immediately inform the State of the withdrawal of the designation of any official as an inspector for the State.

The Agreement should also provide, however, that in respect of inspectors needed for the purposes stated in paragraph 48 above and to carry out ad hoc inspections pursuant to sub-paragraphs 71(a) and (b) the designation procedures shall be completed if possible within 30 days after the entry into force of the Agreement. If such designation appears impossible within this time limit, inspectors for such purposes shall be designated on a temporary basis.

86. The Agreement should provide that the State shall grant or renew as quickly as possible appropriate visas, where required, for each inspector designated for the State.

#### Conduct and visits of inspectors

87. The Agreement should provide that inspectors, in exercising their functions under paragraphs 48 and 71-75 above, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of *facilities* or affecting their safety. In particular inspectors shall not operate any *facility* themselves or direct the staff of a *facility* to carry out any operation. If inspectors consider that in pursuance of paragraphs 74 and 75, particular operations in a *facility* should be carried out by the operator, they shall make a request therefor.

88. When inspectors require services available in the State, including the use of equipment, in connection with the performance of inspections, the State shall facilitate the procurement of such services and the use of such equipment by inspectors.

89. The Agreement should provide that the State shall have the right to have inspectors accompanied during their inspections by representatives of the State, provided that inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

#### Statements on the Agency's Verification Activities

90. The Agreement should provide that the Agency shall inform the State of:

- (a) The results of inspections, at intervals to be specified in the Subsidiary Arrangements; and
- (b) The conclusions it has drawn from its verification activities in the State, in particular by means of statements in respect of each *material balance area*, which shall be made as soon as possible after a *physical inventory* has been taken and verified by the Agency and a material balance has been struck.

#### International Transfers

##### General

91. The Agreement should provide that *nuclear material* subject or required to be subject to safeguards thereunder which is transferred internationally shall, for purposes of the Agreement, be regarded as being the responsibility of the State:

- (a) In the case of import, from the time that such responsibility ceases to lie with the exporting State, and no later than the time at which the *nuclear material* reaches its destination; and
- (b) In the case of export, up to the time at which the recipient State assumes such responsibility, and no later than the time at which the *nuclear material* reaches its destination.

The Agreement should provide that the States concerned shall make suitable arrangements to determine the point at which the transfer of responsibility will take place. No State shall be deemed to have such responsibility for *nuclear material* merely by reason of the fact that the *nuclear material* is in transit on or over its territory or territorial waters, or that it is being transported under its flag or in its aircraft.

##### Transfers out of the State

92. The Agreement should provide that any intended transfer out of the State of safeguarded *nuclear material* in a amount exceeding one *effective kilogram* or by successive shipments to the same State within a period of three months each of less than one *effective kilogram* but exceeding in total one *effective kilogram*, shall be notified to the Agency after the conclusion of the contractual arrangements leading to the transfer and normally at least two weeks before the *nuclear material* is to be prepared for shipping. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:

- (a) The identification and, if possible, the expected quantity and composition of the *nuclear material* to be transferred, and the *material balance area* from which it will come;
- (b) The State for which the *nuclear material* is destined;
- (c) The dates on and locations at which the *nuclear material* is to be prepared for shipping;
- (d) The approximate dates of dispatch and arrival of the *nuclear material*; and
- (e) At what point of the transfer the recipient State will assume responsibility for the *nuclear material*, and the probable date on which this point will be reached.

93. The Agreement should further provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, *nuclear material* subject to safeguards under the Agreement before it is transferred out of the State and, if the Agency so wishes or the State so requests, to affix seals to the *nuclear material* when it has been prepared for shipping. However, the transfer of the *nuclear material* shall not be delayed in any way by any action taken or contemplated by the Agency pursuant to this notification.

94. The Agreement should provide that, if the *nuclear material* will not be subject to Agency safeguards in the recipient State, the exporting State shall make arrangements for the Agency to receive, within three months of the time when the recipient State accepts responsibility for the *nuclear material* from the exporting State, confirmation by the recipient State of the transfer.

##### Transfers into the State

95. The Agreement should provide that the expected transfer into the State of *nuclear material* required to be subject to safeguards in an amount greater than one *effective kilogram*, or by successive shipments from the same State within a period of three months each of less than one *effective kilogram* but exceeding in total one *effective kilogram*, shall be notified to the Agency as much in advance as possible of the expected arrival of the *nuclear*

*material*, and in any case not later than the date on which the recipient State assumes responsibility therefor. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:

- (a) The identification and, if possible, the expected quantity and composition of the *nuclear material*;
- (b) At what point of the transfer responsibility for the *nuclear material* will be assumed by the State for the purposes of the Agreement, and the probable date on which this point will be reached; and
- (c) The expected date of arrival, the location to which the *nuclear material* is to be delivered and the date on which it is intended that the *nuclear material* should be unpacked.

96. The Agreement should provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, *nuclear material* subject to safeguards which has been transferred into the State, by means of inspection of the consignment at the time it is unpacked. However, unpacking shall not be delayed by any action taken or contemplated by the Agency pursuant to this notification.

#### Special reports

97. The Agreement should provide that in the case of international transfers a special report as envisaged in paragraph 68 above shall be made if any unusual incident or circumstances lead the State to believe that there is or may have been loss of *nuclear material*, including the occurrence of significant delay during the transfer.

#### Definitions

98. 'Adjustment' means an entry into an accounting record or a report showing a *shipper/receiver difference* or *material unaccounted for*.

99. 'Annual throughput' means, for the purposes of paragraphs 79 and 80 above, the amount of *nuclear material* transferred annually out of a *facility* working at nominal capacity.

100. 'Batch' means a portion of *nuclear material* handled as a unit for accounting purposes at a *key measurement point* and for which the composition and quantity are defined by a single set of specifications or measurements. The *nuclear material* may be in bulk form or contained in a number of separate items.

101. 'Batch data' means the total weight of each element of *nuclear material* and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:

- (a) Grams of contained plutonium;
- (b) Grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
- (c) Kilograms of contained thorium, natural uranium or depleted uranium.

For reporting purposes the weights of individual items in the *batch* shall be added together before rounding to the nearest unit.

102. 'Book inventory' of a *material balance area* means the algebraic sum of the most recent *physical inventory* of that *material balance area* and of all *inventory changes* that have occurred since that *physical inventory* was taken.

103. 'Correction' means an entry into an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.

104. 'Effective kilogram' means a special unit used in safeguarding *nuclear material*. The quantity in 'effective kilograms' is obtained by taking:

- (a) For plutonium, its weight in kilograms;
- (b) For uranium with an *enrichment* of 0.01 (1 %) and above, its weight in kilograms multiplied by the square of its *enrichment*;
- (c) For uranium with an *enrichment* below 0.01 (1 %) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
- (d) For depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and for thorium, its weight in kilograms multiplied by 0.00005.

105. 'Enrichment' means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

106. 'Facility' means:

- (a) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or

- (b) Any location where *nuclear material* in amounts greater than one *effective kilogram* is customarily used.

107. 'Inventory change' means an increase or decrease, in terms of *batches of nuclear material* in a *material balance area* such a change shall involve one of the following:

- (a) Increases:
  - (i) Import;
  - (ii) Domestic receipt: receipts from other *material balance points*, receipts from a non-safeguarded (non-peaceful) activity or receipts at the starting point of safeguards;
  - (iii) Nuclear production: production of special fissionable material in a reactor; and
  - (iv) De-exemption: reapplication of safeguards on *nuclear material* previously exempted therefrom on account of its use or quantity.
- (b) Decreases:
  - (i) Export;
  - (ii) Domestic shipment: shipments to other *material balance points* or shipments for a non-safeguarded (non-peaceful) activity;
  - (iii) Nuclear loss: loss of *nuclear material* due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;

- (iv) Measured discard: *nuclear material* which has been measured, or estimated on the basis of measurements, and disposed of in such a way that it is not suitable for further nuclear use;

- (v) Retained waste: *nuclear material* generated from processing or from an operational accident, which is deemed to be unrecoverable for the time being but which is stored;

- (vi) Exemption: exemption of *nuclear material* from safeguards on account of its use or quantity; and

- (vii) Other loss: for example, accidental loss (that is, irretrievable and inadvertent loss of *nuclear material* as the result of an operational accident) or theft.

108. 'Key measurement point' means a location where *nuclear material* appears in such a form that it may be measured to determine material flow or inventory. 'Key measurement points' thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in *material balance points*.

109. 'Man-year of inspection' means, for the purposes of paragraph 80 above, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a *facility* at any time for a total of not more than eight hours.

110. 'Material balance area' means an area in or outside of a *facility* such that:

- (a) The quantity of *nuclear material* in each transfer into or out of each 'material balance area' can be determined; and
- (b) The *physical inventory* of *nuclear material* in each 'material balance area' can be determined when necessary, in accordance with specified procedures, in order that the material balance for Agency safeguards purposes can be established.

111. 'Material unaccounted for' means the difference between *book inventory* and *physical inventory*.

112. 'Nuclear material' means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by the State.

113. 'Physical inventory' means the sum of all the measured or derived estimates of *batch* quantities of *nuclear material* on hand at a given time within a *material balance area*, obtained in accordance with specified procedures.

114. 'Shipper/receiver difference' means the difference between the quantity of *nuclear material* in a *batch* as stated by the shipping *material balance area* and as measured at the receiving *material balance area*.

115. 'Source data' means those data, recorded during measurement or calibration or used to derive empirical relationships, which identify *nuclear material* and provide *batch data*. 'Source data' may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.

116. 'Strategic point' means a location selected during examination of design information where, under normal conditions

and when combined with the information from all 'strategic points' taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a 'strategic point' may include any location where key measurements related to material balance accountancy are made and where containment and surveillance measures are executed.

[Editorial note: Footnotes not included. They may be viewed at <http://www.iaea.org/Publications/Documents/Infcircs/Others/infirc153.pdf>]

**Protocol Additional to the Agreement(s)  
Between ..... and the International Atomic  
Energy Agency for the Application of  
Safeguards**

[IAEA Information Circular 540, (INFCIRC/540),  
September 1997, as corrected by INFCIRC/540/Corr.1,  
12 October 1998]

**Foreword to the model Protocol**

This document is a model Additional Protocol designed for States having a Safeguards Agreement with the Agency, in order to strengthen the effectiveness and improve the efficiency of the safeguards system as a contribution to global nuclear non-proliferation objectives.

The Board of Governors has requested the Director General to use this Model Protocol as the standard for additional protocols that are to be concluded by States and other parties to comprehensive safeguards agreements with the Agency. Such protocols shall contain all of the measures in this Model Protocol.

The Board of Governors has also requested the Director General to negotiate additional protocols or other legally binding agreements with nuclear-weapon States incorporating those measures provided for in the Model Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with that State's obligations under Article I of the NPT.

The Board of Governors has further requested the Director General to negotiate additional protocols with other States that are prepared to accept measures provided for in the model Protocol in pursuance of safeguards effectiveness and efficiency objectives.

In conformity with the requirements of the Statute, each individual Protocol or other legally binding agreement will require the approval of the Board and its authorization to the Director General to conclude and subsequently implement the Protocol so approved.

**Preamble**

WHEREAS ..... (hereinafter referred to as '.....') is a party to (an) Agreement(s) between ..... and the International Atomic Energy Agency (hereinafter referred to as the 'Agency') for the application of safeguards [full title of the Agreement(s) to be inserted] (hereinafter referred to as the 'Safeguards Agreement(s)'), which entered into force on .....

AWARE OF the desire of the international community to further enhance nuclear non-proliferation by strengthening the effectiveness and improving the efficiency of the Agency's safeguards system;

RECALLING that the Agency must take into account in the implementation of safeguards the need to: avoid hampering the economic and technological development of ..... or international co-operation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge;

WHEREAS the frequency and intensity of activities described in this Protocol shall be kept to the minimum consistent with the objective of strengthening the effectiveness and improving the efficiency of Agency safeguards;

NOW THEREFORE ..... and the Agency have agreed as follows:

**RELATIONSHIP BETWEEN THE PROTOCOL AND THE SAFEGUARDS AGREEMENT**

**Article 1**

The provisions of the Safeguards Agreement shall apply to this Protocol to the extent that they are relevant to and compatible with the provisions of this Protocol. In case of conflict between the provisions of the Safeguards Agreement and those of this Protocol, the provisions of this Protocol shall apply.

**PROVISION OF INFORMATION**

**Article 2**

a ..... shall provide the Agency with a declaration containing:

(i) A general description of and information specifying the location of *nuclear fuel cycle-related research and development activities*<sup>1</sup> not involving *nuclear material* carried out anywhere that are funded, specifically authorized or controlled by, or carried out on behalf of, .....

(ii) Information identified by the Agency on the basis of expected gains ineffectiveness or efficiency, and agreed to by ..... on operational activities of safeguards relevance at *facilities* and at *locations outside facilities* where nuclear material is customarily used.

(iii) A general description of each building on each *site*, including its use and, if not apparent from that description, its contents. The description shall include a map of the *site*.

(iv) A description of the scale of operations for each location engaged in the activities specified in Annex I to this Protocol.

(v) Information specifying the location, operational status and the estimated annual production capacity of uranium mines and concentration plants and thorium concentration plants, and the current annual production of such mines and concentration plants for ..... as a whole ..... shall provide, upon request by the Agency, the current annual production of an individual mine or concentration plant. The provision of this information does not require detailed *nuclear material* accountancy.

(vi) Information regarding source material which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, as follows:

(a) the quantities, the chemical composition, the use or intended use of such material, whether in nuclear or non-nuclear use, for each location in ..... at which the material is present in quantities exceeding ten metric tons of uranium and/or twenty metric tons of thorium, and for other locations with quantities of more than one metric ton, the aggregate for ..... as a whole if the aggregate exceeds ten metric tons of uranium or twenty metric tons of thorium. The provision of this information does not require detailed *nuclear material* accountancy;

(b) the quantities, the chemical composition and the destination of each export out of ..... of such material for specifically non-nuclear purposes in quantities exceeding:

(1) ten metric tons of uranium, or for successive exports of uranium from ..... to the same State, each of less than ten metric tons, but exceeding a total of ten metric tons for the year;

(2) twenty metric tons of thorium, or for successive exports of thorium from ..... to the same State, each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;

(c) the quantities, chemical composition, current location and use or intended use of each import into ..... such material for specifically non-nuclear purposes in quantities exceeding:

(1) ten metric tons of uranium, or for successive imports of uranium in to ..... each of less than ten metric tons, but exceeding a total of ten metric tons for the year;

(2) twenty metric tons of thorium, or for successive imports of thorium into ..... each of less than twenty metric tons, but exceeding a total of twenty metric tons for the year;

it being understood that there is no requirement to provide information on such material intended for a non-nuclear use once it is in its non-nuclear end-use form.

(vii) (a) information regarding the quantities, uses and locations of *nuclear material* exempted from safeguards pursuant to

<sup>1</sup> Terms in italics have specialized meanings, which are defined in Article 18 below.

[paragraph 37 of INFCIRC/153]<sup>2</sup>;

(b) information regarding the quantities (which may be in the form of estimates) and uses at each location, of *nuclear material* exempted from safeguards pursuant to [paragraph 36(b) of INFCIRC/153]<sup>2</sup> but not yet in a non-nuclear end-use form, in quantities exceeding those set out in [paragraph 37 of INFCIRC/153]<sup>2</sup>. The provision of this information does not require detailed *nuclear material* accountancy.

(viii) Information regarding the location or further processing of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233 on which safeguards have been terminated pursuant to [paragraph 11 of INFCIRC/153]<sup>2</sup>. For the purpose of this paragraph, 'further processing' does not include repackaging of the waste or its further conditioning not involving the separation of elements, for storage or disposal.

(ix) The following information regarding *specified equipment and non-nuclear material* as follows:

(a) for each export out of ..... of such equipment and material: the identity, quantity, location of intended use in the receiving State and date or, as appropriate, expected date, of export;

(b) upon specific request by the Agency, confirmation by ..... as importing State, of information provided to the Agency by another State concerning the export of such equipment and material to .....

(x) General plans for the succeeding ten-year period relevant to the development of the nuclear fuel cycle (including planned *nuclear fuel cycle-related research and development activities*) when approved by the appropriate authorities in .....

b. .... shall make every reasonable effort to provide the Agency with the following information:

(i) a general description of and information specifying the location of *nuclear fuel cycle-related research and development activities* not involving *nuclear material* which are specifically related to enrichment, reprocessing of nuclear fuel or the processing of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233 that are carried out anywhere in ..... but which are not funded, specifically authorized or controlled by, or carried out on behalf of, ..... For the purpose of this paragraph, 'processing' of intermediate or high-level waste does not include repackaging of the waste or its conditioning not involving the separation of elements, for storage or disposal.

(ii) A general description of activities and the identity of the person or entity carrying out such activities, at locations identified by the Agency outside a *site* which the Agency considers might be functionally related to the activities of that *site*. The provision of this information is subject to a specific request by the Agency. It shall be provided in consultation with the Agency and in a timely fashion.

c. Upon request by the Agency, ..... shall provide amplifications or clarifications of any information it has provided under this Article, in so far as relevant for the purpose of safeguards.

### Article 3

a. .... shall provide to the Agency the information identified in Article 2.a.(i), (iii), (iv), (v), (vi)(a), (vii) and (x) and Article 2.b.(i) within 180 days of the entry into force of this Protocol.

b. .... shall provide to the Agency, by 15 May of each year, updates of the information referred to in paragraph a. above for the period covering the previous calendar year. If there has been no change to the information previously provided, ..... shall so indicate.

c. .... shall provide to the Agency, by 15 May of each year, the information identified in Article 2.a.(vi)(b) and (c) for the period covering the previous calendar year.

d. .... shall provide to the Agency on a quarterly basis the information identified in Article 2.a.(ix)(a). This information shall be provided within sixty days of the end of each quarter.

e. .... shall provide to the Agency the information identified in Article 2.a.(viii) 180 days before further processing is carried out and, by 15 May of each year, information on changes in location for the period covering the previous calendar year.

f. .... and the Agency shall agree on the timing and frequency of the provision of the information identified in Article 2.a.(ii).

<sup>2</sup> The reference to the corresponding provision of the relevant Safeguards Agreement should be inserted where bracketed references to INFCIRC/153 are made.

g. .... shall provide to the Agency the information in Article 2.a.(ix)(b) within sixty days of the Agency's request.

## COMPLEMENTARY ACCESS

### General

#### Article 4

The following shall apply in connection with the implementation of complementary access under Article 5 of this Protocol:

a. The Agency shall not mechanically or systematically seek to verify the information referred to in Article 2; however, the Agency shall have access to:

(i) Any location referred to in Article 5.a.(i) or (ii) on a selective basis in order to assure the absence of undeclared *nuclear material* and activities;

(ii) Any location referred to in Article 5.b. or c. to resolve a question relating to the correctness and completeness of the information provided pursuant to Article 2 or to resolve an inconsistency relating to that information;

(iii) Any location referred to in Article 5.a.(iii) to the extent necessary for the Agency to confirm, for safeguards purposes, ..... 's declaration of the decommissioned status of a *facility* or of a *location outside facilities* where *nuclear material* was customarily used.

b. (i) Except as provided in paragraph (ii) below, the Agency shall give ..... advance notice of access of at least 24 hours;

(ii) For access to any place on a *site* that is sought in conjunction with design information verification visits or ad hoc or routine inspections on that *site*, the period of advance notice shall, if the Agency so requests, be at least two hours but, in exceptional circumstances, it may be less than two hours.

c. Advance notice shall be in writing and shall specify the reasons for access and the activities to be carried out during such access.

d. In the case of a question or inconsistency, the Agency shall provide ..... with an opportunity to clarify and facilitate the resolution of the question or inconsistency. Such an opportunity will be provided before a request for access, unless the Agency considers that delay in access would prejudice the purpose for which the access is sought. In any event, the Agency shall not draw any conclusions about the question or inconsistency until ..... has been provided with such an opportunity.

e. Unless otherwise agreed to by ..... access shall only take place during regular working hours.

f. .... shall have the right to have Agency inspectors accompanied during their access by representatives of ..... provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

### Provision of access

#### Article 5

..... shall provide the Agency with access to:

a. (i) Any place on a *site*;

(ii) Any location identified by ..... under Article 2.a.(v)–(viii);

(iii) Any *decommissioned facility* or *decommissioned location outside facilities* where *nuclear material* was customarily used.

b. Any location identified by ..... under Article 2.a.(i), Article 2.a.(iv), Article 2.a.(ix)(b) or Article 2.b, other than those referred to in paragraph a.(i) above, provided that if ..... is unable to provide such access, ..... shall make every reasonable effort to satisfy Agency requirements, without delay, through other means.

c. Any location specified by the Agency, other than locations referred to in paragraphs a. and b. above, to carry out *location-specific environmental sampling*, provided that if ..... is unable to provide such access, ..... shall make every reasonable effort to satisfy Agency requirements, without delay, at adjacent locations or through other means.

### Scope of Activities

#### Article 6

When implementing Article 5, the Agency may carry out the following activities:

a. For access in accordance with Article 5.a.(i) or (iii): visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; application of seals and other identifying and tamper indicating devices specified in



Subsidiary Arrangements; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board of Governors (hereinafter referred to as the 'Board') and following consultations between the Agency and

b. For access in accordance with Article 5.a.(ii): visual observation; item counting of nuclear material; non-destructive measurements and sampling; utilization of radiation detection and measurement devices; examination of records relevant to the quantities, origin and disposition of the material; collection of environmental samples; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and

c. For access in accordance with Article 5.b.: visual observation; collection of environmental samples; utilization of radiation detection and measurement devices; examination of safeguards relevant production and shipping records; and other objective measures which have been demonstrated to be technically feasible and the use of which has been agreed by the Board and following consultations between the Agency and .....

d. For access in accordance with Article 5.c., collection of environmental samples and, in the event the results do not resolve the question or inconsistency at the location specified by the Agency pursuant to Article 5.c., utilization at that location of visual observation, radiation detection and measurement devices, and, as agreed by and the Agency, other objective measures.

**Managed access**

**Article 7**

a. Upon request by ..... the Agency and ..... shall make arrangements for managed access under this Protocol in order to prevent the dissemination of proliferation sensitive information, to meet safety or physical protection requirements, or to protect proprietary or commercially sensitive information. Such arrangements shall not preclude the Agency from conducting activities necessary to provide credible assurance of the absence of undeclared *nuclear materials* and activities at the location in question, including the resolution of a question relating to the correctness and completeness of the information referred to in Article 2 or of an inconsistency relating to that information.

b. .... may, when providing the information referred to in Article 2, inform the Agency of the places at a *site* or location at which managed access may be applicable.

c. Pending the entry into force of any necessary Subsidiary Arrangements, ..... may have recourse to managed access consistent with the provisions of paragraph a. above.

**Article 8**

Nothing in this Protocol shall preclude .....from offering the Agency access to locations in addition to those referred to in Articles 5 and 9 or from requesting the Agency to conduct verification activities at a particular location. The Agency shall, without delay, make every reasonable effort to act upon such a request.

**Article 9**

.....shall provide the Agency with access to locations specified by the Agency to carry out *wide-area environmental sampling*, provided that if ..... is unable to provide such access it shall make every reasonable effort to satisfy Agency requirements at alternative locations. The Agency shall not seek such access until the use of *wide-area environmental sampling* and the procedural arrangements therefor have been approved by the Board and following consultations between the Agency and .....

**Statements on the Agency's access activities**

**Article 10**

The Agency shall inform .....of:

a. The activities carried out under this Protocol, including those in respect of any questions or inconsistencies the Agency had brought to the attention of ..... within sixty days of the activities being carried out by the Agency.

b. The results of activities in respect of any questions or inconsistencies the Agency had brought to the attention of ..... as soon as possible but in any case within thirty days of the results

being established by the Agency.

c. The conclusions it has drawn from its activities under this Protocol. The conclusions shall be provided annually.

**DESIGNATION OF AGENCY INSPECTORS**

**Article 11**

a. (i) The Director General shall notify .....of the Board's approval of any Agency official as a safeguards inspector. Unless ..... advises the Director General of its rejection of such an official as an inspector for ..... within three months of receipt of notification of the Board's approval, the inspector so notified to ..... shall be considered designated to .....

(ii) The Director General, acting in response to a request by ..... or on his own initiative, shall immediately inform ..... of the withdrawal of the designation of any official as an inspector for .....

b. A notification referred to in paragraph a. above shall be deemed to be received by ..... seven days after the date of the transmission by registered mail of the notification by the Agency to .....

**Visas**

**Article 12**

..... shall, within one month of the receipt of a request therefor, provide the designated inspector specified in the request with appropriate multiple entry/exit and/or transit visas, where required, to enable the inspector to enter and remain on the territory of .....for the purpose of carrying out his/her functions. Any visas required shall be valid for at least one year and shall be renewed, as required, to cover the duration of the inspector's designation to .....

**SUBSIDIARY ARRANGEMENTS**

**Article 13**

a. Where ..... or the Agency indicates that it is necessary to specify in Subsidiary Arrangements how measures laid down in this Protocol are to be applied, and the Agency shall agree on such Subsidiary Arrangements within ninety days of the entry into force of this Protocol or, where the indication of the need for such Subsidiary Arrangements is made after the entry into force of this Protocol, within ninety days of the date of such indication.

b. Pending the entry into force of any necessary Subsidiary Arrangements, the Agency shall be entitled to apply the measures laid down in this Protocol.

**COMMUNICATIONS SYSTEMS**

**Article 14**

a. .... shall permit and protect free communications by the Agency for official purposes between Agency inspectors in ..... and Agency Headquarters and/or Regional Offices, including attended and unattended transmission of information generated by Agency containment and/or surveillance or measurement devices. The Agency shall have, in consultation with ..... the right to make use of internationally established systems of direct communications, including satellite systems and other forms of telecommunication, not in use in ..... At the request of ..... or the Agency, details of the implementation of this paragraph with respect to the attended or unattended transmission of information generated by Agency containment and/or surveillance or measurement devices shall be specified in the Subsidiary Arrangements.

b. Communication and transmission of information as provided for in paragraph a. above shall take due account of the need to protect proprietary or commercially sensitive information or design information which ..... regards as being of particular sensitivity.

**PROTECTION OF CONFIDENTIAL INFORMATION**

**Article 15**

a. The Agency shall maintain a stringent regime to ensure effective protection against disclosure of commercial, technological and industrial secrets and other confidential information coming to its knowledge, including such information coming to the Agency's knowledge in the implementation of this Protocol.

b. The regime referred to in paragraph a. above shall include, among others, provisions relating to:

- (i) General principles and associated measures for the handling of confidential information;
  - (ii) Conditions of staff employment relating to the protection of confidential information;
  - (iii) Procedures in cases of breaches or alleged breaches of confidentiality.
- c. The regime referred to in paragraph a. above shall be approved and periodically reviewed by the Board.

**ANNEXES**

**Article 16**

- a. The Annexes to this Protocol shall be an integral part thereof. Except for the purposes of amendment of the Annexes, the term 'Protocol' as used in this instrument means the Protocol and the Annexes together.
- b. The list of activities specified in Annex I, and the list of equipment and material specified in Annex II, may be amended by the Board upon the advice of an open-ended working group of experts established by the Board. Any such amendment shall take effect four months after its adoption by the Board.

**ENTRY INTO FORCE**

**Article 17**

- a. This Protocol shall enter into force on the date on which the Agency receives from ..... written notification that .....<sup>3</sup>'s statutory and/or constitutional requirements for entry into force have been met.  
OR<sup>3</sup>  
upon signature by the representatives of ..... and the Agency.
- b. .... may, at any date before this Protocol enters into force, declare that it will apply this Protocol provisionally.
- c. The Director General shall promptly inform all Member States of the Agency of any declaration of provisional application of, and of the entry into force of, this Protocol.

**DEFINITIONS**

**Article 18**

For the purpose of this Protocol:

- a. *Nuclear fuel cycle-related research and development activities* means those activities which are specifically related to any process or system development aspect of any of the following:
  - conversion of *nuclear material*,
  - enrichment of *nuclear material*,
  - nuclear fuel fabrication,
  - reactors,
  - critical facilities,
  - reprocessing of nuclear fuel,
  - processing (not including repackaging or conditioning not involving the separation of elements, for storage or disposal) of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233, but do not include activities related to theoretical or basic scientific research or to research and development on industrial radioisotope applications, medical, hydrological and agricultural applications, health and environmental effects and improved maintenance.
- b. *Site* means that area delimited by ..... in the relevant design information for a *facility*, including a *closed-down facility*, and in the relevant information on a *location outside facilities* where *nuclear material* is customarily used, including a *closed-down location outside facilities* where *nuclear material* was customarily used (this is limited to locations with hot cells or where activities related to conversion, enrichment, fuel fabrication or reprocessing were carried out). It shall also include all installations, co-located with the *facility* or *location*, for the provision or use of essential services, including: hot cells for processing irradiated materials not containing *nuclear material*; installations for the treatment, storage and disposal of waste; and buildings associated with specified activities identified by ..... under Article 2.a.(iv) above.
- c. *Specific equipment and non-nuclear material* means equipment and non-nuclear material listed in Annex II to this

- Protocol.
- d. *Decommissioned facility or decommissioned location outside facilities* means an installation or location at which residual structures and equipment essential for its use have been removed or rendered inoperable so that it is not used to store and can no longer be used to handle, process or utilize nuclear material.
- e. *Closed-down facility or closed-down location outside facilities* means an installation or location where operations have been stopped and the *nuclear material* removed but which has not been decommissioned.
- f. *High enriched uranium* means uranium containing 20 percent or more of the isotope uranium-235.
- g. *Location-specific environmental sampling* means the collection of environmental samples (e.g., air, water, vegetation, soil, smears) at, and in the immediate vicinity of, a location specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared *nuclear material* or nuclear activities at the specified location.
- h. *Wide-area environmental sampling* means the collection of environmental samples (e.g., air, water, vegetation, soil, smears) at a set of locations specified by the Agency for the purpose of assisting the Agency to draw conclusions about the absence of undeclared *nuclear material* or nuclear activities over a wide area.
- i. *Nuclear material* means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute of the Agency after the entry into force of this Protocol which adds to the materials considered to be source material or special fissionable material shall have effect under this Protocol only upon acceptance by .....
- j. *Facility* means:
  - (i) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
  - (ii) Any location where *nuclear material* in amounts greater than one effective kilogram is customarily used.
- k. *Location outside facilities* means any installation or location, which is not a *facility*, where *nuclear material* is customarily used in amounts of one effective kilogram or less.

**Annex I**

[*Editorial Note:* Annex I consists of a list of manufacturing and construction activities that should be reported to the Agency by each state. For example, the manufacture of centrifuge rotor tubes or the construction of hot cells.]

**Annex II**

[*Editorial Note:* Annex II consists of specified equipment and non-nuclear material about which import and export data should be provided to the Agency. The list is based upon Annex B of *Guidelines for Nuclear Transfers* (INFCIRC/254). This is reproduced in the 'Export Controls' section of this volume of the *Briefing Book*.]

**Non-nuclear-weapon States which are party to the NPT but have not yet brought into force a safeguards agreement pursuant to Article III of that Treaty**

[As of 31 January 2012]

State	Small Quantities Protocol	Status of Agreements
Benin	Amended 15 Apr 08	Signed 7 Jun 05
Cape Verde	Amended 27 Mar 06	Signed 28 Jun 05
Djibouti	Signed 27 May 10	Signed 27 May 10
Equatorial Guinea	Approved 13 June 86	Approved 13 Jun 86
Eritrea		
Guinea	Signed 13 Dec 2011	Signed 13 Dec 2011
Guinea Bissau		
Liberia		
Micronesia, Fed States		
Sao Tome & Principe		

<sup>3</sup> The choice of alternative depends on the preference of the State concerned according to its internal legal requirements.

Somalia		
Timor-Leste	Signed 6 Oct 09	Signed 6 Oct 09
Togo	Signed 29 Nov 90	Signed 29 Nov 90
Vanuatu	Approved 8 Sep 09	Approved 8 Sep 09

'Small Quantities Protocol' applies to states with no, or very limited, amounts of nuclear material on their territory.

**Strengthened Safeguards System:  
States with Additional Protocols**

[As at 22 December 2011]

State	Board Approval	Date signed	In Force
Afghanistan	1 Mar '05	19 Jul '05	19 Jul '05
Albania	16 Jun '04	2 Dec '04	3 Nov '10
Algeria	14 Sep '04		
Andorra	7 Dec '00	9 Jan '01	19 Dec '11
Angola	3 Mar '10	28 Apr '10	28 Apr '10
Armenia	23 Sep '97	29 Sep '97	28 Jun '04
Australia	23 Sep '97	23 Sep '97	12 Dec '97
Austria	11 Jun '98	22 Sep '98	30 Apr '04
Azerbaijan	7 Jun '00	5 Jul '00	29 Nov '00
Bahrain	26 Nov '09	21 Sep '10	20 Jul '11
Bangladesh	25 Sep '00	30 Mar '01	30 Mar '01
Belarus	3 Oct '05	15 Nov '05	
Belgium	11 Jun '98	22 Sep '98	30 Apr '04
Benin	17 Sep '04	7 Jun '05	
Botswana	20 Sep '05	24 Aug '06	24 Aug '06
Bulgaria	<sup>1</sup>	<sup>1</sup>	1 May '09 <sup>1</sup>
Burkina Faso	18 Mar '03	17 Apr '03	17 Apr '03
Burundi	13 Jun '07	27 Sep '07	27 Sep '07
Cameroon	16 Jun '04	16 Dec '04	
Canada	11 Jun '98	24 Sep '98	8 Sep '00
Cape Verde	16 Jun '05	28 Jun '05	
Central African Rep.	7 Mar '06	7 Sep '09	7 Sep '09
Chad	22 Nov '07	15 Sep '09	13 May '10
Chile	10 Sep '02	19 Sep '02	3 Nov '03
China	25 Nov '98	31 Dec '98	28 Mar '02
Colombia	25 Nov '04	11 May '05	5 Mar '09
Comoros	16 Jun '05	13 Dec '05	20 Jan 09
Congo, Rep of the	8 Sep '09	13 APR '10	28 Oct '11
Costa Rica	29 Nov '01	12 Dec '01	17 Jun '11
Côte d'Ivoire	22 Nov '07	22 Oct '08	
Croatia	14 Sep '98	22 Sep '98	6 Jul '00
Cuba	9 Sep '03	18 Sep '03	3 Jun '04
Cyprus	<sup>1</sup>	<sup>1</sup>	1 May '08 <sup>1</sup>
Czech Republic	<sup>1</sup>	<sup>1</sup>	1 Oct '09 <sup>1</sup>
Democratic Republic of the Congo	28 Nov '02	9 Apr '03	9 Apr '03
Denmark	11 Jun '98	22 Sep '98	30 Apr '04
Djibouti	3 Mar '09	27 May '10	
Dominican Republic	23 Nov '06	20 Sep '07	5 May '10
Ecuador	20 Sep '99	1 Oct '99	24 Oct '01
El Salvador	23 Sep '02	5 Sep '03	24 May '04
Estonia	<sup>1</sup>	<sup>1</sup>	1 Dec '05 <sup>1</sup>
Fiji	16 Jun '05	14 Jul '06	14 Jul '06
Finland	11 Jun '98	22 Sep '98	30 Apr '04
France	11 Jun '98	22 Sep '98	30 Apr '04
Gabon	18 Mar '03	8 Jun '05	25 Mar '10
Gambia	3 Mar '10	18 Oct '11	18 Oct '11
Georgia	23 Sep '97	29 Sep '97	3 Jun '03
Germany	11 Jun '98	22 Sep '98	30 Apr '04
Ghana	11 Jun '98	12 Jun '98	11 Jun '04
Greece	11 Jun '98	22 Sep '98	30 Apr '04

Guatemala	29 Nov '01	14 Dec '01	28 May 08
Guinea	8 Jun '11	13 Dec '11	
Haiti	20 Mar '02	10 Jul '02	9 Mar '06
Holy See	14 Sep '98	24 Sep '98	24 Sep '98
Honduras	16 Jun '05	7 Jul '05	
Hungary	<sup>1</sup>	<sup>1</sup>	1 Jul '07 <sup>1</sup>
Iceland	9 Sep '03	12 Sep '03	12 Sep '03
India	3 Mar '09	15 May '09	
Indonesia	20 Sep '99	29 Sep '99	29 Sep '99
Iran, Islamic Rep. of	21 Nov '03	18 Dec '03	
Iraq	24 Sep '08	9 Oct '08 <sup>2</sup>	
Ireland	11 Jun '98	22 Sep '98	30 Apr '04
Italy	11 Jun '98	22 Sep '98	30 Apr '04
Jamaica	12 Jun '02	19 Mar '03	19 Mar '03
Japan	25 Nov '98	4 Dec '98	16 Dec '99
Jordan	18 Mar '98	28 Jul '98	28 Jul '98
Kazakhstan	18 Jun '03	6 Feb '04	9 May '07
Kenya	8 Sep '09	18 Sep '09	18 Sep '09
Kiribati	10 Sep '02	9 Nov '04	
Korea, Republic of	24 Mar '99	21 Jun '99	19 Feb '04
Kuwait	12 Jun '02	19 Jun '02	2 Jun '03
Kyrgyzstan	23 Nov '06	29 Jan '07	10 Nov '11
Latvia	<sup>1</sup>	<sup>1</sup>	1 Oct '08 <sup>1</sup>
Lesotho	24 Sep '08	26 Apr '10	26 Apr '10
Libyan Arab Jamahiriya	9 Mar '04	10 Mar '04	11 Aug '06
Liechtenstein	16 Jun '05	14 Jul '06	
Lithuania	<sup>1</sup>	<sup>1</sup>	1 Jan '08 <sup>1</sup>
Luxembourg	11 Jun '98	22 Sep '98	30 Apr '04
Madagascar	18 Jun '03	18 Sep '03	18 Sep '03
Malawi	23 Nov '06	26 Jul '07	26 Jul '07
Malaysia	22 Sep '05	22 Nov '05	
Mali	10 Sep '02	12 Sep '02	12 Sep '02
Malta	<sup>1</sup>	<sup>1</sup>	1 Jul '07 <sup>1</sup>
Marshall Islands	1 Mar '05	3 May '05	3 May '05
Mauritania	18 Mar '03	2 Jun '03	10 Dec '09
Mauritius	14 Sep '04	9 Dec '04	17 Dec '07
Mexico	12 Mar '04	29 Mar '04	4 Mar '11
Monaco	25 Nov '98	30 Sep '99	30 Sep '99
Mongolia	11 Sep '01	5 Dec '01	12 May '03
Montenegro	13 Jun '07	26 May 08	4 Mar '11
Morocco	16 Jun '04	22 Sep '04	21 Apr '11
Mozambique	22 Nov '07	8 Jul '10	1 Mar '11
Namibia	21 Mar '00	22 Mar '00	
Netherlands	11 Jun '98	22 Sep '98	30 Apr '04
New Zealand	14 Sep '98	24 Sep '98	24 Sep '98
Nicaragua	12 Jun '02	18 Jul '02	18 Feb '05
Niger	9 Mar '04	11 Jun '04	2 May '07
Nigeria	7 Jun '00	20 Sep '01	4 Apr '07
Norway	24 Mar '99	29 Sep '99	16 May '00
Palau	1 Mar '05	13 May '05	13 May '05
Panama	29 Nov '01	11 Dec '01	11 Dec '01
Paraguay	12 Jun '02	24 Mar '03	15 Sep '04
Peru	10 Dec '99	22 Mar '00	23 Jul '01
Philippines	23 Sep '97	30 Sep '97	26 Feb '10
Poland	<sup>1</sup>	<sup>1</sup>	1 Mar '07 <sup>1</sup>
Portugal	11 Jun '98	22 Sep '98	30 Apr '04
Republic of Moldova	13 Sep '06	14 Dec '11	
Romania	<sup>1</sup>	<sup>1</sup>	1 May '10
Russia	21 Mar '00	22 Mar '00	16 Oct '07
Rwanda	16 Jun '09	18 Nov '09	17 May '10
Senegal	1 Mar '05	15 Dec '06	
Serbia	16 Jun '09	3 Jul '09	
Seychelles	18 Mar '03	7 Apr '04	13 Oct '04
Singapore	20 Sep '05	22 Sep '05	31 Mar 08

Slovakia	<sup>1</sup>	<sup>1</sup>	1 Dec '05 <sup>1</sup>
Slovenia	<sup>1</sup>	<sup>1</sup>	1 Sep '06 <sup>1</sup>
South Africa	12 Jun '02	13 Sep '02	13 Sep '02
Spain	11 Jun '98	22 Sep '98	30 Apr '04
Swaziland	04 Mar '08	23 Jul '10	8 Sep '10
Sweden	11 Jun '98	22 Sep '98	30 Apr '04
Switzerland	7 Jun '00	16 Jun '00	1 Feb '05
Tajikistan	12 Jun '02	7 Jul '03	14 Dec '04
Thailand	20 Sep '05	22 Sep '05	
Timor-Leste	11 Sep '07	6 Oct '09	
The FYROM	16 Jun '05	12 Jul '05	11 May '07
Togo	22 Sep '03	26 Sep '03	
Tunisia	1 Mar '05	24 May '05	
Turkey	7 Jun '00	6 Jul '00	17 Jul '01
Turkmenistan	1 Mar '05	17 May '05	3 Jan '06
Uganda	25 Nov '04	14 Jun '05	14 Feb '06
Ukraine	7 Jun '00	15 Aug '00	24 Jan '06
United Arab Emirates	3 Mar '09	8 Apr '09	20 Dec '10
United Kingdom of Great Britain and Northern Ireland	11 Jun '98	22 Sep '98	30 Apr '04
United Republic of Tanzania	16 Jun '04	23 Sep '04	7 Feb '05

United States of America	11 Jun '98	12 Jun '98	06 Jan 09
Uruguay	23 Sep '97	29 Sep '97	30 Apr '04
Uzbekistan	14 Sep '98	22 Sep '98	21 Dec '98
Vanuatu	8 Sep '09		
Vietnam	6 Mar '07	10 Aug '07	
Zambia	27 Nov '08	13 May '09	
<b>Totals</b>	<b>140</b>	<b>138</b>	<b>114</b>

**Strengthened Safeguards System:  
Other Parties with Additional Protocols**

Other Parties <sup>3</sup>	Board Approval	Date signed	In Force
Euratom	11 June '98	22 Sept '98	30 April '04
<b>Totals</b>	<b>1</b>	<b>1</b>	<b>1</b>

<sup>1</sup> Accession to the additional protocol with EU NNWS reproduced in INFCIRC 193/Add.8

<sup>2</sup> Pending entry into force, the additional protocol is applied provisionally for Iraq as of 17 February 2010.

<sup>3</sup> The Agency also applies safeguards, including the measures foreseen in the Model Additional Protocol, in Taiwan, China. Pursuant to a decision by the Board, the relations between the Agency and the authorities in Taiwan, China are non-governmental.

## I – Peaceful Use Agreements

### **Agreement Between the Republic of Argentina and the Federative Republic of Brazil for the Exclusively Peaceful Use of Nuclear Energy [ABACC agreement]**

[Signed at Guadalajara, Mexico, 18 July 1991]

The Government of the Republic of Argentina and the Government of the Federative Republic of Brazil, hereinafter referred to as 'the Parties'.

Noting the progress achieved in Bilateral nuclear co-operation as a result of the joint work under the co-operative agreement on the peaceful uses of nuclear energy, signed in Buenos Aires on 20 May 1980;

Recalling the commitments assumed under the Joint Declarations on Nuclear Policy of Foz do Iguacu (1985), Brasilia (1986), Viedma (1987) and Ipero (1988), reaffirmed by the Joint Statement of Buenos Aires of 6 July 1990;

Reaffirming their decision to deepen the process of integration between the two countries;

Recognizing the importance of the peaceful use of nuclear energy for the scientific, technological, economic and social development of their peoples;

Believing that the benefits of all applications of nuclear technology should be accessible for peaceful purposes to all States;

Reaffirming the principles of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

Have agreed as follows:

#### **Basic Undertaking**

##### **Article I**

1. The Parties undertake to use the nuclear material and facilities under their jurisdiction or control exclusively for peaceful purposes.
2. The Parties also undertake to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in:
  - (a) The testing, use, manufacture, production or acquisition by any means of any nuclear weapon; and
  - (b) The receipt, storage, installation, deployment or any other form of possession of any nuclear weapon.
3. Bearing in mind that at present no technical distinction can be made between nuclear explosive devices for peaceful purposes and those for military purposes, the Parties also undertake to prohibit and prevent in their respective territories, and to abstain from carrying out, promoting or authorizing, directly or indirectly, or from participating in any way in, the testing, use, manufacture, production or acquisition by means of any nuclear explosive device while the above-mentioned technical limitation exists.

##### **Article II**

None of the provisions of the present Agreement shall affect the inalienable right of the Parties to carry out research on, produce and use nuclear energy for peaceful purposes, each Party maintaining its industrial, technological and commercial secrets, without discrimination and in conformity with Articles I, III and IV.

##### **Article III**

None of the provisions of the present Agreement shall limit the right of the Parties to use nuclear energy for the propulsion of any type of vehicle, including submarines, since propulsion is a peaceful application of nuclear energy.

##### **Article IV**

The Parties undertake to submit all the nuclear materials in all nuclear activities carried out in their territories or anywhere under their jurisdiction or control to the Common System of Accounting and Control of Nuclear Materials ('SCCC') established by Article V of the present Agreement.

#### **Common System of Accounting & Control of Nuclear Materials**

##### **Article V**

The Parties shall establish the Common System of Accounting and Control of Nuclear Materials (hereinafter referred to as 'SCCC'), the objective of which shall be to verify, in accordance with the basic guidelines established in the Annex to the present Agreement, that the nuclear materials in all nuclear activities of the Parties are not diverted to the purposes prohibited by the present Agreement.

#### **Brazilian-Argentine Agency for Accounting & Control of Nuclear Materials**

##### **Article VI**

The Parties shall establish the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials (hereinafter referred to as the 'ABACC'), which shall have legal personality enabling it to carry out the objective assigned to it under the present Agreement.

#### **Objective of the ABACC**

##### **Article VII**

The objective of the ABACC will be to administer and implement the SCCC in accordance with the provisions of the present Agreement.

#### **Powers of the ABACC**

##### **Article VIII**

The powers of the ABACC shall be:

- (a) To agree with the Parties new General Procedures and Implementation Manuals and any modifications to the existing procedures and manuals that may be necessary;
- (b) To carry out the inspections and other procedures required for implementation of the SCCC;
- (c) To designate inspectors to carry out the inspections indicated in (b);
- (d) To evaluate the inspections carried out in implementation of the SCCC;
- (e) To engage the necessary services to ensure fulfilment of its objective;
- (f) To represent the Parties before third parties in connection with the implementation of the SCCC;
- (g) To take legal action

#### **Organs of the ABACC**

##### **Article IX**

The organs of the ABACC shall be the Commission and the Secretariat.

#### **Composition of the Commission**

##### **Article X**

The Commission shall consist of four members, two being designated by each Party. The Commission shall be established within 60 days of the entry into force of the present Agreement.

#### **Functions of the Commission**

##### **Article XI**

The functions of the Commission shall be:

- (a) To monitor the functioning of the SCCC;
- (b) To approve the General Procedures and Implementation Manuals referred to in Article VIII(a) after their negotiation by the Secretariat;
- (c) To procure the necessary resources for the establishment of the Secretariat;
- (d) To supervise the functioning of the Secretariat, preparing instructions and directives as appropriate in each case;
- (e) To appoint the professional staff of the Secretariat and to approve the appointment of auxiliary staff;
- (f) To prepare a list of duly qualified inspectors from among those proposed by the Parties to carry out the inspection tasks entrusted to them by the Secretariat;

- (g) To inform the Party concerned of any anomalies which may arise in the implementation of the SCCC; that Party shall then be obliged to take the necessary measures to rectify the situation;
- (h) To call upon the Parties to establish any ad hoc advisory groups which may be deemed necessary to improve the functioning of the SCCC;
- (i) To report to the Parties every year on the implementation of the SCCC;
- (j) To inform the Parties of the non-compliance by one of the Parties of the commitments made under the present Agreement;
- (k) To prepare rules of procedure for itself and regulations for the Secretariat.

#### Composition of the Secretariat

##### Article XII

1. The Secretariat shall consist of the professional staff appointed by the Commission and of auxiliary staff. In the performance of their duties, the staff of the Secretariat shall be subject to the regulations approved and the directives formulated by the Commission.
2. The senior staff of the nationality of each Party shall take it in turns each year to act as Secretary of the ABACC, beginning with the nationality of the country in which the headquarters is not located.
3. The inspectors designated under Article VII(c) shall be responsible exclusively to the Secretariat while carrying out the duties assigned to them by the Secretariat in connection with the SCCC.

#### Functions of the Secretariat

##### Article XIII

The Secretariat shall have the following functions:

- (a) To implement the directives and instructions issued by the Commission;
- (b) In this context, to perform the necessary activities for implementation and administration of the SCCC;
- (c) To act, under the mandate of the Commission, as the representative of the ABACC in its relations with the Parties and with third parties;
- (d) To designate from among those included in the list referred to in Article XI(f) the inspectors who will carry out the inspection tasks necessary for the implementation of the SCCC, taking into account that the inspectors who are nationals of one of the Parties should carry out inspections at the facilities of the other Party and to instruct them in the performance of their duties;
- (e) To receive the reports which the inspectors will prepare on the results of their inspections;
- (f) To evaluate the inspections in accordance with the appropriate procedures;
- (g) To inform the Commission immediately of any discrepancy in the records of either of the Parties which emerges from the evaluation of the inspection results;
- (h) To prepare the ABACC's budget for approval by the Commission;
- (i) To report regularly to the Commission on its activities and, in particular, on the implementation of the SCC.

#### Confidentiality of the Information

##### Article XIV

1. The ABACC shall not be authorized to divulge industrial, commercial or any other information of a confidential nature on the facilities and characteristics of the nuclear programme of the Parties without the express consent of the Parties.
2. The members of the Commission, the staff of the Secretariat, the inspectors and all persons involved in the implementation of the SCCC shall not reveal industrial, commercial or any other information of a confidential nature on the facilities and characteristics of the nuclear programmes of the Parties acquired in or as a result of the performance of their duties. This obligation shall continue even after they have ceased working for the ABACC or doing work related to the implementation of the SCCC.
3. The penalties for infringements of paragraph 2 of this Article shall be determined by the respective national legislations,

each Party establishing the penalty for infringements committed by its nationals regardless of where they were committed.

#### Headquarters of the ABACC

##### Article XV

1. The headquarters of the ABACC shall be in the city of Rio de Janeiro.
2. The ABACC shall negotiate with the Federative Republic of Brazil the relevant headquarters agreement.

#### Financial and Technical Support

##### Article XVI

1. The Parties shall provide in equal amounts the necessary funds for the functioning of the SCCC and the ABACC.
2. The Parties shall make their technical capabilities available to the ABACC in support of its activities. Persons allocated temporarily to these support tasks shall be bound by the commitment laid down in Article XIV.

#### Privileges and Immunities

##### Article XVII

1. The ABACC shall enjoy legal personality and full legal capacity. Its privileges and immunities and those of its staff in Brazil shall be laid down in the headquarters agreement referred to in Article XV.
2. The privileges and immunities of the inspectors and other staff working on a temporary basis for the ABACC shall be determined in an Additional Protocol.

#### Interpretation and Application

##### Article XVIII

Any dispute relating to the interpretation and application of the present Agreement shall be settled by the Parties through diplomatic channels.

#### Breach of the Agreement

##### Article XIX

Any serious breach of the present Agreement by one of the parties shall entitle the other Party to terminate the agreement or to suspend its application in whole or in part, notification thereof being made by that Party to the Secretariat of the United Nations and the Secretariat of the Organization of American States.

#### Ratification and Entry into Force

##### Article XX

The present Agreement shall enter into force 30 days after the date of exchange of the respective instruments of ratification. Its text shall be transmitted by the Parties to the Secretariat of the United Nations and the Secretariat of the Organisation of American States for registration.

#### Amendments

##### Article XXI

The present Agreement may be amended by the Parties at any time by mutual consent. The entry into force of the amendments shall be in accordance with the procedure laid down in Article XX.

#### Duration

##### Article XXII

The present Agreement shall be valid for an indefinite period. It may be terminated by either of the Parties by written notification to the other Party, notification thereof being made by the Party terminating the Agreement to the Secretariat of the United Nations and the Secretariat of the Organisation of American States. The termination shall become effective six months after the date of receipt of this notification.

Done in the city of Guadalajara, on the 18th day of the month of July 1991, in duplicate in the Spanish and Portuguese languages, both texts being equally authentic.

**ANNEX**

**Basic Guidelines for the Common System of Accounting and Control of Nuclear Materials**

**Article I**

1. The Common System of Accounting and Control of Nuclear Materials (the SCCC) is a set of procedures established by the Parties to detect, with a reasonable degree of certainty, whether the nuclear materials in all their nuclear activities have been diverted to uses not authorised under the terms of the present Agreement.

2. The SCCC consists of General Procedures and Implementation Manuals for each category of installation.

**Article II**

The SCCC shall be based on a structure of nuclear material accounting areas and shall be applied as of one of the following initiating events:

- (a) The production of any nuclear material of suitable composition and purity for direct use in the manufacture of nuclear fuel or in isotopic enrichment, including the subsequent generations of nuclear material produced from such material;
- (b) The import of any nuclear material having the characteristics set forth in paragraph (a) above or any other nuclear materials produced in a subsequent stage of the nuclear fuel cycle.

**Article III**

The nuclear material shall cease to be subject to the SCCC when:

- (a) It has been moved outside the jurisdiction or control of the Parties; or
- (b) It has been transferred to a non-nuclear use or a nuclear use not relevant in terms of the SCCC; or
- (c) It has been used, diluted or transformed so that it cannot be used for any nuclear use relevant in terms of the SCCC or it is practically irrevocable.

**Article IV**

The application of the SCCC to nuclear materials used for the nuclear propulsion of any type of vehicle, including submarines, or in other activities which, by their nature, require a special procedure shall have the following special characteristics:

- (a) The suspension of inspections, of access to operational accounting records and of notifications and reports required under the SCCC in relation to these nuclear materials for the duration of their use for the above-mentioned activities;
- (b) The reapplication to these nuclear materials of the procedures referred to in paragraph (a) when they cease to be used for those activities;
- (c) The recording by the ABACC of the total quantity and composition of such nuclear materials under the jurisdiction or control of one of the Parties and all transfers of these materials outside such jurisdiction or control.

**Article V**

The suitable level of accounting and control of nuclear materials for each installation shall be determined according to the strategic value obtained from analysis of the following variables:

- (a) Category of the nuclear material, taking into account the relevance of its isotopic composition;
- (b) Conversion time;
- (c) Inventory/flow of the nuclear material;
- (d) Category of the installation;
- (e) Degree of importance of the installation in comparison with other existing installations;
- (f) Existence of containment and surveillance methods.

**Article VI**

The SCCC, where appropriate, shall include such measures as:

- (a) A system of records or reports reflecting, for each nuclear material accounting area, the inventory of nuclear materials and changes in that inventory;
- (b) Provisions for the correct application of the accounting and control procedures and measures;
- (c) Measuring systems to determine the nuclear material inventories and their variations;
- (d) Evaluation of the accuracy and degree of approximation of the measurements and calculations of their uncertainty;

- (e) Procedures to identify, revise and evaluate shipper-receiver differences in the measurements;
- (f) Procedures for carrying out a physical inventory;
- (g) Procedures for determining and evaluating non-accounted material;
- (h) Implementation of containment and surveillance systems.

**Treaty establishing the European Atomic Energy Community (Euratom)**

[[http://europa.eu/legislation\\_summaries/institutional\\_affairs/treaties/treaties\\_euratom\\_en.htm](http://europa.eu/legislation_summaries/institutional_affairs/treaties/treaties_euratom_en.htm)]

Initially created to coordinate the Member States' research programmes for the peaceful use of nuclear energy, the Euratom Treaty today helps to pool knowledge, infrastructure and funding of nuclear energy. It ensures the security of atomic energy supply within the framework of a centralised monitoring system. [Eds...]

**OBJECTIVES**

[Eds...] The general objective of the Treaty is to contribute to the formation and development of Europe's nuclear industries, so that all the Member States can benefit from the development of atomic energy, and to ensure security of supply. At the same time, the Treaty guarantees high safety standards for the public and prevents nuclear materials intended principally for civilian use from being diverted to military use. It is important to note that Euratom's powers are limited to peaceful civil uses of nuclear energy. [Eds...]

**SCOPE**

The objective of the Euratom Treaty is to pool the nuclear industries of Member States. In this context, it applies only to certain entities (Member States, physical persons, and public or private undertakings or institutions) which carry out some or all of their activities in an area covered by the Treaty, i.e. special fissile materials, source materials and the ores from which source materials are extracted.

**STRUCTURE**

The Euratom Treaty comprises 234 articles which are set out under six titles and preceded by a preamble. The number of articles was reduced to 177 following the signature in December 2007 of the Treaty amending the Treaty on European Union (EU Treaty) and the Treaty establishing the European Community (EC Treaty).

- The first title sets out the seven tasks which the Treaty entrusts to the Community.
- The second title sets out provisions to encourage progress in the field of nuclear energy (promotion of research, dissemination of information, health and safety, investment, joint undertakings, supplies, safeguards, property ownership, the nuclear common market and external relations).
- The third title deals with the institutions of the Community and with general financial provisions. These provisions were adapted in line with the Treaty amending the EU Treaty and the EC Treaty signed in December 2007.
- The fourth title deals with specific financial provisions.
- The fifth and sixth titles deal respectively with general provisions and provisions relating to the initial period (setting up the institutions, initial application provisions and transitional provisions).

[Eds...].

Lastly, two protocols are also appended to the Treaty. These are the Protocol on the application of the Treaty establishing the European Atomic Energy Community to the non-European parts of the Kingdom of the Netherlands and the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community.

**TASKS**

According to the Treaty, the specific tasks of Euratom are:

- **to promote research and ensure the dissemination of technical information**  
[Eds...]
- **to establish uniform safety standards to protect the health of workers and of the general public and ensure that they are applied** [Eds...]
- **to facilitate investment and ensure the establishment of**

the basic installations necessary for the development of nuclear energy in the EU [Eds...]

- to ensure that all users in the EU receive a regular and equitable supply of ores and nuclear fuels

Supplies of ores, source materials and special fissile materials are ensured by means of a common supply policy based on the principle of equal access to sources of supply. In this context, the Treaty: prohibits all practices designed to secure a privileged position for certain users; establishes an Agency with a right of option on ores, source materials and special fissile materials produced in the territories of Member States and an exclusive right to conclude contracts relating to the supply of ores, source materials and special fissile materials coming from inside the Community or from outside.

The Euratom Supply Agency has legal personality and financial autonomy and is under the supervision of the Commission, which issues directives to it and possesses a right of veto over its decisions. Member States are required to submit an annual report to the Commission on the development of prospecting and production, on probable reserves and on investment in mining which has been made or is planned in their territories.

- to make certain that civil nuclear materials are not diverted to other (particularly military) purposes

The Euratom Treaty introduces an extremely comprehensive and strict system of safeguards to ensure that civil nuclear materials are not diverted from the civil use declared by the Member States. The EU has exclusive powers in this domain, which it exercises with the aid of a team of 300 inspectors who enforce the Euratom safeguards throughout the EU.

The Commission must ensure that, in the territories of the Member States:

- ores, source materials and special fissile materials are not diverted from the intended uses declared by users;
- the provisions relating to supply are complied with, together with any particular commitments to ensure access to the best available techniques by means of a common market in materials, equipment, etc.

The Commission may send inspectors into the territories of Member States. These inspectors have access at all times to all places and data and to all persons who, by reason of their occupation, deal with materials, equipment or installations subject to the safeguards.

The Euratom safeguards are applied in conjunction with those of the International Atomic Energy Agency (IAEA) under tripartite agreements concluded between the Member States, the Community and the IAEA.

In the event of infringement of these obligations, the Commission may impose sanctions on the persons or undertakings responsible. These sanctions can range from a simple warning to the total or partial withdrawal of source materials or special fissile materials, and also include the withdrawal of special benefits (such as financial or technical assistance) or the placing of the undertaking under the administration of a person or a board.

- to exercise the right of ownership conferred upon it with respect to special fissile materials
- to foster progress in the peaceful uses of nuclear energy by working with other countries and international organisations [Eds...]

The Commission negotiates and concludes agreements governing nuclear cooperation with third countries. However, conclusion of such agreements is subject to approval by the Council. The Member States are required, for their part, to notify the Commission of any draft agreements or contracts with a third State, an international organisation or a national of a third State. Currently, there are Euratom agreements with many countries, including the USA, Australia and Canada.

- to establish joint undertakings

Such undertakings are set up for specific projects of fundamental importance to the development of the nuclear industry in Europe. Examples include the Joint European Torus (JET) in the field of nuclear fusion (this undertaking was dissolved in 2000, but its activities continue under the aegis of the European Fusion Development Agreement (EFDA) and the ITER project, which should even extend beyond Europe.

#### INSTITUTIONS AND MEMBER STATES

[Eds...]

The Community institutions are responsible for implementing the Treaty and for the two specific Euratom bodies: the Supply Agency and the Safeguards Office (which carries out physical and accounting checks in all nuclear installations in the Community). [Eds...]

Over the years, other nuclear energy issues have grown in importance, too, notably operational safety of nuclear facilities, storage of radioactive waste, and nuclear non-proliferation (nuclear safeguards). Although the Member States retain most powers in these fields, a degree of uniformity has been achieved at international level with the aid of a series of treaties, conventions and initiatives which, one by one, have pieced together an international regulatory framework governing activities in the nuclear sector (the Convention on Nuclear Safety). [Eds...]



## J – Security Assurances

### Unilateral Security Assurances by Nuclear-Weapon States

[1978, 1982 and 1995]

#### China

##### *Given on 7 June 1978 [extract]*

For the present, all the nuclear countries, particularly the super-Powers, which possess nuclear weapons in large quantities, should immediately undertake not to resort to the threat or use of nuclear weapons against the non-nuclear countries and nuclear-free zones. China is not only ready to undertake this commitment but wishes to reiterate that at no time and in no circumstances will it be the first to use nuclear weapons. {A/S-10/AC.1/17, annex, para.7.}

##### *Given on 28 April 1982 [extract]*

Pending the realization of completed prohibition and thorough destruction of nuclear weapons, all nuclear countries must undertake unconditionally not to use or threaten to use such weapons against non-nuclear countries and nuclear-free zones.

As is known to all, the Chinese Government has long declared on its own initiative and unilaterally that at no time and under no circumstances will China be the first to use nuclear weapons, and that it undertakes unconditionally not to use or threaten to use nuclear weapons against non-nuclear countries and nuclear-free zones. {A/S-12/11}

##### *Given on 5 April 1995*

For the purpose of enhancing international peace, security and stability and facilitating the realization of the goal of complete prohibition and thorough destruction of nuclear weapons, China hereby declares its position on security assurances as follows:

1. China undertakes not to be the first to use nuclear weapons at any time or under any circumstances.

2. China undertakes not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones at any time or under any circumstances. This commitment naturally applies to non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons or non-nuclear-weapon States that have entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices.

3. China has always held that, pending the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon States should undertake not to be the first to use nuclear weapons and not to use or threaten to use such weapons against non-nuclear-weapon States and nuclear-weapon-free zones at any time or under any circumstances. China strongly calls for the early conclusion of an international convention on no-first-use of nuclear weapons as well as an international legal instrument assuring the non-nuclear-weapon States and nuclear-weapon-free zones against the use or threat of use of nuclear weapons.

4. China, as a permanent member of the Security Council of the United Nations, undertakes to take action within the Council to ensure that the Council takes appropriate measures to provide, in accordance with the Charter of the United Nations, necessary assistance to any non-nuclear-weapon State that comes under attack with nuclear weapons, and imposes strict and effective sanctions on the attacking State. This commitment naturally applies to any non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons or any non-nuclear weapon State that has entered into any comparable internationally-binding commitment not to manufacture or acquire nuclear explosive devices, in the event of an aggression with nuclear weapons or the threat of such aggression against such State.

5. The positive security assurance provided by China, as contained in paragraph 4, does not in any way compromise China's position as contained in paragraph 3 and shall not in any way be construed as endorsing the use of nuclear weapons.

#### France

##### *Given on 30 June 1978 [extract]*

Furthermore, as regards paragraph 59 [of the Final Document of the Tenth Special Session] concerning assurances of the non-use of nuclear weapons against non-nuclear States, the delegation of France would recall that France is prepared to give such assurances, in accordance with arrangements to be negotiated, to States which constitute non-nuclear zones. {*Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 27th meeting, para. 190*}

##### *Given on 11 June 1982 [extract]*

For its part, it [France] states that it will not use nuclear arms against a State that does not have them and that has pledged not to seek them, except if an act of aggression is carried out in association or alliance with a nuclear-weapon State against France or against a State with which France has a security commitment. {*Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 9th meeting*}

##### *Given on 6 April 1995*

The issue of security assurances given by the nuclear Powers to the non-nuclear-weapon States is, for my delegation, an important one:

Firstly, because it corresponds to a real expectation on the part of the non-nuclear-weapon States, particularly those which, have renounced atomic weapons by signing the Treaty on the Non-Proliferation of Nuclear Weapons;

Secondly, because it involves our particular responsibilities as a nuclear Power;

Finally, because it has acquired new meaning since the end of the cold war, with the growing awareness of the threat which the proliferation of nuclear weapons represents for everyone.

It is in order to meet that expectation, to assume its responsibilities and to make its contribution to efforts to combat the proliferation of nuclear weapons that France has decided to take the following steps:

Firstly, it reaffirms, and clarifies, the negative security assurances which it gave in 1982, specifically:

France reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on France, its territory, its armed forces or other troops, or against its allies or a State towards which it has a security commitment, carried out or sustained by such a State in alliance or association with a nuclear-weapon State.

It seems to us natural that it is the signatory countries to the Treaty on the Non-Proliferation of Nuclear Weapons — that is to say, the overwhelming majority of countries in the world — who should benefit from these assurances, since they have made a formal non-proliferation commitment. Furthermore, in order to respond to the request of a great many countries, France has sought as much as possible to harmonize the content of its negative assurances with those of the other nuclear Powers. We are pleased that this effort has been successful. The content of the declarations concerning the negative security assurances of France, the United States of America, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland are henceforth practically identical.

Secondly, and for the first time, France has decided to give positive security assurances to all non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Its accession to the Treaty made this decision both possible and desirable. Accordingly:

'France considers that any aggression which is accompanied by the use of nuclear weapons would threaten international peace and security. France recognizes that the non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons are entitled to an assurance that, should they be attacked with nuclear weapons or threatened with such an attack, the international community and, first and foremost, the United Nations Security Council, would react immediately in accordance with obligations set forth in the Charter.

'Having regard to these considerations, France makes the

following declaration:

'France, as a Permanent Member of the Security Council, pledges that, in the event of attack with nuclear weapons or the threat of such attack against a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, France will immediately inform the Security Council and act within the Council to ensure that the latter takes immediate steps to provide, in accordance with the Charter, necessary assistance to any State which is the victim of such an act or threat of aggression.

'France reaffirms in particular the inherent right, recognized in Article 51 of the Charter, of individual or collective self-defence if an armed attack, including an attack with use of nuclear weapons, occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security.'

In this area also, we are pleased that the content of these positive assurances has been the subject of close consultations with the other nuclear Powers.

Thirdly, France, with the four other nuclear Powers, has decided to submit to the United Nations Security Council a draft resolution which constitutes a first in many respects, and which reflects our intention to meet the expectations of the international community globally, collectively and specifically;

Globally: for the first time, a draft resolution deals with both negative and positive assurances;

Collectively: for the first time, a resolution of the Security Council specifies the measures which the Security Council could take in the event of aggression, in the areas of the settlement of disputes, humanitarian assistance and compensation to the victims.

The draft resolution solemnly reaffirms the need for all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fully respect their obligations. That is not a *petitio principii*, but a reminder of a fundamental rule. The draft resolution also emphasizes the desirable nature of universal accession to the Treaty.

The decisions which I have just announced correspond to our intention to consolidate the non-proliferation regime and particularly the Treaty on the Non-Proliferation of Nuclear Weapons, which is the cornerstone of that regime. It is our hope and firm conviction that the initiatives we have just taken will contribute thereto.

#### **Soviet Union/Russia**

##### ***Given on 26 May 1978 [extract]***

From the rostrum of the special session our country declares that the Soviet Union will never use nuclear weapons against those States which renounce the production and acquisition of such weapons and do not have them on their territories.

We are aware of the responsibility which would thus fall on us as a result of such a commitment. But we are convinced that such a step to meet the wishes of non-nuclear States to have stronger security guarantees is in the interests of peace in the broadest sense of the word. We expect that the goodwill evinced by our country in this manner will lead to more active participation by a large number of States in strengthening the non-proliferation regime. *{Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 5th meeting, paras. 84 and 85.}*

##### ***Given on 12 June 1982 [extract]***

[The Soviet Union assumes] an obligation not to be the first to use nuclear weapons. This obligation shall become effective immediately, at the moment it is made public from the rostrum of the United Nations General Assembly. ... [The question of the granting of security guarantees] could be solved by concluding an international convention. The USSR is also prepared to conclude bilateral agreements on guarantees with States which do not possess nuclear weapons and do not have them on their territory. *{Official Records of the General Assembly, Twelfth Special Session, Plenary Meetings, 12th meeting}*

##### ***Given on 5 April 1995***

Russian Federation will not use nuclear weapons against non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an invasion or any other attack on the Russian Federation, its territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-

weapon State.

#### **United Kingdom**

##### ***Given on 28 June 1978 [extract]***

I accordingly give the following assurance, on behalf of my government, to non-nuclear-weapon States which are parties to the Treaty on the Non-Proliferation of Nuclear Weapons and to other internationally binding commitments not to manufacture or acquire nuclear explosive devices: Britain undertakes not to use nuclear weapons against such States except in the case of an attack on the United Kingdom, its dependent territories, its armed forces or its allies by such a State in association or alliance with a nuclear-weapon State. *{Official Records of the General Assembly, Tenth Special Session, Plenary Meetings, 26th meeting, para. 12}*

##### ***Given on 6 April 1995***

The Government of the United Kingdom believes that universal adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security. We note with appreciation that 175 States have become parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

We believe that the Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone of the international non-proliferation regime which has made an invaluable contribution to international peace and security. We are convinced that the Treaty should be extended indefinitely and without conditions.

We will continue to urge all States that have not done so to become parties to the Treaty.

The Government of the United Kingdom recognises that States which have renounced nuclear weapons are entitled to look for assurances that nuclear weapons will not be used against them. In 1978 we gave such an assurance. Assurances have also been given by the other nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

Recognising the continued concern of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the assurances given by nuclear-weapon States should be in similar terms, and following consultation with the other nuclear-weapon States, I accordingly give the following undertaking on behalf of my Government:

The United Kingdom will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United Kingdom, its dependent territories, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

In giving this assurance the United Kingdom emphasises the need not only for universal adherence to, but also for compliance with, the Treaty on the Non-Proliferation of Nuclear Weapons. In this context I wish to make clear that Her Majesty's Government does not regard its assurance as applicable if any beneficiary is in material breach of its own non-proliferation obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

In 1968 the United Kingdom declared that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State would create a qualitatively new situation in which the nuclear-weapon States which are Permanent Members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter, which calls for taking 'effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace'. Therefore, any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

I, therefore, recall and reaffirm the intention of the United Kingdom, as a Permanent Member of the United Nations Security Council, to seek immediate Security Council action to provide assistance, in accordance with the Charter, to any non-nuclear-weapon State, Party to the Treaty on the Non-Proliferation of Nuclear Weapons, that is a victim of an act of aggression or an

object of a threat of aggression in which nuclear weapons are used.

This Security Council assistance could include measures to settle the dispute and restore international peace and security, and appropriate procedures, in response to any request from the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

If a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, the United Kingdom would also be prepared to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance.

The United Kingdom reaffirms in particular the inherent right, recognised under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

**United States**

**Given on 17 November 1978 [extract]**

The United States will not use nuclear weapons against any non-nuclear-weapon State Party to the NPT or any comparable internationally binding commitment not to acquire nuclear explosive devices, except in the case of an attack on the United States, its territories or armed forces, or its allies, by such a State allied to a nuclear-weapon State or associated with a nuclear-weapon State in carrying out or sustaining the attack. {A/C.1/33/7, annex}

**Given on 5 April 1995**

The United States of America believes that universal adherence to and compliance with international conventions and treaties seeking to prevent the proliferation of weapons of mass destruction is a cornerstone of global security. The Treaty on the Non-Proliferation of Nuclear Weapons is a central element of this regime. 5 March 1995 was the twenty-fifth anniversary of its entry into force, an event commemorated by President Clinton in a speech in Washington D.C., on 1 March 1995. A conference to decide on the extension of the Treaty will begin in New York on 17 April 1995. The United States considers the indefinite extension of the Treaty on the Non-Proliferation of Nuclear Weapons without conditions as a matter of the highest national priority and will continue to pursue all appropriate efforts to achieve that outcome.

It is important that all parties to the Treaty on the Non-Proliferation of Nuclear Weapons fulfil their obligations under the Treaty. In that regard, consistent with generally recognised principles of international law, parties to the Treaty on the Non-Proliferation of Nuclear Weapons must be in compliance with these undertakings in order to be eligible for any benefits of adherence to the Treaty.

The United States reaffirms that it will not use nuclear weapons against non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons except in the case of an invasion or any other attack on the United States, its territories, its armed forces or other troops, its allies, or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

Aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would create a qualitatively new situation in which the nuclear-weapon State permanent members of the United Nations Security Council would have to act immediately through the Security Council, in accordance with the Charter of the United Nations, to take the measures necessary to counter such aggression or to remove the threat of aggression. Any State which commits aggression accompanied by the use of nuclear weapons or which threatens such aggression must be aware that its actions are to be countered effectively by measures to be taken in accordance with the Charter to suppress the aggression or remove the threat of aggression.

Non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons have a legitimate desire for assurances that the United Nations Security Council, and above all its nuclear-weapon-State permanent members, would act immediately in accordance with the Charter, in the event such non-

nuclear-weapon States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used.

The United States affirms its intention to provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used.

Among the means available to the Security Council for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons would be an investigation into the situation and appropriate measures to settle the dispute and to restore international peace and security.

United Nations Member States should take appropriate measures in response to a request for technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of aggression with nuclear weapons, and the Security Council should consider what measures are needed in this regard in the event of such an act of aggression.

The Security Council should recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression.

The United States reaffirms the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack, including a nuclear attack, occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

**United Nations Security Council Resolution 984 (1995)**

[Adopted by the Security Council on 11 April 1995]

*The Security Council,*

*Convinced* that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty on the Non-Proliferation of Nuclear Weapons to these efforts,

*Recognizing* the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive security assurances,

*Welcoming* the fact that more than 170 States have become Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and stressing the desirability of universal adherence to it,

*Reaffirming* the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to comply fully with all their obligations,

*Taking* into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, further appropriate measures be undertaken to safeguard their security,

*Considering* that the present resolution constitutes a step in this direction,

*Considering further* that, in accordance with the relevant provisions of the Charter of the United Nations, any aggression with the use of nuclear weapons would endanger international peace and security,

1. *Takes note* with appreciation of the statements made by each of the nuclear-weapon States (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon States that are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Recognizes* the legitimate interest of non-nuclear-weapon States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to receive assurances that the Security Council, and above all its nuclear-weapon State permanent members, will act immediately in accordance with the relevant provisions of the Charter of the United Nations, in the event that such States are the victim of an act of, or object of a threat of, aggression in which nuclear weapons are used;

3. *Recognizes further* that, in case of aggression with nuclear

weapons or the threat of such aggression against a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, any State may bring the matter immediately to the attention of the Security Council to enable the Council to take urgent action to provide assistance, in accordance with the Charter, to the State victim of an act of, or object of a threat of, such aggression; and *recognizes also* that the nuclear-weapon State permanent members of the Security Council will bring the matter immediately to the attention of the Council and seek Council action to provide, in accordance with the Charter, the necessary assistance to the State victim;

4. *Notes* the means available to it for assisting such a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, including an investigation into the situation and appropriate measures to settle the dispute and restore international peace and security;

5. *Invites* Member States, individually or collectively, if any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons is a victim of an act of aggression with nuclear weapons, to take appropriate measures in response to a request from the victim for technical, medical, scientific or humanitarian assistance, and affirms its readiness to consider what measures are needed in this regard in the event of such an act of aggression;

6. *Expresses* its intention to recommend appropriate procedures, in response to any request from a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is the victim of such an act of aggression, regarding compensation under international law from the aggressor for loss, damage or injury sustained as a result of the aggression;

7. *Welcomes* the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons that is a victim of an act of, or an object of a threat of, aggression in which nuclear weapons are used;

8. *Urges* all States, provided for in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, to pursue negotiations in good faith on effective measures relating to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control which remains a universal goal,

9. *Reaffirms* the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security;

10. *Underlines* that the issues raised in this resolution remain of continuing concern to the Council.

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### Working Paper: "Security Assurances"

[Submitted by New Zealand on behalf of Brazil, Egypt, Ireland, Mexico, Sweden and South Africa as members of the New Agenda Coalition (NAC), Reproduced from NPT/CONF.2005/PC.II/WP.11, 1 May 2003]

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#### 1. INTRODUCTION

The Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons states that: "The Conference agrees that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States to the Treaty on the Non-Proliferation of Nuclear Weapons strengthen the nuclear non-proliferation regime. The Conference calls upon the Preparatory Committee to make recommendations to the 2005 Review Conference on this issue."

Paragraph 8 of the 1995 Principles and Objectives for Nuclear Non-Proliferation and Disarmament states that: "Noting United Nations Security Council resolution 984(95), which was adopted unanimously on 11 April 1995, concerning both negative and positive security assurances, further steps should be considered to assure non-nuclear weapon States party to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument."

The 1990 Review Conference draft Final Document stated in paragraph 7 under the heading Security Assurances, which, while the document as a whole did not achieve agreement, was consensus language, that:

"The Conference recognises the need for effective international arrangements, that could be included in an international legally binding instrument, to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons. The conclusion of an international instrument providing for such arrangements would strengthen the security of non-nuclear-weapon States parties to the Treaty and offer additional incentives to other non-nuclear-weapon States to adhere to the Treaty. Participation of all nuclear-weapon States, including those which are not parties to the Treaty, in such an instrument would contribute to ensuring its maximum effectiveness."

In the Advisory Opinion of the International Court of Justice on the "Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict" it was decided unanimously that: "There is in neither customary nor conventional international law any specific authorisation of the threat or use of nuclear weapons" and that "A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter, and that fails to meet all the requirements of Article 51, is unlawful."

#### 2. PERSPECTIVE

The issue at stake is the granting of legally binding security assurances to the non-nuclear-weapon States parties of the NPT, thereby fulfilling the undertaking which should be given to the States which have voluntarily given up the nuclear-weapons option by becoming parties to the Treaty. The negotiation of legally binding security assurances within the NPT umbrella, as opposed to some other forum, would provide a significant benefit to the Treaty parties and would be seen as an incentive to those who remain outside the NPT.

Security assurances rightfully belong to those who have given up the nuclear-weapon option as opposed to those who are still keeping their options open. They would strengthen the nuclear non-proliferation regime and confirm the role of the NPT and its indefinite extension.

#### 3. SECURITY ASSURANCES IN THE CONTEXT OF THE NPT

The issue of legally binding security assurances to non-nuclear-weapon States is a complex issue. Key questions that would need to be addressed are:

- Identification of the States providing the security assurances;
- Identification of the beneficiaries of such security assurances;
- The nature and scope of the security assurances being provided;
- Elements that would need to be included in a legally binding instrument on security assurances; and
- In what format such security assurances would be provided.

#### 4. IDENTIFICATION OF THE STATES PROVIDING SECURITY ASSURANCES

The only States in a position to provide security assurances, in that they are legally in a position to possess nuclear weapons and thereby having the capacity to use or threaten to use nuclear weapons, are the nuclear-weapon States. Article IX (3) of the nuclear Non-Proliferation Treaty identifies and defines a nuclear-weapon State as a one "... which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967."

#### 5. IDENTIFICATION OF THE BENEFICIARIES OF SECURITY ASSURANCES

United Nations Security Council Resolution 984(1995), acknowledges the legitimate interest of all non-nuclear-weapon States under the NPT to receive security assurances.

This legitimate interest of all of the NPT's non-nuclear-weapon States is further acknowledged in the statements (S/1995/261, S/1995/262, S/1995/263, S/1995/264, S/1995/265) made by each of the nuclear-weapons States on the issue of security assurances.

#### 6. THE NATURE AND SCOPE OF THE SECURITY ASSURANCES BEING PROVIDED

Security assurances comprise of negative and positive assurances. Negative security assurances are those in terms of which there is an undertaking by the nuclear-weapon States not to use or threaten to use nuclear weapons. Positive security assurances are those in terms of which there is an undertaking to provide assistance, in accordance with the United Nations Charter, to a State victim of an act of nuclear-weapons aggression or the

object of a threat of such aggression.

A complicating factor in this regard, however, is that all non-nuclear-weapon States are not similar. Many of non-nuclear-weapon States parties to the NPT are members of security arrangements/alliances that rely on the nuclear capability of nuclear-weapon States as an integral part of their defence strategy. It is for this reason that in some of the abovementioned statements of the nuclear-weapon States (France, Russia, United Kingdom, United States) on security assurances, these assurances were qualified by to exclude cases of an invasion or any other attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State in association or alliance with a nuclear-weapon State.

A further qualification included in some of the 1995 security assurance statements of the nuclear-weapon States (United Kingdom, United States) was that those assurances given emphasised that the assurances were not regarded as applicable if any beneficiary is in material breach of its own non-proliferation and disarmament obligations under the NPT. It is assumed that the material breach referred to here relates to instances where a non-nuclear-weapon-States party to the NPT is acquiring or developing nuclear weapons in contravention with the Treaty.

The negotiation of any internationally legally binding instrument on security assurances would need to take these factors into account. Should such elements be included in the agreement it would mean that, while all non-nuclear weapon States parties to the NPT are beneficiaries of security assurances, these assurances would in certain circumstances be qualified.

**7. ELEMENTS THAT WOULD NEED TO BE INCLUDED IN AN INTERNATIONALLY LEGALLY BINDING INSTRUMENT ON SECURITY ASSURANCES**

An internationally legally binding instrument would, inter alia, need to include the following elements:

- A general statement of the security assurances which are the subject of the instrument.
- The identification of the States providing the security assurances.
- The identification of the States beneficiary of the security assurances.
- Any qualifications to the security assurances provided for in the instrument.
- Provisions on the mandatory actions to be undertaken by the Security Council where a beneficiary of the security assurances are the subject of a threat of use or use of nuclear weapons.

**8. THE FORMAT IN WHICH SECURITY ASSURANCES WOULD BE PROVIDED**

Security assurances should be provided in the context of an internationally legally binding instrument, which could either be in the format of a separate agreement reached in the context of the nuclear Non-Proliferation Treaty, or as a protocol to the NPT. The arguments that declarations made by the nuclear-weapon States are sufficient or that these assurances should only be granted in the context of nuclear-weapon-free zones are not valid. The primary undertaking not to aspire to nuclear weapons has been made under the NPT; it is therefore in the context of or as a part of this Treaty that security assurances should also be given.

**9. A DRAFT [PROTOCOL] [AGREEMENT]**

A draft [Protocol] [Agreement] that demonstrates how security assurances could be encapsulated taking into account the contents of this paper is attached. This draft is attached on the understanding that any such [Protocol] [Agreement] would be the subject of intensive and detailed negotiations that would need to be agreed upon by consensus amongst all the States parties to the NPT. As such, it is further understood that all States parties would reserve, and exercise, the right to make proposals for changes, additions and/or deletions to the text, should it be considered as a possible basis for further work.

**ANNEX — DRAFT [PROTOCOL] [AGREEMENT] ON THE PROHIBITION OF THE USE OR THREAT OF USE OF NUCLEAR WEAPONS AGAINST NON-NUCLEAR-WEAPON STATES PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS**

**Preamble**

The States party to this [Protocol] [Agreement],

Being also parties to the Treaty on the Non-Proliferation of Nuclear Weapons opened for signature in London, Moscow and Washington on 1 July 1968 (hereinafter called 'the Treaty'),

Convinced that every effort must be made to avoid and avert the danger of nuclear war, to prevent the spread of nuclear weapons, to facilitate international cooperation in the peaceful uses of nuclear energy with particular emphasis on the needs of developing countries, and reaffirming the crucial importance of the Treaty to these efforts, **(Taken from UNSCR 984(1995))**

Taking into consideration the legitimate concern of non-nuclear-weapon States that, in conjunction with their adherence to the Treaty, further appropriate measures are undertaken to safeguard their security, **(Taken from UNSCR 984(1995))**

Agreeing that legally binding security assurances by the five nuclear weapon states to the non-nuclear-weapon states parties to the Treaty strengthen the nuclear and non-proliferation regime, **(Taken from 2000 NPT Final Document)**

Recognising the legitimate interest of non-nuclear-weapon States parties to the Treaty to receive security assurances, **(Taken from UNSCR 984(1995))**

Reaffirming the need for all States party to the Treaty to comply fully with all their obligations, **(Taken from UNSCR 984(1995))**

Reaffirming also the importance of the Treaty and the need for the full implementation and achievement of all of its provisions,

Reaffirming furthermore that the Board of Governors of the International Atomic Energy Agency (IAEA) is responsible for the consideration of cases of non-compliance with IAEA safeguards agreements, **(IAEA Statute)**

Reaffirming that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, **(Taken from 2000 NPT Final Document)**

Recalling the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all the States Parties to the Treaty are committed under Article VI of the Treaty, **(Taken from 2000 NPT Final Document)**

Have decided and hereby agree as follows:

**Article I**

1. The nuclear-weapon States party to this [Protocol] [Agreement] as defined in terms of Article IX (3) of the Treaty undertake not to use or threaten to use nuclear weapons against a non-nuclear-weapon State party to the Treaty.

2. The States party to this [Protocol] [Agreement] undertake, individually or collectively, to take appropriate measures in response to a request for political, military, technical, medical, scientific or humanitarian assistance from a non-nuclear-weapon State party to the Treaty which is a victim of the use of nuclear weapons. **(Taken from UNSCR 984(1995))**

**Article II**

1. The security assurance provided for in terms of Article I (1) of this [Protocol] [Agreement] shall be provided by the nuclear-weapon State parties as defined in terms of Article IX (3) of the Treaty.

2. The States receiving the security assurance provided for in terms of Article I (1) shall be non-nuclear-weapon State parties to the Treaty which are in compliance with their obligations under article I I of the Treaty. **(Taken from security assurances statements by NWS of April 1995)**

3. The security assurance provided for in terms of Article I (1) shall cease to apply in the event of an invasion or any other armed attack on a nuclear-weapon State's territory, its armed forces or other troops, its allies or on a State towards which it has a security commitment, carried out or sustained by such a non-nuclear-weapon State party to the Treaty in association or alliance with a nuclear-weapon State. **(Taken from security assurances statements by NWS of April 1995)**

**Article III**

1. The States party to this [Protocol] [Agreement] undertake to cooperate with the Security Council of the United Nations in the event of the use or threat of use of nuclear weapons. The Security Council shall consider measures in conformity with the Charter of the United Nations to address such an act or action. **(Taken from UNSCR 984(1995))**

**Article IV**

1. This [Protocol] [Agreement] shall be signed and shall be open for signature by any State party to the Treaty. It shall be subject to ratification.
2. This [Protocol] [Agreement] shall enter into force for each State party on the date of deposit of its instrument of ratification.
3. This [Protocol] [Agreement] shall be of unlimited duration and shall remain in force as long as the Treaty is in force.
4. This [Protocol] [Agreement] shall not be subject to reservations.
5. Any amendments to the [Protocol] [Agreement] proposed by a State party shall be carried out in accordance with the procedures of Article VI I I (1) and (2) of the Treaty.
6. Each State party to the [Protocol] [Agreement] shall in exercising its national sovereignty have the right to withdraw from the [Protocol] [Agreement] in accordance with the provisions of Article X (1) of the Treaty.
7. The operation and effectiveness of this [Protocol] [Agreement] shall be reviewed at the Review Conferences of the Treaty.

**Article V**

1. Nothing in this [Protocol] [Agreement] shall be interpreted as in any way limiting or detracting from the obligations of any State under other agreements or treaties on the establishment of nuclear-weapon-free zones.

**Article VI**

1. This [Protocol] [Agreement], the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the Archives of the Depository Governments of the Treaty. Duly certified copies of this [Protocol] [Agreement] shall be transmitted by the Depository Governments to the Governments of the signatory States.
2. IN WITNESS WHEREOF the undersigned, duly authorised, have signed this [Protocol] [Agreement].
3. DONE in triplicate, at the cities of London, Moscow and Washington, the ... day of ...

**Nuclear Posture Review Report**

[US Department of Defence, April 2010]

**Executive Summary-Reducing the Role of Nuclear Weapons, (Pp viii-ix)**

[Eds...] Since the end of the Cold War, the strategic situation has changed in fundamental ways. With the advent of U.S. conventional military preeminence and continued improvements in U.S. missile defenses and capabilities to counter and mitigate the effects of CBW, the role of U.S. nuclear weapons in deterring non-nuclear attacks – conventional, biological, or chemical – has declined significantly. The United States will continue to reduce the role of nuclear weapons in deterring non-nuclear attacks.

To that end, the United States is now prepared to strengthen its long-standing “negative security assurance” by declaring that the United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the NPT and in compliance with their nuclear non-proliferation obligations.

This revised assurance is intended to underscore the security benefits of adhering to and fully complying with the NPT and

persuade non-nuclear weapon states party to the Treaty to work with the United States and other interested parties to adopt effective measures to strengthen the non-proliferation regime.

In making this strengthened assurance, the United States affirms that any state eligible for the assurance that uses chemical or biological weapons against the United States or its allies and partners would face the prospect of a devastating conventional military response – and that any individuals responsible for the attack, whether national leaders or military commanders, would be held fully accountable. Given the catastrophic potential of biological weapons and the rapid pace of bio-technology development, the United States reserves the right to make any adjustment in the assurance that may be warranted by the evolution and proliferation of the biological weapons threat and U.S. capacities to counter that threat.

In the case of countries not covered by this assurance – states that possess nuclear weapons and states not in compliance with their nuclear non-proliferation obligations – there remains a narrow range of contingencies in which U.S. nuclear weapons may still play a role in deterring a conventional or CBW attack against the United States or its allies and partners. The United States is therefore not prepared at the present time to adopt a universal policy that deterring nuclear attack is the sole purpose of nuclear weapons, but will work to establish conditions under which such a policy could be safely adopted.

Yet that does not mean that our willingness to use nuclear weapons against countries not covered by the new assurance has in any way increased. Indeed, the United States wishes to stress that it would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners. It is in the U.S. interest and that of all other nations that the nearly 65-year record of nuclear non-use be extended forever.

**Securing Britain in an Uncertain Future: The Strategic Defence and Security Review**

[HM Government Cm 7948, October 2010, pp. 3.5-3.7]

3.5 At the beginning of this Parliament, the Foreign Secretary announced a review of our nuclear declaratory policy to ensure that it is appropriate to the political and security context in 2010 and beyond. The UK has long been clear that we would only consider using our nuclear weapons in extreme circumstances of self defence, including the defence of our NATO Allies, and we remain deliberately ambiguous about precisely when, how and at what scale we would contemplate their use.

3.6 As a responsible nuclear weapon state and party to the NPT, the UK also remains committed to the long term goal of a world without nuclear weapons. We will continue to work to control proliferation and to make progress on multilateral disarmament, to build trust and confidence between nuclear and non-nuclear weapon states, and to take tangible steps towards a safer and more stable world where countries with nuclear weapons feel able to relinquish them.

3.7 We are now able to give an assurance that the UK will not use or threaten to use nuclear weapons against non-nuclear weapon states parties to the NPT. In giving this assurance, we emphasise the need for universal adherence to and compliance with the NPT, and note that this 38 The Strategic Defence and Security Review assurance would not apply to any state in material breach of those non-proliferation obligations. We also note that while there is currently no direct threat to the UK or its vital interests from states developing capabilities in other weapons of mass destruction, for example chemical and biological, we reserve the right to review this assurance if the future threat, development and proliferation of these weapons make it necessary.

## K – Export Controls

### The Zangger Committee

#### **The Zangger Committee: A History 1971-1990**

[Reproduced from Annex attached to INFCIRC/209/Rev.1, November 1990]

##### *The Origins.*

1. The origins of the Zangger Committee, also known as the Nuclear Exporters' Committee, sprang from Article III.2 of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) which entered into force on 5 March 1970. Under the terms of Article III.2: Each State Party to the Treaty undertakes not to provide:

- (a) source or special fissionable material, or
- (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

2. Between 1971 and 1974 a group of fifteen states, some already Party, the others prospective Parties to the NPT, held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment their objective was to reach a common understanding on:

- the definition of what constituted 'equipment or material especially designed or prepared for the processing, use or production of special fissionable material';
  - the conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of Article I II2 on a basis of fair commercial competition.
3. The group, which came to be known as the 'Zangger Committee', decided that its status was informal, and that its decisions would not be legally binding upon its members.

##### *The Rules of the Game - INFCIRC/209 Series.*

4. By 1974 the Committee had arrived at a consensus on the basic 'rules of the game' which were set out in two separate memoranda dated 14 August 1974. The first defined and dealt with exports of *source and special fissionable material* (Article I II2(a) of the NPT). The second defined and dealt with exports of *equipment and non-nuclear material* (Article III2(b) of the NPT). The Committee agreed to exchange information about actual exports, or issue of licenses for exports, to any non-nuclear weapon States not Party to the NPT through a system of Annual Returns which are circulated on a confidential basis amongst the membership each year in April.

5. The consensus, which formed the basis of the Committee's 'Understandings' as they are known, was formally accepted by individual Member States of the Committee by an exchange of Notes amongst themselves. These amounted to unilateral declarations that the Understandings would be given effect through respective domestic export control legislation.

6. More or less in parallel with this procedure each Member State (except three) wrote identical letters to the Director General of the IAEA, enclosing edited versions of the two memoranda, informing him of its decision to act in conformity with the conditions set out in them and asking him to communicate this decision to all Member States of the Agency. The letters and memoranda were accordingly published as IAEA document INFCIRC/209 dated 3 September 1974.

7. The three exceptions (Belgium, Italy and Switzerland) subsequently wrote to the Director General informing him of their decision to comply with the undertakings of the Nuclear Suppliers' Group set out in INFCIRC/254 dated February 1978.

##### *The 'Trigger List'.*

8. The memorandum dealing with equipment and non-nuclear material (INFCIRC/209, Memorandum B) became known as the 'Trigger List': the export of items listed on it 'trigger' IAEA safeguards, ie they will be exported only if the source or special fissionable material produced, processed or used in the equipment or material in question is subject to safeguards under an Agreement with the IAEA.

##### *Trigger List 'Clarification'.*

9. Attached to the original Trigger List was an Annex 'clarifying' or defining the items described on it in some detail. The passage of time and successive developments in technology have meant that the Committee is constantly engaged in monitoring the need for revision or further 'clarification' of Trigger List items and the original Annex has thus grown considerably. To date, four clarification exercises (conducted on the basis of consensus, through the same procedure of internal notification and, where appropriate, by identical letters to the Director General of the IAEA) have taken place.

Details of the four clarification exercises are set out below:

- In November 1977 the clarifications contained in the Trigger List Annex were updated to bring them into conformity with those of INFCIRC/254. However, three member States (Belgium, Italy and Switzerland) expressed the reserve that, in their opinion, the new item 'Plants for the production of heavy water, deuterium and deuterium compounds and equipment especially designed or prepared therefor' (2.6.1) did not fall within the legal scope of Article I II.2.(b) of the NPT and would entail an implicit modification of it. Accordingly, they made it clear that they would act on this item on the basis of their commitments under the Nuclear Suppliers' Guidelines.
- The amendments were published in the IAEA document INFCIRC/209/Mod.1. issued on 1 December 1978.
- In order to take account of the technological development which had taken place during the preceding decade in the field of isotope separation by the gas centrifuge process, the clarifications in the Trigger List Annex concerning Isotope Separation Plant Equipment were updated to include additional detail.

The text of the next clarification was published in the IAEA document INFCIRC/209/Mod.2 of February 1984.

- For similar reasons the clarifications contained in the Trigger List Annex concerning Fuel Reprocessing Plants were updated to include further items of equipment.
- The text of the new clarification was published in the IAEA document INFCIRC/209/Mod.3 of August 1985.
- The clarifications contained in the Trigger List Annex concerning Isotope Separation Plant Equipment were further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method.

The text of the new clarification was published in the IAEA document INFCIRC/209/Mod.4 of February 1990.

##### *Status of the Committee.*

10. The Committee's Understandings and the INFCIRC/209 series documents that arise from them have no status in international law but are arrangements unilaterally entered into by Member States. They make an important contribution to the non-proliferation regime, and are continuously adapted in response to evolving circumstances.

[Eds...]

### **Communications Received from Member States Regarding the Export of Nuclear Material and of Certain Categories of Equipment and Other Material**

[Reproduced from INFCIRC/209/Rev.2, 9 March 2000]

1. The Director General of the International Atomic Energy Agency has received letters of 15 November 1999 from the Resident Representatives of Argentina, Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Republic of Korea, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, the Slovak Republic, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom, and the United States of America, concerning the export of nuclear material and of

certain categories of equipment and other material.

2. In light of the wish expressed at the end of each letter, the text of the letter is attached hereto.

[*Editorial note:* China and the Russian Federation subsequently sent similar letters]

#### Attachment Letter

Sir,

I have the honour to refer to relevant previous communications from the Resident Representative of [Member State] to the International Atomic Energy Agency. In the years since the procedures described in INFCIRC/209 were formulated for the export of certain categories of equipment and material especially designed or prepared for the processing, use or production of special fissionable material, developments in nuclear technology have brought about the need to clarify parts of the Trigger List originally incorporated in Memorandum B of INFCIRC/209. Such clarifications have been covered in INFCIRC/209/Mods. 1, 2, 3, and 4 (consolidated in INFCIRC/209/Rev. 1) and in INFCIRC/209/Rev. 1/Mods. 1, 2, 3 and 4/Corr.1.

My Government now thinks it desirable to amend the Trigger List to include a new entry entitled "plants for the conversion of uranium and plutonium and equipment especially designed or prepared therefor". I therefore wish to inform you that a new section 2.7 should be added to Memorandum B and a new section 7 to its Annex, as set out in the attachment to the letter to you from the Secretary of the Committee, dated 5 November 1999. In connection with these changes, section 3 of the Annex should be amended to delete sections 3.5 and 3.6 which have been incorporated into the new section 7.

As hitherto, my Government reserves to itself the right to exercise discretion with regard to the interpretation and implementation of the procedures set out in the above mentioned documents and the right to control, if it wishes, the export of relevant items other than those specified in the aforementioned attachment.

[The Government of (Member State) so far as trade within the European Union is concerned, will implement these procedures in the light of its commitments as a Member State of that Union.]<sup>1</sup>

My Government considers it opportune for the Agency to re-issue the whole Memoranda A and B, as amended, as INFCIRC/209/Rev. 2 in order to have available a comprehensive document for States Parties to the Nuclear Non-Proliferation Treaty (NPT) at the NPT Review Conference in 2000. I should be grateful if you would circulate the text of this letter and the amended Memoranda A and B referred to above to all Member States for their information.

<sup>1</sup> This paragraph is included only in the letters from EU Members.

#### Consolidated Trigger List Memorandum A

##### 1 Introduction

The Government has had under consideration procedures in relation to exports of nuclear materials in the light of its commitment not to provide source or special fissionable material to any non-nuclear-weapon State for peaceful purposes unless the source or special fissionable material is subject to safeguards under an agreement with the International Atomic Energy Agency.

##### 2. Definition of Source and Special Fissionable Material

The definition of source and special fissionable material adopted by the Government shall be that contained in Article XX of the Agency's Statute:

###### (a) "Source Material"

The term "source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

###### (b) "Special Fissionable Material"

i) The term "special fissionable material" means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233;

any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term "special fissionable material" does not include source material.

ii) The term "uranium enriched in the isotopes 235 or 233" means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

#### 3. The Application of Safeguards

The Government is solely concerned with ensuring, where relevant, the application of safeguards non-nuclear-weapon States not party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT)\* with a view to preventing diversion of the safeguarded nuclear material from peaceful purposes to nuclear weapons or other nuclear explosive devices. If the Government wishes to supply source or special fissionable material for peaceful purposes to such a State, it will:

(a) Specify to the recipient State, as a condition of supply that the source or special fissionable material or special fissionable material produced in or by the use thereof shall not be diverted to nuclear weapons or other nuclear explosive devices; and

(b) Satisfy itself that safeguards to that end, under an agreement with the Agency and in accordance with its safeguards system, will be applied to the source or special fissionable material in question.

#### 4. Direct Exports

In the case of direct exports of source or special fissionable material to non-nuclear-weapon States not party to the NPT, the Government will satisfy itself, before authorizing the export of the material in question, that such material will be subject to a safeguards agreement with the Agency as soon as the recipient State takes over responsibility for the material, but no later than the time the material reaches its destination.

#### 5 Retransfers

The Government, when exporting source or special fissionable material to a nuclear-weapon State not party to the NPT, will require satisfactory assurances that the material will not be re-exported to a non-nuclear-weapon State not party to the NPT unless arrangements corresponding to those referred to above are made for the acceptance of safeguards by the State receiving such re-export.

#### 6. Miscellaneous

Exports of the items specified in sub-paragraph (i) below, and exports of source or special fissionable to a given country, within a period of 12 months, below the limes specified in sub-paragraph (b) below, shall be disregarded for the purpose of the procedures described above:

(a) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%; Special fissionable material when used in gram quantities or less as a sensing component in instruments; and Source material which the Government is satisfied is to be used only in non-nuclear activities, such as the production alloys or ceramics:

(b) Special fissionable material 50 effective grams; Natural uranium 500 kilograms; Depleted uranium 1000 kilograms; and Thorium 1000 kilograms.

#### Memorandum B

##### 1. Introduction

The Government has had under consideration procedures in relation to exports of certain categories of equipment and material, in the light of its commitment not to provide equipment or material especially designed or prepared for the processing use or production of special fissionable material to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material produced, processed or used in the equipment or material in question is subject to safeguards under an agreement with the International Atomic Energy Agency.



**2. The Designation of Equipment or Material Especially Designed or Prepared for the Processing, Use or Production of Special Fissionable Material**

The designation of items of equipment or material especially designed or prepared for the processing, use or production of special fissionable material (hereinafter referred to as the "Trigger List") adopted by Government is as follows (quantities below the levels indicated in the Annex being regarded as insignificant for practical purposes):

- 2.1. Reactors and equipment therefor (see Annex, section 1.);
- 2.2. Non-nuclear materials for reactors (see Annex, section 2.);
- 2.3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor (see Annex, section 3.);
- 2.4. Plants for the fabrication of fuel elements (see Annex, section 4.);
- 2.5. Plants for the separation of isotopes of uranium and equipment, other than analytical instruments, designed or prepared therefor (See Annex, section 5);
- 2.6. Plants for the production of heavy water, deuterium and deuterium compounds and equipment designed or prepared therefor (see Annex, section 6.);
- 2.7. Plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements and the separation of uranium isotopes as defined in Annex sections 4 and 5 respectively, and equipment especially designed or prepared therefor (see Annex, section 7.)

**3. The Application Of Safeguards**

The Government is solely concerned with ensuring, where relevant, the application of safeguards in non-nuclear-weapon States not party to the Treaty on the Non Proliferation of Nuclear Weapons (NPT) with a view to preventing diversion of the safeguarded nuclear material from peaceful purposes to nuclear weapons or other nuclear explosive devices. If the Government wishes to supply Trigger List items for peaceful purposes such a State, it will:

- (a) Specify to the recipient State, as a condition of supply, that the source or special fissionable material produced, processed or used in the facility for which the items is supplied shall not be diverted to weapons or other nuclear explosive devices; and
- (b) Satisfy itself that safeguards to that end, under an agreement with the Agency and in accordance its safeguards system, will be applied to the source or special fissionable material in question.

**4. Direct Exports**

In the case of direct exports to non-nuclear weapon States not party to the NPT, the Government will satisfy itself, before authorizing the export of the equipment or material in question, that such equipment or material will fall under a safeguards agreement with the Agency.

**5. Retransfers**

The Government, when exporting Trigger List items, will require satisfactory assurances that the items will not be re-exported to a non-nuclear weapon State not party to the NPT unless arrangements corresponding to those referred to above are made for the acceptance of safeguards by the State receiving such re-export.

**6. Miscellaneous**

The Government reserves to itself discretion as to interpretation and implementation of its commitment to in paragraph 1 above and the right to require, if it wishes, safeguards as above in relation to items it exports in addition to those items specified in paragraph 2 above.

**Annex**

**Clarification of Items on the Trigger List**

(as designated in Section 2 of Memorandum B)

[Editorial Note: The items contained in this annex are now identical to those in Sections 1–6 of the NSG Guidelines, published in INFCIRC/254 — see below.]

**Working Paper on Multilateral Nuclear Supply Principles of the Zangger Committee**

[Reproduced from NPT/CONF.2005/WP.15, 27 April 2005]

**Working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee**

**Introduction**

1. Previous review conferences of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), when reviewing the implementation of the Treaty in the area of export controls, have repeatedly noted the role of the Zangger Committee. The Committee, also known as the "NPT Exporters Committee", essentially contributes to the interpretation of article III, paragraph 2, of the Treaty and thereby offers guidance to all parties to the Treaty. The Committee and its work were mentioned in final documents or in Committee reports of review conferences from 1975, 1985, 1990, 1995 and 2000.

2. The purpose of this paper is to describe the work of the Zangger Committee in order to provide better insight into the Committee's objectives. Furthermore, it is consistent with one of the calls of the 1995 Review and Extension Conference of the Parties to the Treaty, which in paragraph 17 of its decision on "Principles and objectives for nuclear non-proliferation and disarmament" stated that "transparency in nuclear export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty".

3. Attached to this paper are the statements of previous NPT review conferences referring to the Zangger Committee.

**Article III, paragraph 2**

4. Article III, paragraph 2 of the NPT performs a vital function in helping to ensure the peaceful use of nuclear material and equipment. Specifically, it provides:

"Each State Party to the Treaty undertakes not to provide:

- (a) source or special fissionable material, or
- (b) equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article."

5. The main significance of this paragraph is that parties to the Treaty should not export, directly or indirectly, nuclear material and equipment or material especially designed or prepared for the processing, use, or production of special fissionable material to non-nuclear-weapon States not parties to the NPT unless the export is subject to International Atomic Energy Agency (IAEA) safeguards as required by article III. This is an important provision because recipient countries not parties to the Treaty may not have accepted any other nuclear non-proliferation obligations. By interpreting and implementing article III, paragraph 2, the Zangger Committee helps to prevent the diversion of exported nuclear material and equipment or material from peaceful purposes to nuclear weapons or other nuclear explosive devices, which furthers the objectives of the Treaty and enhances the security of all States.

6. The Zangger Committee understandings, in line with article III, paragraph 2, also relate to exports to non-nuclear-weapon States parties to the Treaty insofar as the recipient should recognize the items on the trigger list as a basis for its export control decisions in the case of re-exports.

**Zangger Committee understandings**

7. Between 1971 and 1974 a group of 15 States — some already parties to the Treaty, others prospective parties — held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment, their objective was to reach a

common understanding on:

(a) The definition of what constituted "equipment or material especially designed or prepared for the processing, use or production of special fissionable material" (as it was not defined anywhere in the Treaty);

(b) The conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of article III, paragraph 2 on a basis of fair commercial competition.

8. The group, which came to be known as the Zangger Committee, decided that its status was informal and that its decisions would not be legally binding upon its members.

9. In 1972, the Committee reached consensus on basic "understandings" contained in two separate memorandums. Together, these memorandums form the guidelines of the Zangger Committee today. Each memorandum defines and provides for procedures for the export of materials and equipment described in article III, paragraph 2. The first memorandum concerns source and special fissionable material (article III, paragraph 2 (a)), the second, equipment and material especially designed or prepared for the processing, use or production of special fissionable material (article III, paragraph 2 (b)).

10. The consensus which formed the basis of the Committee's understandings was formally accepted by individual States members of the Committee by an exchange of notes among themselves. These amounted to unilateral declarations that the understandings would be given effect through respective domestic export control legislation. In parallel with this procedure, most member States wrote identical letters to the Director General of IAEA informing him of their decision to act in conformity with the conditions set out in the understandings. These letters also asked the Director General to communicate their decision to all States members of the Agency, which he did through an information circular dated 3 September 1974 (IAEA document INFCIRC/209).

11. Memorandum A defines the following categories of nuclear material:

(a) Source material: natural or depleted uranium and thorium;

(b) Special fissionable material: plutonium-239, uranium-233, uranium enriched in the isotopes 235 or 233.

12. Memorandum B, as clarified since 1974 (see paras. 16 and 17 below), contains plants, equipment and, as appropriate, material in the following categories: nuclear reactors, non-nuclear materials for reactors, reprocessing, fuel fabrication, uranium enrichment, heavy water production, and conversion.

13. To fulfil the requirements of article III, paragraph 2, the Zangger Committee understandings contain three basic conditions of supply for these items:

(a) For exports to a non-nuclear-weapon State not party to the Treaty, source or special fissionable material either directly transferred, or produced, processed, or used in the facility for which the transferred item is intended, shall not be diverted to nuclear weapons or other nuclear explosive devices;

(b) For exports to a non-nuclear-weapon State not party to the Treaty, such source or special fissionable material, as well as transferred equipment and non-nuclear material, shall be subject to safeguards under an agreement with the IAEA;

(c) Source or special fissionable material, and equipment and non-nuclear material shall not be re-exported to a non-nuclear-weapon State not party to the Treaty unless the recipient State accepts safeguards on the re-exported item.

#### Development of the conditions of supply

14. The Committee is holding discussions on possible amendments to its understandings during which it is considering a number of potential elements as conditions of supply, among which are: (a) full-scope safeguards; (b) the Additional Protocol; (c) physical protection as a condition of supply; and (d) "Supporting Activities", containing commitments to, inter alia, (i) assist other States parties in establishing and implementing national rules and regulations on nuclear transfers, and (ii) support IAEA in its safeguards task in accordance with repeated calls by review conferences. The Committee would welcome the Conference's continued support for its efforts.

#### "Trigger list" and its clarification

15. The two memorandums (see paras. 9-12 above) became

known as the "trigger list", since the export of listed items "triggers" IAEA safeguards. In other words, as described above, they will be exported only if (a) the transferred equipment or source or special fissionable material or (b) the material produced, processed or used in the facility for which the item is supplied, is subject to safeguards under an agreement with IAEA based on the IAEA safeguards system for NPT purposes.

16. Attached to the trigger list is an annex "clarifying", or defining, the equipment and material of memorandum B in some detail. The passage of time and successive developments in technology have meant that the Committee is periodically engaged in considering possible revisions to the trigger list, and the original annex has thus become increasingly detailed. To date, eight clarification exercises have taken place. Clarifications are conducted on the basis of consensus, using the same procedure followed in the adoption of the original understandings.

17. A summary of these clarifications reflects both some detail on the contents of the trigger list and an idea of the work of the Zangger Committee (dates are for publication of modifications and revisions of INFCIRC/209):

(a) In **December 1978**, the annex was updated to add heavy water production plants and equipment, and a few specific items of isotope separation equipment for uranium enrichment;

(b) In **February 1984**, further detail was added to the annex to take account of technological developments during the preceding decade in the area of uranium enrichment by the gas centrifuge process;

(c) In **August 1985**, a similar clarification was made to the annex section on irradiated fuel reprocessing;

(d) In **February 1990**, the uranium enrichment section was further elaborated by the identification of items of equipment used for isotope separation by the gaseous diffusion method;

(e) In **May 1992**, specific items of equipment were added to the section on heavy water production;

(f) In **April 1994**, the enrichment section of the annex was subject to its most significant expansion yet. Existing portions of the section were updated, and detailed lists of equipment were added for the enrichment processes of aerodynamic, chemical and ion exchange, laser-based plasma, and electromagnetic separation. A significant modification was also made to the entry for primary coolant pumps;

(g) In **May 1996**, the sections on reactors and reactor equipment, on non-nuclear materials, on the fabrication of fuel elements as well as on heavy water production were reviewed. Parts of these sections were updated and new, detailed equipment was added;

(h) In **March 2000**, a new section on uranium conversion was added. This section also contains elements transferred from section 3 (reprocessing).

All these changes to the list were included in the version of the Zangger Committee understandings published as IAEA document INFCIRC/209/Rev.2.

#### Membership

18. All Zangger Committee members are parties to the Treaty that are capable of supplying trigger list items. Currently there are 35 members (Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United States). The Commission of the European Union attends the meetings as permanent observer. Any party that is an actual or potential nuclear supplier and is prepared to implement the Committee's understandings is eligible for membership. Decisions to invite new members of the Committee are taken by consensus of existing members. In the interest of strengthening the Treaty and the nuclear non-proliferation regime in general, Zangger Committee members have urged parties to the Treaty that are nuclear suppliers to consider seeking membership. NPT parties interested in doing so should visit the Committee's website ([www.zanggercommittee.org](http://www.zanggercommittee.org)) and may contact the Secretariat (the United Kingdom Mission in Vienna) or any State member of the Committee.

## Outreach

19. Late in 2001, the Zangger Committee decided to launch an outreach programme between the Zangger Committee and third countries. The outreach programme has three objectives:

(a) To build a strong and sustainable relationship between the Zangger Committee and third countries;

(b) To increase the transparency of the activities of the Committee by explaining its role, purpose and functions, in particular its role as technical interpreter of article III, paragraph 2 of the Treaty;

(c) To provide opportunities for open dialogue on issues of common interest and concern on non-proliferation and nuclear export controls. In conducting this exercise, the Zangger Committee wishes to underline that (a) the outreach programme reflects the fact that the Committee is a technical body with a remit to interpret article III, paragraph 2 of the Treaty and as such outreach will not be a political dialogue; (b) the programme is restricted to States parties to the Treaty; and (c) the programme is informal.

Subjects for discussion include:

- The role and purpose of the Zangger Committee
- The trigger list and its clarification
- Conditions of supply
- Membership of the Committee
- The Committee and NPT conferences.

## Zangger Committee and NPT conferences

20. At the first NPT Review Conference in 1975, a brief paragraph in the Final Document referenced the work of the Zangger Committee without naming it. Paraphrasing, this paragraph stated that, with regard to implementation of article III, paragraph 2, the Conference noted that a number of nuclear suppliers had adopted certain minimum requirements for IAEA safeguards in connection with their nuclear exports to non-NPT non-nuclear-weapon States. The Conference went on to attach particular importance to the fact that those suppliers had established as a supply condition an undertaking of non-diversion to nuclear weapons.

21. In 1980, the Review Conference produced no consensus final document. However, in 1985, the Final Document contained a short reference to the Committee's activities, again without naming it. This time the Conference in effect endorsed the main activity of the Zangger Committee by indicating that further improvement of the trigger list should take account of advances in technology.

22. In 1990 the Zangger Committee was mentioned by name and the Conference provided a brief description of its aims and practices. While the Conference did not adopt a final declaration, Main Committee II agreed on language pertaining to a number of ideas and proposals concerning the implementation of the Treaty in the areas of the non-proliferation of nuclear weapons and safeguards. Main Committee II observed that Zangger Committee members had met regularly to coordinate the implementation of article III, paragraph 2 and had adopted nuclear supply requirements and a trigger list. It recommended that this list be reviewed periodically to take into account advances in technology and changes in procurement practices, a recommendation that the Zangger Committee has continued to pursue. Main Committee II also urged all States to adopt the Zangger Committee's requirements for any nuclear cooperation with a non-nuclear-weapon State not party to the Treaty.

23. At the 1995 NPT Review and Extension Conference, the work of the Zangger Committee was also referenced in Main Committee II and, more specifically, in the working group established by Main Committee II to consider export control issues. While the Conference did not adopt a final declaration similar to those of previous conferences, a consensus text on the Zangger Committee was attained. (The unofficial text emerging from this exercise was subsequently published in IAEA document INFCIRC/482 for information purposes.) The working group noted that a number of States suppliers had formed an informal group known as the Zangger Committee and had adopted certain understandings. It invited States to consider applying those understandings and recommended that the list of items and the procedures for implementation be reviewed from time to time. The working further noted that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. At the same time it

called for international consultations among all interested States.

24. The Conference approved, inter alia, decision 2, which contains a set of principles and objectives, and decision 3, which provides the basis for the adopted "Enhanced Review Mechanism" of the implementation of the Treaty.

25. Decision 2 contains several principles of particular relevance to the work of the Zangger Committee, in the fields of safeguards and export controls (see annex II to this paper, principles 9 to 13). In particular, principle 17 calls upon all States to promote transparency in nuclear-related export controls through cooperation and dialogue. Members of the Committee have worked to promote transparency through international seminars and other forms of dialogue.

26. At the 2000 Review Conference, export control issues were discussed by an informal, open-ended working group established by Main Committee II. The working group did not reach final agreement on a text mentioning the Zangger Committee. In the end, only two paragraphs of the Final Document referenced indirectly the work of the Zangger Committee without naming it: the Conference recommended that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time, and it requested that any supplier arrangement should be transparent

27. The statements of review conferences on the Zangger Committee are attached as annex I to this working paper.

## Annex I

### References to Zangger Committee activities in NPT Review

#### Conference documents

##### First NPT Review Conference (1975)

A paragraph in the Final Document referenced the work of the Zangger Committee without naming it:

"With regard to the implementation of article III (2) of the Treaty, the Conference notes that a number of states suppliers of material or equipment have adopted certain minimum, standard requirements for IAEA safeguards in connection with their exports of certain such items to non-nuclear-weapon states not party to the Treaty (IAEA document INFCIRC/209 and addenda). The Conference attaches particular importance to the condition, established by those states, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements" (NPT/CONF.35/I, annex I, p. 3).

##### Third NPT Review Conference (1985)

The 1980 NPT Review Conference produced no final document, but the 1985 Final Document contained a reference to the Committee without naming it:

"The Conference believes that further improvement of the list of materials and equipment which, in accordance with article III (2) of the Treaty, calls for the application of IAEA safeguards should take account of advances in technology" (NPT/CONF.III/64/I, annex I, p. 5, para. 13).

##### Fourth NPT Review Conference (1990)

While the Conference did not adopt a final document, Main Committee II did agree on a number of ideas and proposals, including the following language on the Zangger Committee:

"The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group which has become known as the Zangger Committee in order to coordinate their implementation of article III, paragraph 2. To this end, these states have adopted certain requirements, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not party to the treaty, as set forth in the IAEA document INFCIRC/209 as revised. The Conference urges all States to adopt these requirements in connection with any nuclear cooperation with non-nuclear-weapon states not party to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices. The Conference recommends the States parties to consider further

ways to improve the measures to prevent diversion of nuclear technology for nuclear weapons, other nuclear explosive purposes or nuclear weapon capabilities. While recognizing the efforts of the Zangger Committee in the non-proliferation regime, the Conference also notes that items included in the 'trigger list' are essential in the development of nuclear energy programmes for peaceful uses. In this regard, the Conference requests that the Zangger Committee should continue to take appropriate measures to ensure that the export requirements laid down by it do not hamper the acquisition of such items by states parties for the development of nuclear energy for peaceful uses" (NPT/CONF.IV/DC/1/Add.3 (a), p. 5, para. 27).

#### **NPT Review and Extension Conference (1995)**

While the Conference did not adopt a final declaration similar to those of previous conferences, Main Committee II and its subsequent working group did agree on a number of ideas and proposals, including the following language on the Zangger Committee, which reached informal consensus in the working group of Main Committee II and was separately published in IAEA document INFCIRC/482:

"The Conference notes that a number of States Parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee. These States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209, as amended. The Conference invites all States to consider applying these understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation be reviewed from time to time to take into account advances in technology and changes in procurement practices."

"The Conference notes that the application by all States of the understandings of the Zangger Committee would contribute to the strengthening of the non-proliferation regime. The Conference calls for wider participation in international consultations among all interested States parties concerning the formulation and review of such guidelines, which relate to the implementation of States parties obligations under article III, paragraph 2" (INFCIRC/482, attachment, paras. 5 and 7).

The Conference adopted in decision 2 a number of principles and objectives related to safeguards and export controls, which are reproduced in annex II below.

#### **Sixth NPT Review Conference (2000)**

Main Committee II and its working group discussed a number of ideas and proposals, including the following language on the Zangger Committee, without reaching final agreement:

"The Conference notes that a number of States parties engaged in the supply of nuclear material and equipment have met regularly as an informal group known as the Zangger Committee, in order to coordinate their implementation of article III, paragraph 2 of the Treaty. To this end, these States have adopted certain understandings, including a list of items triggering IAEA safeguards, for their export to non-nuclear-weapon States not parties to the Treaty, as set forth in IAEA document INFCIRC/209 as amended. The Conference invites all States to adopt the understandings of the Zangger Committee in connection with any nuclear cooperation with non-nuclear-weapon States not parties to the Treaty."

In the Final Document, two paragraphs referenced indirectly the work of the Zangger Committee without naming it:

"52. The Conference recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with article III (2), be reviewed from time to time to take into account advances in technology, the proliferation sensitivity, and changes in procurement practices.

"53. The Conference requests that any supplier arrangement should be transparent and should continue to take appropriate measures to ensure that the export guidelines formulated by them do not hamper the development of nuclear energy for peaceful

uses by States parties, in conformity with articles I, II, III, and IV of the Treaty."

#### **Annex II**

#### **Principles and objectives related to safeguards and export controls, as contained in decision 2 of the 1995 NPT Review and Extension Conference**

##### **Safeguards**

9. The International Atomic Energy Agency is the competent authority responsible to verify and assure, in accordance with the statute of the Agency and the Agency's safeguards system, compliance with its safeguards agreements with States parties undertaken in fulfilment of their obligations under article III, paragraph 1, of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Nothing should be done to undermine the authority of the International Atomic Energy Agency in this regard. States parties that have concerns regarding non-compliance with the safeguards agreements of the Treaty by the States parties should direct such concerns, along with supporting evidence and information, to the Agency to consider, investigate, draw conclusions and decide on necessary actions in accordance with its mandate.

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. International Atomic Energy Agency safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency's capability to detect undeclared nuclear activities should be increased. Also, States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the Agency.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

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#### **Procedures in Relation to Exports of Nuclear Materials and Certain Categories of Equipment and Material in Relation to Article III (2) of the NPT**

[NPT/CONF.2010/PC.II/WP.37, 8 May 2008]

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Working paper submitted by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Croatia, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America as members of the Zangger Committee and Costa Rica, Cyprus, Estonia, Kyrgyzstan, Latvia, Lithuania, Malta and New Zealand as additional co-sponsors

1. Co-sponsors propose to include the following language in the final document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons:

(a) The Preparatory Committee notes that a number of States Party meet regularly in an informal group known as the Zangger Committee, in order to co-ordinate their implementation of Article III, Paragraph 2 of the Treaty related to the supply of nuclear material and equipment. To this end, these States Party have adopted two Memoranda A and B,

including a list of items triggering IAEA safeguards, for their exports to non-nuclear-weapon States not party to the Treaty, as set forth in IAEA document INFCIRC/209 as amended. The Zangger Committee's Memoranda also relate to exports to non-nuclear-weapon States Party to the Treaty insofar as the recipient State should recognize the items on the Trigger List as well as the procedures and criteria from Article III, Paragraph 2 of the Treaty as a basis for its own export control decisions, including re-exports.

(b) The Preparatory Committee endorses the importance of the Zangger Committee as guidance for States Party in meeting their obligation under Article III, Paragraph 2 of the Treaty and invites all States to adopt the Memoranda of the Zangger Committee as minimal standards in connection with any nuclear co-operation.

(c) The Preparatory Committee recommends that the list of items triggering IAEA safeguards and the procedures for implementation, in accordance with Article III, Paragraph 2 of the Treaty, be reviewed from time to time to take into account advances in technology, the proliferation sensitivity, and changes in procurement practices.

(d) The Preparatory Committee urges the Zangger Committee to share its experience on export controls, so that states draw on the arrangements of its Memoranda.

## The Nuclear Suppliers Group

### Guidelines for Transfers of Nuclear-related Dual-use Equipment, Material, Software and Related Technology

[INFCIRC/254/Rev.8/Part 2 30 June 2010]

Communication Received from Certain Member States

[Editorial note: Footnotes not included]

1. The Agency has received a Note Verbale from the Permanent Mission of Hungary, dated 14 June 2010, in which it requests that the Agency circulate to all Member States a letter of 7 May 2010 from the Chairman of the Nuclear Suppliers Group, Ambassador Ms. Györgyi Martin Zanathy, to the Director General, on behalf of the Governments of Argentina, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Republic of Korea, Latvia, Lithuania, Luxemburg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, providing further information on those Governments' Guidelines for Nuclear Transfers.

2. In the light of the wish expressed in the above-mentioned Note Verbale, the text of the Note Verbale, as well as the letter and attachments thereto, are hereby reproduced for the information of all Member States.

[Eds...] These Governments have decided to amend the Part 2 Guidelines, in order to more clearly define the standard of implementation that all Participating Governments of the Nuclear Suppliers Group (NSG) regard as essential for the fulfillment of the Guidelines, as follows:

- NSG Part 2 entry 1.B.3.a has been modified to implement the most up-to-date international standard, International Organization for Standardization (ISO) 10360-2(2009). The new text retains a one-dimensional length measurement error parameter and the same value for that error parameter for establishing export control thresholds. This control is based on the tested actual performance of the machine rather than the manufacturer's specification. Furthermore, controls on two-dimensional machines are retained. Thus, the scope of nuclear proliferation controls on dimensional inspection machines of 1.B.3.a is unchanged by the new text.
- The existing technical note 1 for NSG Part 2 entry 1.B.3.d. has been deleted since it refers to the deleted VDI/VDE standard. Existing technical note 2 is now the new technical note 1.

In the interest of clarity, the complete text of the modified Guidelines and its Annexes is reproduced in the attachment, as well as a "Comparison Table of Changes to the Guidelines for Nuclear Transfers (INFCIRC/254/Rev.7/Part 2)."

These Governments have decided to act in accordance with the Guidelines so revised and to implement them in accordance with their respective national legislation.

In reaching this decision, these Governments are fully aware of the need to contribute to economic development while avoiding contributing in any way to a proliferation of nuclear weapons or other nuclear explosive devices or the diversion to acts of nuclear terrorism, and of the need to separate the issue of non-proliferation or non-diversion assurances from that of commercial competition.

Insofar as trade within the European Union is concerned, the Governments that are Member States of the European Union will implement this decision in the light of their commitments as Member States of the Union.

I would be grateful if you would bring this Note and its attachment, INFCIRC/254/Rev.8/Part 2 and the Comparison Table, to the attention of all Member States of the IAEA.

On behalf of the above Governments I wish to avail myself of this opportunity to renew to you the assurances of the Governments' highest consideration.

Yours sincerely,  
H.E. Ms. Györgyi Martin Zanathy

### **GUIDELINES FOR TRANSFERS OF NUCLEAR-RELATED DUAL-USE EQUIPMENT, MATERIALS, SOFTWARE, AND RELATED TECHNOLOGY**

#### OBJECTIVE

1. With the objective of averting the proliferation of nuclear weapons and preventing acts of nuclear terrorism, suppliers have had under consideration procedures in relation to the transfer of certain equipment, materials, software, and related technology that could make a major contribution to a "nuclear explosive activity," an "unsafeguarded nuclear fuel-cycle activity" or acts of nuclear terrorism. In this connection, suppliers have agreed on the following principles, common definitions, and an export control list of equipment, materials, software, and related technology. The Guidelines are not designed to impede international co-operation as long as such co-operation will not contribute to a nuclear explosive activity, an unsafeguarded nuclear fuelcycle activity or acts of nuclear terrorism. Suppliers intend to implement the Guidelines in accordance with national legislation and relevant international commitments.

#### BASIC PRINCIPLE

2. Suppliers should not authorize transfers of equipment, materials, software, or related technology identified in the Annex:

- for use in a non-nuclear-weapon state in a nuclear explosive activity or an unsafeguarded nuclear fuel-cycle activity, or
- in general, when there is an unacceptable risk of diversion to such an activity, or when the transfers are contrary to the objective of averting the proliferation of nuclear weapons, or
- when there is an unacceptable risk of diversion to acts of nuclear terrorism.

#### EXPLANATION OF TERMS

3. (a) "Nuclear explosive activity" includes research on or development, design, manufacture, construction, testing or maintenance of any nuclear explosive device or components or subsystems of such a device.

(b) "Unsafeguarded nuclear fuel-cycle activity" includes research on or development, design, manufacture, construction, operation or maintenance of any reactor, critical facility, conversion plant, fabrication plant, reprocessing plant, plant for the separation of isotopes of source or special fissionable material, or separate storage installation, where there is no obligation to accept International Atomic Energy Agency (IAEA) safeguards at the relevant facility or installation, existing or future, when it contains any source or special fissionable material; or of any heavy water production plant where there is no obligation to accept IAEA

safeguards on any nuclear material produced by or used in connection with any heavy water produced therefrom; or where any such obligation is not met.

#### ESTABLISHMENT OF EXPORT LICENSING PROCEDURES

4. Suppliers should have in place legal measures to ensure the effective implementation of the Guidelines, including export licensing regulations, enforcement measures, and penalties for violations. In considering whether to authorize transfers, suppliers should exercise prudence in order to carry out the Basic Principle and should take relevant factors into account, including:

(a) Whether the recipient state is a party to the Nuclear Non-Proliferation Treaty (NPT) or to the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), or to a similar international legally-binding nuclear non-proliferation agreement, and has an IAEA safeguards agreement in force applicable to all its peaceful nuclear activities;

(b) Whether any recipient state that is not party to the NPT, Treaty of Tlatelolco, or a similar international legally-binding nuclear non-proliferation agreement has any facilities or installations listed in paragraph 3(b) above that are operational or being designed or constructed that are not, or will not be, subject to IAEA safeguards;

(c) Whether the equipment, materials, software, or related technology to be transferred is appropriate for the stated end-use and whether that stated end-use is appropriate for the enduser;

(d) Whether the equipment, materials, software, or related technology to be transferred is to be used in research on or development, design, manufacture, construction, operation, or maintenance of any reprocessing or enrichment facility;

(e) Whether governmental actions, statements, and policies of the recipient state are supportive of nuclear non-proliferation and whether the recipient state is in compliance with its international obligations in the field of non-proliferation;

(f) Whether the recipients have been engaged in clandestine or illegal procurement activities; and

(g) Whether a transfer has not been authorized to the end-user or whether the end-user has diverted for purposes inconsistent with the Guidelines any transfer previously authorized.

(h) Whether there is reason to believe that there is a risk of diversion to acts of nuclear terrorism.

(i) Whether there is a risk of retransfers of equipment, material, software, or related technology identified in the Annex or of transfers of any replica thereof contrary to the Basic Principle, as a result of a failure by the recipient State to develop and maintain appropriate, effective national export and transshipment controls, as identified by UNSC Resolution 1540.

5. Suppliers should ensure that their national legislation requires an authorisation for the transfer of items not listed in the Annex if the items in question are or may be intended, in their entirety or in part, for use in connection with a “nuclear explosive activity.”

Suppliers will implement such an authorisation requirement in accordance with their domestic licensing practices.

Suppliers are encouraged to share information on “catch all” denials.

#### CONDITIONS FOR TRANSFERS

6. In the process of determining that the transfer will not pose any unacceptable risk of diversion, in accordance with the Basic Principle and to meet the objectives of the Guidelines, the supplier should obtain, before authorizing the transfer and in a manner consistent with its national law and practices, the following:

(a) a statement from the end-user specifying the uses and end-use locations of the proposed transfers; and

(b) an assurance explicitly stating that the proposed transfer or any replica thereof will not be used in any nuclear explosive activity or unsafeguarded nuclear fuel-cycle activity.

#### CONSENT RIGHTS OVER RETRANSFERS

7. Before authorizing the transfer of equipment, materials, software, or related technology identified in the Annex to a country

not adhering to the Guidelines, suppliers should obtain assurances that their consent will be secured, in a manner consistent with their national law and practices, prior to any retransfer to a third country of the equipment, materials, software, or related technology, or any replica thereof.

#### CONCLUDING PROVISIONS

8. The supplier reserves to itself discretion as to the application of the Guidelines to other items of significance in addition to those identified in the Annex, and as to the application of other conditions for transfer that it may consider necessary in addition to those provided for in paragraph 5 of the Guidelines.

9. In furtherance of the effective implementation of the Guidelines, suppliers should, as necessary and appropriate, exchange relevant information and consult with other states adhering to the Guidelines.

10. In the interest of international peace and security, the adherence of all states to the Guidelines would be welcome.

[Eds...]

### **ANNEX**

#### **LIST OF NUCLEAR-RELATED DUAL-USE EQUIPMENT, MATERIALS, SOFTWARE, AND RELATED TECHNOLOGY**

[Eds – see 2009 Edition of the Briefing Book]

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#### **Communication of 1 October 2009 received from the Resident Representative of Hungary to the Agency on behalf of the Participating Governments of the Nuclear Suppliers Group**

[INFCIRC/539/Rev.4: 5 November 2009]

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[Editorial note: Footnotes not included]

1. The Director General has received a letter dated 1 October 2009 from the Resident Representative of Hungary to the Agency on behalf of the Participating Governments of the Nuclear Suppliers Group. Attached to this letter is an updated version of a paper entitled “The Nuclear Suppliers Group: Its Origins, Role and Activities.” The original version of this paper was issued as INFCIRC/539 on 15 September 1997: revisions were issued on 17 April 2000, 16 September 2003 and 30 May 2005.

2. As requested in the letter, the revised version of the paper, attached hereto, is being circulated to Member States of the IAEA.

[Eds...]

#### ***The Nuclear Suppliers Group: Its Origins, Role and Activities***

##### **Overview**

1. The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of Guidelines for nuclear exports and nuclear-related exports. NSG Participating Governments (hereinafter referred to as “NSG participants or PGs”) are listed in the Annex. NSG participants pursue the aims of the NSG through adherence to the NSG Guidelines, which are adopted by consensus, and through an exchange of information, notably on developments of nuclear proliferation concern.

2. The first set of NSG Guidelines governs the export of items that are especially designed or prepared for nuclear use. These include: (i) nuclear material; (ii) nuclear reactors and equipment therefor; (iii) non-nuclear material for reactors; (iv) plants and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production; and (v) technology associated with each of the above items.

3. The second set of NSG Guidelines governs the export of nuclear-related dual-use items and technologies, that is, items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but that have non-nuclear uses as well, for example in industry.

4. The NSG Guidelines are consistent with, and complement, the various international, legally binding instruments in the field of

nuclear non-proliferation. These include the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco), the South Pacific Nuclear-Free-Zone Treaty (Treaty of Rarotonga), the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone (Treaty of Bangkok), and the Central Asian Nuclear-Weapon-Free Zone Treaty (Treaty of Semipalatinsk).

5. The aim of the NSG Guidelines is to ensure that nuclear trade for peaceful purposes does not contribute to the proliferation of nuclear weapons or other nuclear explosive devices, and that international trade and cooperation in the nuclear field is not hindered unjustly in the process. The NSG Guidelines facilitate the development of trade in this area by providing the means whereby obligations to facilitate peaceful nuclear cooperation can be implemented in a manner consistent with international nuclear non-proliferation norms. The NSG urges all States to adhere to the Guidelines.

6. The commitment of NSG participants to rigorous conditions of supply, in the context of the further development of the applications of nuclear energy for peaceful purposes, makes the NSG one of the elements of the international nuclear non-proliferation regime.

**Background to Present Paper**

7. The purpose of this paper is to contribute to a broader understanding of the NSG and its activities as part of an overall effort to promote dialogue and cooperation between NSG participants and non-NSG participants. This document provides information on actions taken by NSG participants to give effect to their commitment to improve transparency in nuclear-related export controls and to cooperate more closely with non-NSG participants to achieve this objective. In so doing, it aims to encourage wider adherence to the NSG Guidelines.

8. The paper's purpose is therefore consistent with Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," agreed at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPTREC) where Paragraph 17 of that document states that "transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty." In this connection, NSG participants also take into account Paragraph 16 of that document, which calls for preferential treatment to be accorded to non-nuclear weapon States party to the Treaty in the promotion of peaceful uses of nuclear energy, taking the needs of developing countries particularly into account. This paper is likewise consistent with Paragraph 9 of United Nations Security Council Resolution 1540 on the Non-proliferation of Weapons of Mass Destruction, which "calls upon all States to promote dialogue and cooperation on nonproliferation" so as to address the threats posed by proliferation of nuclear weapons.

- Section I traces the origins and development of the NSG.
- Section II describes the structure and current activities of the NSG.
- Section III describes the developments of the NSG to date.
- Section IV reports on the NSG action to promote openness and transparency.

**I. Origins and Development of the NSG Export Controls**

9. From the beginning of international cooperation in the peaceful uses of nuclear energy, supplier countries have recognised the responsibility to ensure that such cooperation does not contribute to the proliferation of nuclear weapons. Shortly after entry into force of the NPT in 1970, multilateral consultations on nuclear export controls led to the establishment of two separate mechanisms for dealing with nuclear exports: the Zangger Committee in 1971 and what has become known as the Nuclear Suppliers Group in 1975. Between 1978 and 1991, the NSG was not active, even though its Guidelines were in place. The Zangger Committee continued to meet on a regular basis during this period to review and amend the list of items subject to export controls, the so-called "Trigger List."

**The Zangger Committee**

10. The Zangger Committee had its origins in 1971 when major nuclear suppliers regularly involved in nuclear trade came together to reach common understandings on how to implement Article III.2

of the NPT with a view to facilitating consistent interpretation of the obligations arising from that Article. In 1974 the Zangger Committee published a "Trigger List," that is, items which would "trigger" a requirement for safeguards and the Zangger guidelines ("common understandings") governing the export, direct or indirect, of those items to non-nuclear-weapon States (NNWS) that are not party to the NPT. The Zangger Understandings establish three conditions for the supply: a non-explosive-use assurance, an IAEA safeguards requirement, and a re-transfer provision that requires the receiving State to apply the same conditions when reexporting these items. The Zangger Trigger List and the Understandings are published as IAEA document INFCIRC/209, as amended.

**The NSG**

11. The NSG was created following the explosion in 1974 of a nuclear device by a nonnuclear-weapon State, an event which demonstrated that nuclear technology transferred for peaceful purposes could be misused. It was thus felt that conditions of nuclear supply might need to be adapted so as to better ensure that nuclear cooperation could be pursued without contributing to the risk of nuclear proliferation. This event brought together the major suppliers of nuclear material, non-nuclear material for reactors, equipment and technology who were members of the Zangger Committee, as well as States who were not parties to the NPT.

12. The NSG, taking into account the work already done by the Zangger Committee, agreed on a set of guidelines incorporating a Trigger List. The NSG Guidelines were published in 1978 as IAEA Document INFCIRC/254 (subsequently amended), to apply to nuclear transfers for peaceful purposes to help ensure that such transfers would not be diverted to unsafeguarded nuclear fuel cycle or nuclear explosive activities. There is a requirement for formal government assurances from recipients to this effect. The NSG Guidelines also strengthened re-transfer provisions and adopted a requirement for physical protection measures and an agreement to exercise particular caution in the transfer of sensitive facilities, technology and material usable for nuclear weapons or other nuclear explosive devices. In doing so, the NSG Guidelines recognised the fact that there is a class of technologies and materials that are particularly sensitive—namely, enrichment and reprocessing technologies—because they can lead directly to the creation of material usable for nuclear weapons or other nuclear explosive devices. The implementation of effective physical protection measures is also critical. This can help prevent the theft and illicit transfer of nuclear material.

13. At the 1990 NPT Review Conference (NPTRC), a number of recommendations made by the committee reviewing the implementation of Article III had a significant impact on the NSG's activities in the 1990s. These included the following:

- That NPT parties consider further improvements in measures to prevent the diversion of nuclear technology for nuclear weapons;
- That States engage in consultations to ensure appropriate coordination of their controls on the exports of items, such as tritium, not identified in Article III.2 but still relevant to nuclear weapons proliferation and therefore to the NPT as a whole;
- That nuclear supplier States require, as a necessary condition for the transfer of relevant nuclear supplies to non-nuclear weapon States, the acceptance of IAEA safeguards on all their current and future nuclear activities (i.e. full-scope safeguards or comprehensive safeguards).

14. Shortly thereafter, it became apparent that export control provisions then in force had not prevented Iraq, a party to the NPT, from pursuing a clandestine nuclear weapons programme, which later prompted UN Security Council action. A large part of Iraq's effort had been to acquire dual-use items not covered by the NSG Guidelines and then to build its own Trigger List items. This gave major impetus to the NSG's development of its Dual-Use Guidelines. In doing so, the NSG demonstrated its commitment to nuclear non-proliferation by ensuring that items like those used by Iraq would from now on be controlled to ensure their non-explosive use. These items would, however, continue to be available for peaceful nuclear activities subject to IAEA safeguards, as well as for other industrial activities where they would not contribute to nuclear proliferation.

15. Following these developments, the NSG decided in 1992:

- To establish guidelines for transfers of nuclear-related dual-use equipment, material and technology (items which have both nuclear and non-nuclear applications) that could make a significant contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity. These Dual-Use Guidelines were published as Part 2 of INFCIRC/254, and the original Guidelines published in 1978 became Part 1 of INFCIRC/254;
- To establish a framework for consultation on the Dual-Use Guidelines, for the exchange of information on their implementation and on procurement activities of potential proliferation concern;
- To establish procedures for exchanging notifications that have been issued as a result of national decisions not to authorise transfers of dual-use equipment or technology and to ensure that NSG participants do not approve transfers of such items without first consulting with the State that issued the notification;
- To make a full-scope safeguards agreement with the IAEA a condition for the future supply of Trigger List items to any non-nuclear-weapon State. This decision ensured that only NPT parties and other States with full-scope safeguards agreements could benefit from nuclear transfers.

16. The endorsement at the 1995 NPTREC of the full-scope safeguards policy already adopted by the NSG in 1992 clearly reflects the conviction of the international community that this nuclear supply policy is a vital element to promote shared nuclear non-proliferation commitments and obligations. Specifically, Paragraph 12 of Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament" states that full-scope safeguards and international legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices should be a condition for granting licences for Trigger List items under new supply arrangements with non-nuclear-weapon States.

17. The 2000 NPTRC reconfirmed also that any transfer of nuclear-related dual-use items should be in full conformity with the NPT.

#### The NSG, the Zangger Committee and the NPT

18. The NSG and the Zangger Committee differ slightly in the scope of their Trigger Lists of *especially designed or prepared* (EDP) items and in the export conditions for items on those lists. Concerning the scope of those lists, the Zangger list is restricted to items falling under Article III.2 of the NPT. The NSG Guidelines, in addition to covering equipment and material, also cover the technology for the development, production and use of the items on the list. On export conditions for the items on the Trigger Lists, the NSG has a formal full-scope safeguards requirement as a condition of supply. The NSG Guidelines apply to transfers for peaceful purposes to any NNWS and, in the case of controls on retransfer, to transfers to any State.

19. The NSG Guidelines also contain the so-called "Non-Proliferation Principle," adopted in 1994, whereby a supplier, notwithstanding other provisions in the NSG Guidelines, authorises a transfer only when satisfied that the transfer would not contribute to the proliferation of nuclear weapons. The Non-Proliferation Principle seeks to cover the rare but important cases where adherence to the NPT or to a Nuclear Weapon Free Zone Treaty may not by itself be a guarantee that a State will consistently share the objectives of the Treaty or that it will remain in compliance with its Treaty obligations.

20. The NSG arrangement covering exports of dual-use items is a major difference between the NSG and the Zangger Committee. As dual-use items cannot be defined as EDP equipment, they fall outside the Zangger Committee's mandate. As noted above, the control of dual-use items has been recognised as making an important contribution to nuclear non-proliferation.

21. Despite these differences between the two regimes, it is important to keep in mind that they serve the same objective and are equally valid instruments of nuclear non-proliferation efforts. There is close cooperation between the NSG and the Zangger Committee on the review and amendment of the Trigger Lists.

#### II. Structure and Current Activities of the NSG Participation

22. From the initial publication of INFCIRC/254 in 1978 to now, participation has increased steadily. (See full list of NSG

participants in the Annex.)

23. Factors taken into account for participation include the following:

- The ability to supply items (including items in transit) covered by the Annexes to Parts 1 and 2 of the NSG Guidelines;
- Adherence to the Guidelines and action in accordance with them;
- Enforcement of a legally based domestic export control system that gives effect to the commitment to act in accordance with the Guidelines;
- Adherence to one or more treaties, such as the NPT, the Treaties of Tlatelolco, Rarotonga, Pelindaba, Bangkok or an equivalent international nuclear non-proliferation agreement, and full compliance with the obligations of such agreement(s);
- Support of international efforts towards non-proliferation of weapons of mass destruction and of their delivery vehicles.

#### Organisation of Work

24. The NSG works on the basis of consensus. Overall responsibility for activities lies with the NSG participants who meet once a year in a Plenary meeting.

25. A rotating Chair has overall responsibility for coordination of work and outreach activities. (See full list of NSG Chairs in the Annex.)

26. The NSG Plenary can decide to set up technical working groups on matters such as the review of the NSG Guidelines, the Annexes, the procedural arrangements, information sharing and transparency activities. The NSG Plenary can also mandate the Chair to conduct outreach activities with specific countries. The aim of the outreach activities is to promote adherence to the NSG Guidelines.

27. Typically, the agenda of the Plenary meeting focuses on reports from working groups that may be operating or may have concluded their work since previous Plenaries as well as on reports from the previous NSG Chair on outreach activities. Time is also allotted to review items of interests such as trends in nuclear proliferation and developments since the previous Plenary meeting.

28. In addition to the Plenary meeting, the NSG has two other standing bodies that report to the Plenary. These are the Consultative Group (CG) and the Information Exchange Meeting (IEM) with Chairs that also rotate annually. The CG meets at least twice a year and is tasked to hold consultations on issues associated with the Guidelines on nuclear supply and the technical annexes. The IEM precedes the NSG Plenary and provides another opportunity for NSG participants to share information and developments of relevance to the objectives and content of the NSG Guidelines. Under the mandate of information exchange, the Licensing and Enforcement Experts Meeting, or LEEM, discusses issues relating to effective licensing and enforcement practices.

29. NSG participants review the Guidelines in INFCIRC/254 from time to time to ensure that they are up to date to meet evolving nuclear proliferation challenges. The IAEA is notified of agreed amendments to Parts 1 and 2 of the NSG Guidelines and their associated lists and reissues INFCIRC/254 accordingly. Such amendments can be additions, deletions or corrections.

30. The Permanent Mission of Japan in Vienna, acting as a Point of Contact, carries out a practical support function. It receives and distributes NSG documents, notifies meeting schedules and provides practical assistance to the NSG Plenary, the CG and IEM Chairs and Chairs of the various working groups established by the Plenary.

#### How the Guidelines Work

31. The NSG Guidelines introduce a degree of order and predictability among the suppliers and harmonise standards and interpretations of suppliers' undertakings with the aim of ensuring that the normal process of commercial competition does not lead to outcomes that further the proliferation of nuclear weapons. Consultations among NSG participants are also designed to ensure that any possible impediments to international nuclear trade and cooperation are kept to a minimum.

32. The NSG Guidelines are implemented by each NSG



participant in accordance with its national laws and practices. Decisions on export applications are taken at the national level in accordance with national export licensing requirements. This is the prerogative and right of all States for all export decisions in any field of commercial activity and is also in line with the text of Article III.2 of the NPT, which refers to "each State Party," and thus emphasises the sovereign obligation of any party to the Treaty to exercise proper export controls. NSG participants meet regularly to exchange information on issues of nuclear proliferation concern and how these impact on national export control policy and practice. However, it is important to remember that the NSG does not have a mechanism for limiting supply or the coordination of marketing arrangements and does not take decisions on licence applications as a group.

33. The requirement that no transfer of Trigger List items to NNWS takes place unless the recipient State has full-scope safeguards on all its nuclear activities is particularly pertinent because it establishes a uniform standard of supply that is based on the IAEA's international verification system. The strengthened safeguards system of the IAEA, as adopted in 1997, should improve considerably the Agency's ability to exercise its verification role.

34. Contacts and briefings take place with non-participating countries: in addition to the outreach activities conducted with potential NSG participants, the NSG conducts briefings of non-NSG participants with a view to increasing the understanding of and adherence to the NSG Guidelines. States can choose to adhere to the Guidelines without being obliged to participate in the NSG.

### III. Developments of the NSG to Date

35. The NSG Guidelines have significantly strengthened international solidarity in the field of transfers of nuclear material. NSG undertakings reflect the non-proliferation and peaceful nuclear cooperation objectives that NSG participants share with all NPT parties and parties to other international legally binding non-proliferation commitments. Controls on the transfer of listed items and technologies provide essential support for the implementation of these treaties and for the continuation and development of peaceful nuclear cooperation, thus also facilitating the utilisation of nuclear energy in developing countries.

36. Contrary to fears that the NSG Guidelines act as an impediment to the transfer of nuclear materials and equipment, they have in fact facilitated the development of such trade. For some time now, supply arrangements have incorporated NSG commitments. Such arrangements are designed to expedite transfers and trade. The NSG commitments, when woven into the supply arrangements with a basis in respective national laws, provide governments with legitimate and defensible arguments that such arrangements diminish proliferation risk. In this manner, nonproliferation and trade purposes are mutually reinforcing.

37. The NSG Guidelines are applied both to NSG participants and non-NSG participants. Most NSG participants do not possess a self-sufficient fuel cycle and are major importers of nuclear items. Accordingly, they are required to provide the same assurances for nuclear transfers as non-NSG participants in accordance with the Guidelines.

38. As practised by NSG participants, export controls operate on the basis that cooperation is the principle and restrictions are the exception. Few NPT parties have been refused controlled items: this has occurred when a supplier had good reason to believe that the item in question could contribute to nuclear proliferation. Almost all rejections by NSG participants of applications for export licences have concerned States with unsafeguarded nuclear programmes.

39. There is close interdependence between the controls in Part 1 of the Guidelines and the effective implementation of comprehensive IAEA safeguards. The NSG supports fully international efforts to strengthen safeguards to detect undeclared activities as well as to monitor declared nuclear activities to ensure that they continue to meet vital nuclear non-proliferation requirements and to provide the assurances needed for the continuation of international nuclear trade.

40. The NSG held an Intersessional Meeting in Vienna in October 1998, following the concern expressed by NSG participants at the

nuclear tests conducted by India and Pakistan in May 1998. NSG participants discussed their impact and they reaffirmed their commitment to the NSG Guidelines.

41. The NSG held an Extraordinary Plenary Meeting in Vienna in December 2002 and agreed to several comprehensive amendments to strengthen its Guidelines, intended to prevent and counter the threat of diversion of nuclear exports to nuclear terrorism. The Plenary emphasised that effective export controls are an important tool to combat the threat of nuclear terrorism. While discussing the DPRK nuclear programme, the Participating Governments of the NSG called on all States to exercise extreme vigilance that their exports and any goods or nuclear technologies that transit their territorial jurisdiction do not contribute to any aspect of a North Korean nuclear weapons effort.

42. At the 2004 NSG Plenary in Göteborg, Sweden, the NSG welcomed Libya's voluntary decision to eliminate materials, equipment and programmes leading to the production of nuclear weapons, while noting with deep concern the discovery of elements of a covert international proliferation trafficking network through which sensitive nuclear-related equipment had found its way to Libya. The Göteborg Plenary also noted the importance of Iran's full compliance with its obligations under the Nuclear Non-Proliferation Treaty (NPT) and called on Iran to implement proactively all of the provisions of the resolutions of the International Atomic Energy Agency (IAEA) Board of Governors and to restore broad international confidence.

43. NSG Participants continue discussions on illicit procurement and trafficking, while calling on all States to exercise extreme vigilance to make best efforts that none of their exports of goods and technologies contribute to nuclear weapons programmes. In this regard, NSG participants welcome UNSCR 1540's affirmation that the prevention of nuclear weapons should not hamper international cooperation in materials, equipment and technology used for peaceful purposes while goals of peaceful utilisation should not be used as a cover for proliferation.

44. NSG participants also welcome UNSCR 1540's recognition of the importance of export controls to non-proliferation efforts, as well as its decision that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear weapons, including establishing end-user controls.

45. To further strengthen Participating Government's national export controls, the 2004 Göteborg Plenary decided to adopt a "catch-all" mechanism in the NSG Guidelines, to provide a national legal basis to control the export of nuclear related items that are not on the control lists, when such items are or may be intended for use in connection with a nuclear weapons programme. Participating Governments also agreed on the importance of effective and consistent Guideline implementation, including requiring the existence of national export licensing regulations, enforcement measures, and penalties for violations.

46. In recognition of the threats posed by the proliferation of nuclear weapons and the unrestricted spread of sensitive nuclear technologies, NSG participants continue to discuss ways to further strengthen the NSG Guidelines in order to address these challenges.

47. At the 2005 NSG Plenary in Oslo, PGs adopted additional strengthening measures: to establish a procedure towards suspending, through national decisions, nuclear transfers to countries that are non-compliant with their safeguards agreements; that supplier and recipient states should elaborate appropriate measures to invoke fall-back safeguards if the IAEA can no longer undertake its Safeguards mandate in a recipient state, and to introduce the existence of effective export controls in the recipient state as a criteria of supply for nuclear material, equipment and technology and a factor for consideration for dual use items and technologies.

48. At the 2006 NSG Plenary in Brasilia, the NSG adopted revised guidelines for information sharing, adopted an approach to continue to examine ways of strengthening conditions of supply, amended the Guidelines to include especially designed or prepared valves for use in enrichment plants, and a means to incorporate the outcomes of an NSG Workshop on sensitive technologies into outreach activities.

49. Beginning in 2005, the NSG examined issues raised by the US-India Joint Statement of July 2005, and possible NSG-India civilian nuclear cooperation. In September 2008, taking note of steps India voluntarily undertook to separate its civilian nuclear facilities, the conclusion and approval by the IAEA Board of Governors of a safeguards agreement for India's civilian nuclear facilities and India's commitment to sign and adhere to an Additional Protocol to that agreement, and to support international efforts to limit the spread of enrichment and reprocessing technologies, and India's other steps to strengthen its domestic export control system, adhere to the NSG Guidelines and continue a moratorium on nuclear testing and work toward an FMCT, NSG PGs adopted a policy statement on civil nuclear cooperation with the IAEA-safeguarded Indian civil nuclear program. Based on these commitments and actions of India, the policy permits transfers of trigger list and dual use items and/or related technology to India for peaceful purposes and for use in IAEA safeguarded civil nuclear facilities, provided that the transfer satisfies all other provisions of the NSG guidelines, as revised. The policy is elaborated in IAEA document INFCIRC/734. The statement notes that PGs will report approved transfers to India of INFCIRC/254 Part 1, Annex A and B items, requests the Chair to confer and consult with India and report to the Plenary, and states that PGs will consult regularly on matters connected to the implementation of all aspects of the policy statement. The statement also includes a provision for PGs to meet, if deemed necessary, in accordance with paragraph 16 of the Guidelines.

50. The NSG continues to exchange information and analyze current proliferation challenges as they arise, and also to call on all states to exercise extreme vigilance and make best efforts to ensure none of their exports of goods and technologies contribute to nuclear weapons programs.

#### IV. NSG Action to Promote Openness and Transparency

51. The NSG is aware that non-NSG participants have in the past expressed concern about the lack of transparency in the NSG's proceedings. Non-NSG participants have not been part of the decision-making process in the establishment of the Guidelines. Concerns have therefore been expressed that the NSG has sought to deprive States of the benefits of nuclear technology or impose requirements on non-NSG participants, which have been made without their participation.

52. NSG participants understand the reasons for these concerns but state emphatically that the objectives of the NSG have consistently been to fulfil their obligations as suppliers to support nuclear non-proliferation and, in doing so, to facilitate peaceful nuclear cooperation. The growing and diverse participation of the NSG demonstrates that it is not a closed shop.

53. The NSG has consistently promoted openness and greater understanding of its aims, as well as adherence to its Guidelines and is prepared to support efforts by States to adhere to and implement the Guidelines. In response to the interest shown by individual States and groups of States, a series of contacts have taken place to inform them about the NSG's activities and to encourage them to adhere to the Guidelines. These contacts have been organised through special missions to these countries by successive NSG Plenary Chairs and representatives of NSG participants as well as during NSG seminars specially convened for this purpose (in 1994 and 1995).

54. The NSG welcomes the call in Paragraph 17 of the "Principles and Objectives for Nuclear Non-proliferation and Disarmament" adopted at the 1995 NPTREC for more openness and transparency, and responded substantively to the call at its Buenos Aires Plenary meeting on 25-26 April 1996 by establishing a working group to consider how to promote openness and transparency through further dialogue and cooperation with non-NSG participants

55. As a first step, NSG participants have strengthened their dialogue with non-NSG participants through contacts that took place in the margins of the 1996 IAEA General Conference. This dialogue continues in capitals and on other occasions such as regular nuclear and security policy dialogues, as well as during multilateral meetings that deal with these issues. This paper is a further practical contribution to this process.

56. On 7-8 October 1997, immediately following the forty-first

session of the IAEA General Conference, the NSG held the "International Seminar on the Role of Export Controls in Nuclear Non-Proliferation" in Vienna. Given the importance of including all actual and potential supplier countries and the wish for a genuine, open and all-inclusive dialogue, it was decided to invite all States to the Seminar, both parties and non-parties to the NPT.

57. On the basis of the dialogue started in Vienna, a second international seminar on the same subject was held in New York on 8-9 April 1999, ahead of the 1999 NPT Preparatory Committee Meeting. As in 1997, speakers were drawn from both NSG participants and non-NSG participants and from a variety of backgrounds so that the debate could cover a broad spectrum of views. Both seminars were attended by representatives from Governments, international organisations, and leading experts from the media, the academic world and industry.

58. The two international seminars were designed to be a further but not final step in promoting the goals of transparency within a framework of dialogue and cooperation on the role of export controls in nuclear non-proliferation and in the promotion of nuclear trade for peaceful purposes. These events proved to be very beneficial in terms of furthering transparency about nuclear export controls.

59. At the 2001 Aspen Plenary the NSG agreed upon the creation of a web site in order to better inform the public of the role and activities of the NSG. The web site, with the following URLs, was opened to the public at the 2002 Prague Plenary.  
<http://www.nuclearsuppliersgroup.org> <http://www.nsg-online.org>

60. Recognising the increased need for transparency, openness and dialogue in order to address export control challenges posed by illicit procurement of nuclear and nuclear-related materials and the globalisation of the nuclear industry, NSG participants agreed at the 2004 Göteborg Plenary to strengthen contacts with non-partners through seminars and other joint activities with States outside of the NSG.

61. NSG participants are also exploring other means of cooperating more closely with non-NSG participants, to promote understanding of the Guidelines as well as adherence and implementation. The Troika composed of the past, present and incoming NSG Chairs continues contacts with non-participating governments and international organizations in the framework of existing NSG outreach programme and regular contacts with specific countries to inform them about NSG practices and to promote adherence to the Guidelines.

62. In order to give a practical dimension to, and a reliable framework for ongoing transparency efforts, at the Budapest Plenary NSG participants adopted best-practice guides to be used internally and for outreach activities to address the challenges posed by intangible transfer of technology (ITT) and end-use control.

#### Conclusions

63. In its future activities, the NSG will continue to be guided by the objectives of supporting nuclear non-proliferation and facilitating the peaceful applications of nuclear energy.

64. With regard to the future development of the Guidelines, NSG participants will continue to harmonise their national export control policies in a transparent manner. In this way they will continue to contribute to nuclear non-proliferation and at the same time support the development of nuclear trade and cooperation and help sustain genuine commercial competition between suppliers.

65. Universal transparency of the NSG Guidelines and the Annexes will continue through their publication as IAEA Information Circulars.

66. The NSG remains open to admitting further supplier countries in order to strengthen international non-proliferation efforts, as already illustrated by its broadening participation in all regions of the world.

67. The NSG is committed to the further promotion of openness and transparency in its practices and policy.

ANNEX

**NSG Participating Governments and those who have held the Chair**

ARGENTINA (1996 / 97 – BUENOS AIRES)  
 AUSTRALIA  
 AUSTRIA  
 BELARUS  
 BELGIUM  
 BRAZIL (2006 / 07 – BRASILIA)  
 BULGARIA  
 CANADA (1997 / 98 – OTTAWA)  
 CHINA  
 CROATIA  
 CYPRUS  
 CZECH REPUBLIC (2002 / 03 – PRAGUE)  
 DENMARK  
 ESTONIA  
 FINLAND (1995 / 96 – HELSINKI)  
 FRANCE (2000 / 01 – PARIS)  
 GERMANY (2008 / 09 – BERLIN)  
 GREECE  
 HUNGARY (2009 / 10 – BUDAPEST)  
 ICELAND  
 IRELAND  
 ITALY (1999 / 00 – FLORENCE)  
 JAPAN

KAZAKHSTAN  
 REPUBLIC OF KOREA (2003 / 04 – BUSAN)  
 LATVIA  
 LITHUANIA  
 LUXEMBOURG  
 MALTA  
 NETHERLANDS (1991 / 92 – THE HAGUE)  
 NEW ZEALAND  
 NORWAY (2005 / 06 – OSLO)  
 POLAND (1992 / 93 – WARSAW)  
 PORTUGAL  
 ROMANIA  
 RUSSIAN FEDERATION  
 SLOVAKIA  
 SLOVENIA  
 SOUTH AFRICA (2007 / 08 – CAPE TOWN)  
 SPAIN (1994 / 95 – MADRID)  
 SWEDEN (2004 / 05 – GÖTEBORG)  
 SWITZERLAND (1993 / 94 – LUCERNE)  
 TURKEY  
 UKRAINE  
 UNITED KINGDOM (1998 / 99 – EDINBURGH)  
 UNITED STATES (2001 / 02 – ASPEN)

Permanent Observer: EUROPEAN COMMISSION

**Guidelines for Nuclear Transfers**

[Nuclear Suppliers Group, Reproduced from INFCIRC/254/Rev.10/Part1, July 2011]

[Eds...]

Communication Received from the Permanent Mission of the Netherlands regarding Certain Member States' Guidelines for the Export of Nuclear Material, Equipment and Technology

**GUIDELINES FOR NUCLEAR TRANSFERS**

1. The following fundamental principles for safeguards and export controls should apply to nuclear transfers for peaceful purposes to any non-nuclear-weapon State and, in the case of controls on retransfer, to transfers to any State. In this connection, suppliers have defined an export trigger list.

**Prohibition on nuclear explosives**

2. Suppliers should authorize transfer of items or related technology identified in the trigger list only upon formal governmental assurances from recipients explicitly excluding uses which would result in any nuclear explosive device.

**Physical protection**

3. (a) All nuclear materials and facilities identified by the agreed trigger list should be placed under effective physical protection to prevent unauthorized use and handling. The levels of physical protection to be ensured in relation to the type of materials, equipment and facilities, have been agreed by the suppliers, taking account of international recommendations.

(b) The implementation of measures of physical protection in the recipient country is the responsibility of the Government of that country. However, in order to implement the terms agreed upon amongst suppliers, the levels of physical protection on which these measures have to be based should be the subject of an agreement between supplier and recipient.

(c) In each case special arrangements should be made for a clear definition of responsibilities for the transport of trigger list items.

**Safeguards**

4. (a) Suppliers should transfer trigger list items or related technology to a non-nuclear weapon State only when the receiving State has brought into force an agreement with the IAEA requiring the application of safeguards on all source and special fissionable material in its current and future peaceful activities. Suppliers should authorize such transfers only upon formal governmental assurances from the recipient that:

– if the above-mentioned agreement should be terminated the

recipient will bring into force an agreement with the IAEA based on existing IAEA model safeguards agreements requiring the application of safeguards on all trigger list items or related technology transferred by the supplier or processed, or produced or used in connection with such transfers; and

– if the IAEA decides that the application of IAEA safeguards is no longer possible, the supplier and recipient should elaborate appropriate verification measures. If the recipient does not accept these measures, it should allow at the request of the supplier the restitution of transferred and derived trigger list items.

(b) Transfers covered by paragraph 4 (a) to a non-nuclear-weapon State without such a safeguards agreement should be authorized only in exceptional cases when they are deemed essential for the safe operation of existing facilities and if safeguards are applied to those facilities. Suppliers should inform and, if appropriate, consult in the event that they intend to authorize or to deny such transfers.

(c) The policy referred to in paragraph 4 (a) and 4 (b) does not apply to agreements or contracts drawn up on or prior to April 3, 1992. In case of countries that have adhered or will adhere to INFCIRC/254/Rev. 1/Part 1 later than April 3, 1992, the policy only applies to agreements (to be) drawn up after their date of adherence.

(d) Under agreements to which the policy referred to in paragraph 4 (a) does not apply (see paragraphs 4 (b) and (c)) suppliers should transfer trigger list items or related technology only when covered by IAEA safeguards with duration and coverage provisions in conformity with IAEA doc. GOV/1621. However, suppliers undertake to strive for the earliest possible implementation of the policy referred to in paragraph 4 (a) under such agreements.

(e) Suppliers reserve the right to apply additional conditions of supply as a matter of national policy.

5. Suppliers will jointly reconsider their common safeguards requirements, whenever appropriate.

**Special controls on sensitive exports**

6. Suppliers should exercise a policy of restraint in the transfer of sensitive facilities, equipment, technology and material usable for nuclear weapons or other nuclear explosive devices, especially in cases when a State has on its territory entities that are the object of active NSG Guidelines Part 2 denial notifications from more than one NSG Participating Government.

(a) In the context of this policy, suppliers should not authorise the transfer of enrichment and reprocessing facilities, and equipment and technology therefor, if the recipient does not meet, at least,

all of the following criteria:

(i) is a Party to the Treaty on the Non-Proliferation of Nuclear Weapons and is in full compliance with its obligations under the Treaty;

(ii) has not been identified in a report by the IAEA Secretariat which is under consideration by the IAEA Board of Governors, as being in breach of its obligations to comply with its safeguards agreement, nor continues to be the subject of Board of Governors decisions calling upon it to take additional steps to comply with its safeguards obligations or to build confidence in the peaceful nature of its nuclear programme, nor has been reported by the IAEA Secretariat as a State where the IAEA is currently unable to implement its safeguards agreement. This criterion would not apply in cases where the IAEA Board of Governors or the United Nations Security Council subsequently decides that adequate assurances exist as to the peaceful purposes of the recipient's nuclear programme and its compliance with its safeguards obligations. For the purposes of this paragraph, "breach" refers only to serious breaches of proliferation concern;

(iii) is adhering to the NSG Guidelines and has reported to the Security Council of the United Nations that it is implementing effective export controls as identified by Security Council Resolution 1540;

(iv) has concluded an inter-governmental agreement with the supplier including assurances regarding non-explosive use, effective safeguards in perpetuity, and retransfer;

(v) has made a commitment to the supplier to apply mutually agreed standards of physical protection based on current international guidelines; and (vi) has committed to IAEA safety standards and adheres to accepted international safety conventions.

(b) In considering whether to authorise such transfers, suppliers, while taking into account paragraphs 4(e), 6(a), and 10, should consult with potential recipients to ensure that enrichment and reprocessing facilities, equipment and technology are intended for peaceful purposes only; also taking into account at their national discretion, any relevant factors as may be applicable.

(c) Suppliers will make special efforts in support of effective implementation of IAEA safeguards for enrichment or reprocessing facilities, equipment or technology and should, consistent with paragraphs 4 and 13 of the Guidelines, ensure their peaceful nature. In this regard, suppliers should authorise transfers, pursuant to this paragraph, only when the recipient has brought into force a Comprehensive Safeguards Agreement, and an Additional Protocol based on the Model Additional Protocol or, pending this, is implementing appropriate safeguards agreements in cooperation with the IAEA, including a regional accounting and control arrangement for nuclear materials, as approved by the IAEA Board of Governors.

(d) In accordance with paragraph 16(b) of the Guidelines, prior to beginning transfers of enrichment or reprocessing facilities, equipment or technology, suppliers should consult with Participating Governments regarding the non-proliferation related terms and conditions applicable to the transfer.

(e) If enrichment or reprocessing facilities, equipment or technology are to be transferred, suppliers should encourage recipients to accept, as an alternative to national plants, supplier involvement and/or other appropriate multinational participation in resulting facilities. Suppliers should also promote international (including IAEA) activities concerned with multinational regional fuel cycle centres.

#### **Special arrangements for export of enrichment facilities, equipment and technology**

7. All States that meet the criteria in paragraph 6 above are eligible for transfers of enrichment facilities, equipment and technology. Suppliers recognise that the application of the Special Arrangements below must be consistent with NPT principles, in particular Article IV. Any application by the suppliers of the following Special Arrangements may not abrogate the rights of States meeting the criteria in paragraph 6.

(a) For a transfer of an enrichment facility, or equipment or

technology therefor, suppliers should seek a legally-binding undertaking from the recipient State that neither the transferred facility, nor any facility incorporating such equipment or based on such technology, will be modified or operated for the production of greater than 20% enriched uranium. Suppliers should seek to design and construct such an enrichment facility or equipment therefor so as to preclude, to the greatest extent practicable, the possibility of production of greater than 20% enriched uranium.

(b) For a transfer of an enrichment facility or equipment based on a particular enrichment technology which has been demonstrated to produce enriched uranium on a significant scale as of 31 December 2008, suppliers should:

(1) avoid, as far as practicable, the transfer of enabling design and manufacturing technology associated with such items; and

(2) seek from recipients an appropriate agreement to accept sensitive enrichment equipment, and enabling technologies, or an operable enrichment facility under conditions that do not permit or enable replication of the facilities.

Information required for regulatory purposes or to ensure safe installation and operation of a facility should be shared to the extent necessary without divulging enabling technology.

(c) Cooperative enrichment enterprises based on a particular enrichment technology which has not been demonstrated to produce enriched uranium on a significant scale as of 31 December 2008, may be developed by participants individually or jointly; and any transfer of the resulting facilities and equipment will become subject to paragraph 7(b) no later than prior to the deployment of a prototype. For the purposes of paragraph 7(c) of the Guidelines, a prototype is a system or facility which is operated to generate technical information to confirm the technical potential or viability of the separation process for large-scale separation of uranium isotopes.

Suppliers may propose alternative arrangements relating to control of transfers of new enrichment technology to facilitate cooperation on enrichment technology. Such arrangements should be equivalent to those in paragraph 7(b), and the NSG should be consulted on these arrangements. Participating Governments will review the arrangements for export of enrichment facilities, equipment and technology every five years beginning in 2013 for the purpose of addressing changes in enrichment technology and commercial practices.

(d) Suppliers recognise that when implementing the arrangements envisaged by paragraph 7 in relation to existing and new cooperative enrichment enterprises, enabling technology may be held by, shared among, and transferred between partners of such enterprises, if partners agree to do so on the basis of their established decision making processes. Suppliers recognise that uranium enrichment may involve supply chains for the production and transfer of equipment for enrichment facilities and such transfers can be made, subject to the relevant provisions of these Guidelines.

(e) Suppliers should make special efforts to ensure effective implementation of IAEA safeguards at supplied enrichment facilities, consistent with paragraphs 13 and 14 of the Guidelines. For a transfer of an enrichment facility, the supplier and recipient State should work together to ensure that the design and construction of the transferred facility is implemented in such a way so as to facilitate IAEA safeguards. The supplier and recipient State should consult with the IAEA about such design and construction features at the earliest possible time during the facility design phase, and in any event before construction of the enrichment facility is started. The supplier and recipient State should also work together to assist the recipient State in developing effective nuclear material and facilities protection measures, consistent with paragraphs 12 and 14 of the Guidelines.

(f) Suppliers should satisfy themselves that recipients have security arrangements in place that are equivalent or superior to their own to protect the facilities and technology from use or transfer inconsistent with the national laws of the receiving State.

**Definitions Section:**

For the purpose of implementing paragraph 7 of the Guidelines, “Cooperative Enrichment Enterprise” means a multi-country or multi-company (where at least two of the companies are incorporated in different countries) joint development or production effort. It could be a consortium of States or companies or a multinational corporation.

**Controls on supplied or derived material usable for nuclear weapons or other nuclear explosive devices**

8. Suppliers should, in order to advance the objectives of these guidelines and to provide opportunities further to reduce the risks of proliferation, include, whenever appropriate and practicable, in agreements on supply of nuclear materials or of facilities which produce material usable for nuclear weapons or other nuclear explosive devices, provisions calling for mutual agreement between the supplier and the recipient on arrangements for reprocessing, storage, alteration, use, transfer or retransfer of any material usable for nuclear weapons or other nuclear explosive devices involved.

**Controls on retransfer**

9. (a) Suppliers should transfer trigger list items or related technology only upon the recipient’s assurance that in the case of:

- (1) retransfer of such items or related technology,
- or
- (2) transfer of trigger list items derived from facilities originally transferred by the supplier, or with the help of equipment or technology originally transferred by the supplier; the recipient of the retransfer or transfer will have provided the same assurances as those required by the supplier for the original transfer.

(b) In addition the supplier’s consent should be required for:

- (1) any retransfer of trigger list items or related technology and any transfer referred to under paragraph 9(a) (2) from any State which does not require full scope safeguards, in accordance with paragraph 4(a) of these Guidelines, as a condition of supply;
- (2) any retransfer of enrichment, reprocessing or heavy water production facilities, equipment or related technology, and for any transfer of facilities or equipment of the same type derived from items originally transferred by the supplier;
- (3) any retransfer of heavy water or material usable for nuclear weapons or other nuclear explosive devices.
- (c) To ensure the consent right as defined under paragraph 9(b), government to government assurances will be required for any relevant original transfer.
- (d) Suppliers should consider restraint in the transfer of items and related technology identified in the trigger list if there is a risk of retransfers contrary to the assurances given under paragraph 9(a) and (c) as a result of a failure by the recipient to develop and maintain appropriate, effective national export and transshipment controls, as identified by UNSC Resolution 1540.

**Non-proliferation Principle**

10. Notwithstanding other provisions of these Guidelines, suppliers should authorize transfer of items or related technology identified in the trigger list only when they are satisfied that the transfers would not contribute to the proliferation of nuclear weapons or other nuclear explosive devices or be diverted to acts of nuclear terrorism.

**Implementation**

11. Suppliers should have in place legal measures to ensure the effective implementation of the Guidelines, including export licensing regulations, enforcement measures, and penalties for violations.

**SUPPORTING ACTIVITIES**

**Physical security**

12. Suppliers should promote international co-operation in the

areas of physical security through the exchange of physical security information, protection of nuclear materials in transit, and recovery of stolen nuclear materials and equipment. Suppliers should promote broadest adherence to the respective international instruments, inter alia, to the Convention on the Physical Protection of Nuclear Material, as well as implementation of INFCIRC/225, as amended from time to time. Suppliers recognize the importance of these activities and other relevant IAEA activities in preventing the proliferation of nuclear weapons and countering the threat of nuclear terrorism.

**Support for effective IAEA safeguards**

13. Suppliers should make special efforts in support of effective implementation of IAEA safeguards. Suppliers should also support the Agency’s efforts to assist Member States in the improvement of their national systems of accounting and control of nuclear material and to increase the technical effectiveness of safeguards.

Similarly, they should make every effort to support the IAEA in increasing further the adequacy of safeguards in the light of technical developments and the rapidly growing number of nuclear facilities, and to support appropriate initiatives aimed at improving the effectiveness of IAEA safeguards.

**Trigger list plant design features**

14. Suppliers should encourage the designers and makers of trigger list facilities to construct them in such a way as to facilitate the application of safeguards and to enhance physical protection, taking also into consideration the risk of terrorist attacks. Suppliers should promote protection of information on the design of trigger list installations, and stress to recipients the necessity of doing so. Suppliers also recognize the importance of including safety and non-proliferation features in designing and construction of trigger list facilities.

**Export Controls**

15. Suppliers should, where appropriate, stress to recipients the need to subject transferred trigger list items and related technology and trigger list items derived from facilities originally transferred by the supplier or with the help of equipment or technology originally transferred by the supplier to export controls as outlined in UNSC Resolution 1540. Suppliers are encouraged to offer assistance to recipients to fulfil their respective obligations under UNSC Resolution 1540 where appropriate and feasible.

**Consultations**

16. (a) Suppliers should maintain contact and consult through regular channels on matters connected with the implementation of these Guidelines.

(b) Suppliers should consult, as each deems appropriate, with other governments concerned on specific sensitive cases, to ensure that any transfer does not contribute to risks of conflict or instability.

(c) Without prejudice to sub-paragraphs (d) to (f) below:

– In the event that one or more suppliers believe that there has been a violation of supplier/recipient understanding resulting from these Guidelines, particularly in the case of an explosion of a nuclear device, or illegal termination or violation of IAEA safeguards by a recipient, suppliers should consult promptly through diplomatic channels in order to determine and assess the reality and extent of the alleged violation. Suppliers are also encouraged to consult where nuclear material or nuclear fuel cycles activity undeclared to the IAEA or a nuclear explosive activity is revealed.

– Pending the early outcome of such consultations, suppliers will not act in a manner that could prejudice any measure that may be adopted by other suppliers concerning their current contacts with that recipient. Each supplier should also consider suspending transfers of Trigger List items while consultations under 16(c) are ongoing, pending supplier agreement on an appropriate response.

– Upon the findings of such consultations, the suppliers, bearing in mind Article XII of the IAEA Statute, should agree on an appropriate response and possible action, which could include the termination of nuclear transfers to that recipient.

(d) If a recipient is reported by the IAEA to be in breach of its obligation to comply with its safeguards agreement, suppliers should consider the suspension of the transfer of Trigger List items to that State whilst it is under investigation by the IAEA. For the purposes of this paragraph, "breach" refers only to serious breaches of proliferation concern;

(e) Suppliers support the suspension of transfers of Trigger List items to States that violate their nuclear non-proliferation and safeguards obligations, recognising that the responsibility and authority for such decisions rests with national governments or the United Nations Security Council. In particular, this is applicable in situations where the IAEA Board of Governors takes any of the following actions:

- finds, under Article XII.C of the Statute, that there has been non-compliance in the recipient, or requires a recipient to take specific actions to bring itself into compliance with its safeguards obligations;

- Decides that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded, including situations where actions taken by a recipient have made the IAEA unable to carry out its safeguards mission in that State.

An extraordinary Plenary meeting will take place within one month of the Board of Governors' action, at which suppliers will review the situation, compare national policies and decide on an appropriate response.

(f) The provisions of subparagraph (e) above do not apply to transfers under paragraph 4 (b) of the Guidelines.

17. Unanimous consent is required for any changes in these Guidelines, including any which might result from the reconsideration mentioned in paragraph 5.

## ANNEX A TRIGGER LIST REFERRED TO IN GUIDELINES

### GENERAL NOTES

1. The object of these controls should not be defeated by the transfer of component parts. Each government will take such actions as it can to achieve this aim and will continue to seek a workable definition for component parts, which could be used by all suppliers.

2. With reference to Paragraph 9(b)(2) of the Guidelines, same type should be understood as when the design, construction or operating processes are based on the same or similar physical or chemical processes as those identified in the Trigger List.

3. Suppliers recognize the close relationship for certain isotope separation processes between plants, equipment and technology for uranium enrichment and that for the separation of stable isotopes for research, medical and other non-nuclear industrial purposes. In that regard, suppliers should carefully review their legal measures, including export licensing regulations and information/technology classification and security practices, for stable isotope separation activities to ensure the implementation of appropriate protection measures as warranted. Suppliers recognize that, in particular cases, appropriate protection measures for stable isotope separation activities will be essentially the same as those for uranium enrichment. (See Introductory Note in Section 5 of the Trigger List.) In accordance with Paragraph 16(a) of the Guidelines, suppliers shall consult with other suppliers as appropriate, in order to promote uniform policies and procedures in the transfer and protection of stable isotope separation plants, equipment and technology.

### TECHNOLOGY CONTROLS

The transfer of "technology" directly associated with any item in the List will be subject to as great a degree of scrutiny and control as will the item itself, to the extent permitted by national legislation.

Controls on "technology" transfer do not apply to information "in the public domain" or to "basic scientific research".

In addition to controls on "technology" transfer for nuclear non-proliferation reasons, suppliers should promote protection of this technology for the design, construction, and operation of trigger list facilities in consideration of the risk of terrorist attacks, and should

stress to recipients the necessity of doing so.

### DEFINITIONS

"Technology" means specific information required for the "development", "production", or "use" of any item contained in the List. This information may take the form of "technical data", or "technical assistance".

"Basic scientific research" - Experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena and observable facts, not primarily directed towards a specific practical aim or objective.

"development" - is related to all phases before "production" such as:

- design
- design research
- design analysis
- design concepts
- assembly and testing of prototypes
- pilot production schemes
- design data
- process of transforming design data into a product
- configuration design
- integration design
- layouts

"in the public domain" - "In the public domain," as it applies herein, means technology that has been made available without restrictions upon its further dissemination. (Copyright restrictions do not remove technology from being in the public domain.)

"production" - means all production phases such as:

- construction
- production engineering
- manufacture
- integration
- assembly (mounting)
- inspection
- testing
- quality assurance

"technical assistance" - "Technical assistance" may take forms such as: instruction, skills, training, working knowledge, consulting services.

Note: "Technical assistance" may involve transfer of "technical data".

"technical data" - "Technical data" may take forms such as blueprints, plans, diagrams, models, formulae, engineering designs and specifications, manuals and instructions written or recorded on other media or devices such as disk, tape, read-only memories.

"use" - Operation, installation (including on-site installation), maintenance (checking), repair, overhaul and refurbishing.

### MATERIAL AND EQUIPMENT

#### 1. Source and special fissionable material

As defined in Article XX of the Statute of the International Atomic Energy Agency:

##### 1.1. "Source material"

The term "source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

##### 1.2. "Special fissionable material"

i) The term "special fissionable material" means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other fissionable material as the Board of Governors shall from time to time determine; but the term "special fissionable material" does not include source material.

ii) The term "uranium enriched in the isotopes 235 or 233" means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

However, for the purposes of the Guidelines, items specified in subparagraph (a) below, and exports of source or special fissionable material to a given recipient country, within a period of 12 months, below the limits specified in subparagraph (b) below, shall not be included:

(a) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

Special fissionable material when used in gram quantities or less as a sensing component in instruments; and

Source material which the Government is satisfied is to be used only in nonnuclear activities, such as the production of alloys or ceramics;

- |                                  |                     |
|----------------------------------|---------------------|
| (b) Special fissionable material | 50 effective grams; |
| Natural uranium                  | 500 kilograms;      |
| Depleted uranium                 | 1000 kilograms; and |
| Thorium                          | 1000 kilograms.     |

2. Equipment and Non-nuclear Materials

The designation of items of equipment and non-nuclear materials adopted by the Government is as follows (quantities below the levels indicated in the Annex B being regarded as insignificant for practical purposes):

- 2.1. Nuclear reactors and especially designed or prepared equipment and components therefor (see Annex B, section 1.);
- 2.2. Non-nuclear materials for reactors (see Annex B, section 2.);
- 2.3. Plants for the reprocessing of irradiated fuel elements, and equipment especially designed or prepared therefor (see Annex B, section 3.);
- 2.4. Plants for the fabrication of nuclear reactor fuel elements, and equipment especially designed or prepared therefor (see Annex B, section 4.);
- 2.5. Plants for the separation of isotopes of natural uranium, depleted uranium or special fissionable material and equipment, other than analytical instruments, especially designed or prepared therefor (see Annex B, section 5.);
- 2.6. Plants for the production or concentration of heavy water, deuterium and deuterium compounds and equipment especially designed or prepared therefor (see Annex B, section 6.);
- 2.7. Plants for the conversion of uranium and plutonium for use in the fabrication of fuel elements and the separation of uranium isotopes as defined in sections 4 and 5 respectively, and equipment especially designed or prepared therefor (See Annex B, section 7.).

**ANNEX B**

**CLARIFICATION OF ITEMS ON THE TRIGGER LIST  
(as designated in Section 2 of MATERIAL AND EQUIPMENT  
of Annex A)**

Eds – see 2009 Edition of the Briefing Book]





## L – Nuclear Security

### Convention on the Physical Protection of Nuclear Material

[Signed at Vienna and New York on 3 March 1980,  
entered into force on 8 February 1987]

*The states parties to this convention,*

*Recognizing* the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

*Convinced* of the need for facilitating international co-operation in the peaceful application of nuclear energy,

*Desiring* to avert the potential dangers posed by the unlawful taking and use of nuclear material,

*Convinced* that offences relating to nuclear material are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offences,

*Aware of the need* for international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material,

*Convinced* that this Convention should facilitate the safe transfer of nuclear material,

*Stressing* also the importance of the physical protection of nuclear material in domestic use, storage and transport,

*Recognizing* the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection,

*Have agreed* as follows:

#### Article 1

For the purposes of this Convention:

(a) 'nuclear material' means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;

(b) 'uranium enriched in the isotope 235 or 233' means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;

(c) 'international nuclear transport' means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

#### Article 2

1. This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.
2. With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.
3. Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

#### Article 3

Each State Party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from the State, is protected at the levels described in Annex I.

#### Article 4

1. Each State Party shall not export or authorize the export of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport at the levels described in Annex I.
2. Each State Party shall not import or authorize the import of nuclear material from a State not party to this Convention unless the State Party has received assurances that such material will during the international nuclear transport be protected at the levels described in Annex I.
3. A State Party shall not allow the transit through its territory by land or internal waterways or through its airports or seaports of nuclear material between States that are not parties to this Convention unless the State Party has received assurances as far as practicable that this nuclear material will be protected during international nuclear transport at the levels described in Annex I.
4. Each State Party shall apply within the framework of its national law the levels of physical protection described in Annex I to nuclear material being transported from a part of that State to another part of the same State through international waters or airspace.
5. The State Party responsible for receiving assurances that the nuclear material will be protected at the levels described in Annex I according to paragraphs 1 to 3 shall identify and inform in advance States which the nuclear material is expected to transit by land or international waterways, or whose airports or seaports it is expected to enter.
6. The responsibility for obtaining assurances referred to in paragraph 1 may be transferred, by mutual agreement, to the State Party involved in the transport as the importing State.
7. Nothing in this article shall be interpreted as in any way affecting the territorial sovereignty and jurisdiction of a State, including that over its airspace and territorial sea.

#### Article 5

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for co-ordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof.
2. In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:
  - (a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof and to inform, where appropriate, international organizations;
  - (b) as appropriate, the States Parties concerned shall exchange information with each other or international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container, or recovering unlawfully taken nuclear material and shall:
    - (i) co-ordinate their efforts through diplomatic and other agreed channels;
    - (ii) render assistance, if requested;
    - (iii) ensure the return of nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. States Parties shall co-operate and consult as appropriate, with each other directly or through international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

#### Article 6

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information

which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

#### Article 7

1. The intentional commission of:
  - (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property;
  - (b) a theft or robbery of nuclear material;
  - (c) an embezzlement or fraudulent obtaining of nuclear material;
  - (d) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
  - (e) a threat:
    - (i) to use nuclear material to cause death or serious injury to any person or substantial property damage, or
    - (ii) to commit an offence described in sub-paragraph (b) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;
  - (f) an attempt to commit any offence described in paragraphs (a), (b) or (c); and
  - (g) an act which constitutes participation in any offence described in paragraphs (a) to (f) shall be made a punishable offence by each State Party under its national law.
2. Each State Party shall make the offences described in this article punishable by appropriate penalties which take into account their grave nature.

#### Article 8

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 7 in the following cases:
  - (a) when the offence is committed in the territory of that State or on board a ship or aircraft registered in that State;
  - (b) when the alleged offender is a national of that State.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 11 to any of the States mentioned in paragraph 1.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.
4. In addition to the States Parties mentioned in paragraphs 1 and 2, each State Party may, consistent with international law, establish its jurisdiction over the offences set forth in article 7 when it is involved in international nuclear transport as the exporting or importing state.

#### Article 9

Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take appropriate measures, including detention, under its national law to ensure his presence for the purpose of prosecution or extradition. Measures taken according to this article shall be notified without delay to the States required to establish jurisdiction pursuant to article 8, and where appropriate, all other States concerned.

#### Article 10

The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

#### Article 11

1. The offences in article 7 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be

concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of article 8.

#### Article 12

Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

#### Article 13

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.
2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

#### Article 14

1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The depositary shall communicate such information periodically to all States Parties.
2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.
3. Where an offence involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

#### Article 15

The Annexes constitute an integral part of this Convention.

#### Article 16

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.
2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

#### Article 17

1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.
2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the

United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

**Article 18**

1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York from 3 March 1980 until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. After its entry into force, this Convention will be open for accession by all States.

4. (a) This Convention shall be open for signature or accession by international organizations and regional organizations of an integrated or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.

(c) When becoming party to this Convention such an organization shall communicate to the depositary a declaration indicating which States are members thereof and which articles of this Convention do not apply to it.

(d) Such an organization shall not hold any vote additional to those of its Member States.

5. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

**Article 19**

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-first instrument of ratification, acceptance or approval with the depositary.

2. For each State ratifying, accepting, approving or acceding to the Convention after the date of deposit of the twenty-first instrument of ratification, acceptance or approval, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

**Article 20**

1. Without prejudice to article 16 a State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all States Parties. If a majority of States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be promptly circulated by the depositary to all States Parties.

2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.

**Article 21**

1. Any State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

**Article 22**

The depositary shall promptly notify all States of:

- (a) each signature of this Convention;
- (b) each deposit of an instrument of ratification, acceptance, approval or accession;
- (c) any reservation or withdrawal in accordance with article 17.
- (d) any communication made by an organization in accordance with paragraph 4 (c) of article 18;
- (e) the entry into force of this Convention;
- (f) the entry into force of any amendment to this Convention; and
- (g) any denunciation made under article 21.

**Article 23**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States.

**ANNEX 1**

1. Levels of physical protection to be applied to international transport of nuclear material as categorized in Annex II.

(a) For category III materials, storage within an area to which access is controlled;

(b) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;

(c) For Category I material, storage within a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their object the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

2. Levels of physical protection for nuclear material during international transport include:

(a) For Category I I and I II materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;

(b) For Category I materials, transportation shall take place under special precautions identified above for transportation of Category II and III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces.

(c) For natural uranium other than in the form of ore or ore-residue, transportation protection for quantities exceeding 500 kilograms uranium shall include advance notification of shipment specifying mode of transport, expected time of arrival and confirmation of receipt of shipment.

**Status of the Convention on the Physical Protection of Nuclear Material**

[Reproduced from IAEA table dated  
29 September 2010, Registration No. 1533]

Notes: The Convention entered into force on 8 February 1987, i.e. on the thirtieth day following the deposit of the twenty-first instrument of ratification, acceptance or approval with the Director General pursuant to Article 19, paragraph 1.

Last change of status: 29 September 2010  
Parties: 143 (subject to entry into force date)  
Signatories: 44

Country/Organisation	Signature	Instrument	Date of deposit	Declaration etc. /Withdrawal		Entry into force
Afghanistan		accession	12 Sep 2003	<input type="checkbox"/>	<input type="checkbox"/>	12 Oct 2003
Albania		accession	05 Mar 2002	<input type="checkbox"/>	<input type="checkbox"/>	04 Apr 2002
Algeria		accession	30 Apr 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30 May 2003
Andorra		accession	27 Jun 2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	27 Jul 2006
Antigua and Barbuda		accession	04 Aug 1993	<input type="checkbox"/>	<input type="checkbox"/>	03 Sep 1993
Argentina	28 Feb 1986	ratification	06 Apr 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 May 1989
Armenia		accession	24 Aug 1993	<input type="checkbox"/>	<input type="checkbox"/>	23 Sep 1993
Australia	22 Feb 1984	ratification	22 Sep 1987	<input type="checkbox"/>	<input type="checkbox"/>	22 Oct 1987
<sup>a</sup> Austria	03 Mar 1980	ratification	22 Dec 1988	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21 Jan 1989
Azerbaijan		accession	19 Jan 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	18 Feb 2004
Bahamas		accession	21 May 2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>	20 Jun 2008
Bahrain		accession	10 May 2010	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9 Jun 2010
Bangladesh		accession	11 May 2005	<input type="checkbox"/>	<input type="checkbox"/>	10 Jun 2005
Belarus		succession	09 Sep 1993	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Jun 1993
<sup>*</sup> , <sup>a</sup> Belgium	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Bolivia		accession	24 Jan 2002	<input type="checkbox"/>	<input type="checkbox"/>	23 Feb 2002
Bosnia and Herzegovina		succession	30 Jun 1998	<input type="checkbox"/>	<input type="checkbox"/>	01 Mar 1992
Botswana		accession	19 Sep 2000	<input type="checkbox"/>	<input type="checkbox"/>	19 Oct 2000
Brazil	15 May 1981	ratification	17 Oct 1985	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Bulgaria	23 Jun 1981	ratification	10 Apr 1984	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Burkina Faso		accession	13 Jan 2004	<input type="checkbox"/>	<input type="checkbox"/>	12 Feb 2004
Cambodia		accession	04 Aug 2006	<input type="checkbox"/>	<input type="checkbox"/>	03 Sep 2006
Cameroon		accession	29 Jun 2004	<input type="checkbox"/>	<input type="checkbox"/>	29 Jul 2004
Canada	23 Sep 1980	ratification	21 Mar 1986	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Cape Verde		accession	23 Feb 2007	<input type="checkbox"/>	<input type="checkbox"/>	25 Mar 2007
Central African Republic		accession	20 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	21 Mar 2008
Chile		accession	27 Apr 1994	<input type="checkbox"/>	<input type="checkbox"/>	27 May 1994
China		accession	10 Jan 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	09 Feb 1989
Colombia		accession	28 Mar 2003	<input type="checkbox"/>	<input type="checkbox"/>	27 Apr 2003
Comoros		accession	18 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	17 Jun 2007
Costa Rica		accession	02 May 2003	<input type="checkbox"/>	<input type="checkbox"/>	01 Jun 2003
Croatia		succession	29 Sep 1992	<input type="checkbox"/>	<input type="checkbox"/>	08 Oct 1991
Cuba		accession	26 Sep 1997	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26 Oct 1997
Cyprus		accession	23 Jul 1998	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Aug 1998
Czech Republic		succession	24 Mar 1993	<input type="checkbox"/>	<input type="checkbox"/>	01 Jan 1993
Democratic Rep. of the Congo		accession	21 Sep 2004	<input type="checkbox"/>	<input type="checkbox"/>	21 Oct 2004
<sup>*</sup> Denmark	13 Jun 1980	ratification	06 Sep 1991	<input type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Djibouti		accession	22 Jun 2004	<input type="checkbox"/>	<input type="checkbox"/>	22 Jul 2004
Dominica		accession	08 Nov 2004	<input type="checkbox"/>	<input type="checkbox"/>	08 Dec 2004
Dominican Republic	03 Mar 1980	ratification	30 Apr 2009	<input type="checkbox"/>	<input type="checkbox"/>	30 May 2009
Ecuador	26 Jun 1986	ratification	17 Jan 1996	<input type="checkbox"/>	<input type="checkbox"/>	16 Feb 1996
El Salvador		accession	15 Dec 2006	<input checked="" type="checkbox"/>	<input type="checkbox"/>	14 Jan 2007
Equatorial Guinea		accession	24 Nov 2003	<input type="checkbox"/>	<input type="checkbox"/>	24 Dec 2003
Estonia		accession	09 May 1994	<input type="checkbox"/>	<input type="checkbox"/>	08 Jun 1994
Fiji		accession	23 May 2008	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Jun 2008
<sup>a</sup> Finland	25 Jun 1981	acceptance	22 Sep 1989	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22 Oct 1989
<sup>*</sup> , <sup>a</sup> France	13 Jun 1980	approval	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Gabon		accession	19 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>	20 Mar 2008
Georgia		accession	07 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>	07 Oct 2006
<sup>*</sup> , <sup>a</sup> Germany	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Ghana		accession	16 Oct 2002	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2002
<sup>*</sup> , <sup>a</sup> Greece	03 Mar 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Grenada		accession	09 Jan 2002	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 2002
Guatemala	12 Mar 1980	ratification	23 Apr 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Guinea		accession	29 Nov 2005	<input type="checkbox"/>	<input type="checkbox"/>	29 Dec 2005
Guinea-Bissau		accession	08 Oct 2008	<input type="checkbox"/>	<input type="checkbox"/>	07 nov 2008
Guyana		accession	13 Sep 2007	<input type="checkbox"/>	<input type="checkbox"/>	13 Oct 2007
Haiti	09 Apr 1980			<input type="checkbox"/>	<input type="checkbox"/>	
Honduras		accession	28 Jan 2004	<input type="checkbox"/>	<input type="checkbox"/>	27 Feb 2004
Hungary	17 Jun 1980	ratification	04 May 1984	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Iceland		accession	18 Jun 2002	<input type="checkbox"/>	<input type="checkbox"/>	18 Jul 2002
India		accession	12 Mar 2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11 Apr 2002
Indonesia	03 Jul 1986	ratification	05 Nov 1986	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
<sup>*</sup> , <sup>a</sup> Ireland	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Israel	17 Jun 1983	ratification	22 Jan 2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21 Feb 2002
<sup>*</sup> , <sup>a</sup> Italy	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Jamaica		accession	16 Aug 2005	<input type="checkbox"/>	<input type="checkbox"/>	15 Sep 2005
Japan		accession	28 Oct 1988	<input type="checkbox"/>	<input type="checkbox"/>	27 Nov 1988
Jordan		accession	07 Sep 2009	<input checked="" type="checkbox"/>	<input type="checkbox"/>	07 Oct 2009
Kazakhstan		accession	02 Sep 2005	<input type="checkbox"/>	<input type="checkbox"/>	02 Oct 2005
Kenya		accession	11 Feb 2002	<input type="checkbox"/>	<input type="checkbox"/>	13 Mar 2002
Korea, Republic of	29 Dec 1981	ratification	07 Apr 1982	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Kuwait		accession	23 Apr 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23 May 2004

Lao P.D.R.		accession	29 Sep 2010	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29 Oct 2010
Latvia		accession	06 Nov 2002	<input type="checkbox"/>	<input type="checkbox"/>	06 Dec 2002
Lebanon		accession	16 Dec 1997	<input type="checkbox"/>	<input type="checkbox"/>	15 Jan 1998
Lesotho		accession	18 Aug 2010	<input type="checkbox"/>	<input type="checkbox"/>	17 Sep 2010
Libyan Arab Jamahiriya		accession	18 Oct 2000	<input type="checkbox"/>	<input type="checkbox"/>	17 Nov 2000
Liechtenstein	13 Jan 1986	ratification	25 Nov 1986	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Lithuania		accession	07 Dec 1993	<input type="checkbox"/>	<input type="checkbox"/>	06 Jan 1994
* <sup>a</sup> Luxembourg	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Madagascar		accession	28 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	27 Nov 2003
Mali		accession	07 May 2002	<input type="checkbox"/>	<input type="checkbox"/>	06 Jun 2002
Malta		accession	16 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2003
Marshall Islands		accession	07 Feb 2003	<input type="checkbox"/>	<input type="checkbox"/>	09 Mar 2003
Mauritania		accession	29 Jan 2008	<input type="checkbox"/>	<input type="checkbox"/>	28 Feb 2008
Mexico		accession	04 Apr 1988	<input type="checkbox"/>	<input type="checkbox"/>	04 May 1988
Monaco		accession	09 Aug 1996	<input type="checkbox"/>	<input type="checkbox"/>	08 Sep 1996
Mongolia	23 Jan 1986	ratification	28 May 1986	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Montenegro		succession	21 Mar 2007	<input type="checkbox"/>	<input type="checkbox"/>	03 Jun 2006
Morocco	25 Jul 1980	ratification	23 Aug 2002	<input type="checkbox"/>	<input type="checkbox"/>	22 Sep 2002
Mozambique		accession	03 Mar 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	02 Apr 2003
Namibia		accession	02 Oct 2002	<input type="checkbox"/>	<input type="checkbox"/>	01 Nov 2002
Nauru		accession	12 Aug 2005	<input type="checkbox"/>	<input type="checkbox"/>	11 Sep 2005
* <sup>a</sup> Netherlands	13 Jun 1980	acceptance	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
New Zealand		accession	19 Dec 2003	<input type="checkbox"/>	<input type="checkbox"/>	18 Jan 2004
Nicaragua		accession	10 Dec 2004	<input type="checkbox"/>	<input type="checkbox"/>	09 Jan 2005
Niger	07 Jan 1985	ratification	19 Aug 2004	<input type="checkbox"/>	<input type="checkbox"/>	18 Sep 2004
Nigeria		accession	04 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	04 May 2007
Niue		accession	19 Jun 2009	<input type="checkbox"/>	<input type="checkbox"/>	19 Jul 2009
<sup>a</sup> Norway	26 Jan 1983	ratification	15 Aug 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Oman		accession	11 Jun 2003	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11 Jul 2003
Pakistan		accession	12 Sep 2000	<input checked="" type="checkbox"/>	<input type="checkbox"/>	12 Oct 2000
Palau		accession	24 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>	24 May 2007
Panama	18 Mar 1980	ratification	01 Apr 1999	<input type="checkbox"/>	<input type="checkbox"/>	01 May 1999
Paraguay	21 May 1980	ratification	06 Feb 1985	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Peru		accession	11 Jan 1995	<input checked="" type="checkbox"/>	<input type="checkbox"/>	10 Feb 1995
Philippines	19 May 1980	ratification	22 Sep 1981	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Poland	06 Aug 1980	ratification	05 Oct 1983	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
* <sup>a</sup> Portugal	19 Sep 1984	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Qatar		accession	09 Mar 2004	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Apr 2004
Republic of Moldova		accession	07 May 1998	<input type="checkbox"/>	<input type="checkbox"/>	06 Jun 1998
Romania	15 Jan 1981	ratification	23 Nov 1993	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23 Dec 1993
Russian Federation	22 May 1980	ratification	25 May 1983	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	08 Feb 1987
Rwanda		accession	28 Jun 2002	<input type="checkbox"/>	<input type="checkbox"/>	28 Jul 2002
Saint Kitts and Nevis		accession	29 Aug 2008	<input type="checkbox"/>	<input type="checkbox"/>	28 Sep 2008
Saudi Arabia		accession	07 Jan 2009	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Feb 2009
Senegal		accession	03 Nov 2003	<input type="checkbox"/>	<input type="checkbox"/>	03 Dec 2003
Serbia		succession	05 Feb 2002	<input type="checkbox"/>	<input type="checkbox"/>	27 Apr 1992
Seychelles		accession	13 Aug 2003	<input type="checkbox"/>	<input type="checkbox"/>	12 Sep 2003
Slovakia		succession	10 Feb 1993	<input type="checkbox"/>	<input type="checkbox"/>	01 Jan 1993
Slovenia		succession	07 Jul 1992	<input type="checkbox"/>	<input type="checkbox"/>	25 Jun 1991
South Africa	18 May 1981	ratification	17 Sep 2007	<input checked="" type="checkbox"/>	<input type="checkbox"/>	17 Oct 2007
* <sup>a</sup> Spain	07 Apr 1986	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
Sudan		accession	18 May 2000	<input type="checkbox"/>	<input type="checkbox"/>	17 Jun 2000
Swaziland		accession	17 Apr 2003	<input type="checkbox"/>	<input type="checkbox"/>	17 May 2003
<sup>a</sup> Sweden	02 Jul 1980	ratification	01 Aug 1980	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
<sup>a</sup> Switzerland	09 Jan 1987	ratification	09 Jan 1987	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Tajikistan		accession	11 Jul 1996	<input type="checkbox"/>	<input type="checkbox"/>	10 Aug 1996
The Fmr.Yug.Rep. of Macedonia		succession	20 Sep 1996	<input type="checkbox"/>	<input type="checkbox"/>	17 Nov 1991
Togo		accession	07 Jun 2006	<input type="checkbox"/>	<input type="checkbox"/>	07 Jul 2006
Tonga		accession	24 Jan 2003	<input type="checkbox"/>	<input type="checkbox"/>	23 Feb 2003
Trinidad and Tobago		accession	25 Apr 2001	<input type="checkbox"/>	<input type="checkbox"/>	25 May 2001
Tunisia		accession	08 Apr 1993	<input type="checkbox"/>	<input type="checkbox"/>	08 May 1993
Turkey	23 Aug 1983	ratification	27 Feb 1985	<input checked="" type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Turkmenistan		accession	07 Jan 2005	<input type="checkbox"/>	<input type="checkbox"/>	06 Feb 2005
Uganda		accession	10 Dec 2003	<input type="checkbox"/>	<input type="checkbox"/>	10 Jan 2004
Ukraine		accession	06 Jul 1993	<input type="checkbox"/>	<input type="checkbox"/>	05 Aug 1993
United Arab Emirates		accession	16 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	15 Nov 2003
* <sup>a</sup> United Kingdom	13 Jun 1980	ratification	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991
United Republic of Tanzania		accession	24 May 2006	<input type="checkbox"/>	<input type="checkbox"/>	23 Jun 2006
United States of America	03 Mar 1980	ratification	13 Dec 1982	<input type="checkbox"/>	<input type="checkbox"/>	08 Feb 1987
Uruguay		accession	24 Oct 2003	<input type="checkbox"/>	<input type="checkbox"/>	23 Nov 2003
Uzbekistan		accession	09 Feb 1998	<input type="checkbox"/>	<input type="checkbox"/>	11 Mar 1998
Yemen		accession	31 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	30 Jun 2007
<sup>a</sup> EURATOM	13 Jun 1980	confirmation	06 Sep 1991	<input checked="" type="checkbox"/>	<input type="checkbox"/>	06 Oct 1991

\* signed/ratified as a EURATOM Member State

<sup>a</sup> Deposited an objection to the declaration of Pakistan

## Amendment to the Convention on the Physical Protection of Nuclear Material

[Reproduced from GOV/INF/2005/10-GC(49)/INF/6,  
6 September 2005]

*Report by the Director General*

[Eds...]

### Amendment to the Convention on the Physical Protection of Nuclear Material

1. The Title of the Convention on the Physical Protection of Nuclear Material adopted on 26 October 1979 (hereinafter referred to as “the Convention”) is replaced by the following title:

CONVENTION ON THE PHYSICAL PROTECTION OF  
NUCLEAR MATERIAL AND NUCLEAR FACILITIES

2. The Preamble of the Convention is replaced by the following text:

THE STATES PARTIES TO THIS CONVENTION,

RECOGNIZING the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

CONVINCED of the need to facilitate international co-operation and the transfer of nuclear technology for the peaceful application of nuclear energy,

BEARING IN MIND that physical protection is of vital importance for the protection of public health, safety, the environment and national and international security,

HAVING IN MIND the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good neighbourliness and friendly relations and co-operation among States,

CONSIDERING that under the terms of paragraph 4 of Article 2 of the Charter of the United Nations, “All members shall 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,”

RECALLING the Declaration on Measures to Eliminate International Terrorism, annexed to General Assembly resolution 49/60 of 9 December 1994,

DESIRING to avert the potential dangers posed by illicit trafficking, the unlawful taking and use of nuclear material and the sabotage of nuclear material and nuclear facilities, and noting that physical protection against such acts has become a matter of increased national and international concern,

DEEPLY CONCERNED by the worldwide escalation of acts of terrorism in all its forms and manifestations, and by the threats posed by international terrorism and organized crime,

BELIEVING that physical protection plays an important role in supporting nuclear non-proliferation and counter-terrorism objectives,

DESIRING through this Convention to contribute to strengthening worldwide the physical protection of nuclear material and nuclear facilities used for peaceful purposes,

CONVINCED that offences relating to nuclear material and nuclear facilities are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures, or to strengthen existing measures, to ensure the prevention, detection and punishment of such offences,

DESIRING to strengthen further international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material and nuclear facilities,

CONVINCED that this Convention should complement the safe use, storage and transport of nuclear material and the safe operation of nuclear facilities,

RECOGNIZING that there are internationally formulated physical protection recommendations that are updated from time to time which can provide guidance on contemporary means of achieving effective levels of physical protection,

RECOGNIZING also that effective physical protection of nuclear material and nuclear facilities used for military purposes is a responsibility of the State possessing such nuclear material and nuclear facilities, and understanding that such material and facilities are and will continue to be accorded stringent physical protection,

HAVE AGREED as follows:

3. In Article 1 of the Convention, after paragraph (c), two new paragraphs are added as follows:

(d) “nuclear facility” means a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

(e) “sabotage” means any deliberate act directed against a nuclear facility or nuclear material in use, storage or transport which could directly or indirectly endanger the health and safety of personnel, the public or the environment by exposure to radiation or release of radioactive substances.

4. After Article 1 of the Convention, a new Article 1A is added as follows:

#### Article 1A

The purposes of this Convention are to achieve and maintain worldwide effective physical protection of nuclear material used for peaceful purposes and of nuclear facilities used for peaceful purposes; to prevent and combat offences relating to such material and facilities worldwide; as well as to facilitate co-operation among States Parties to those ends.

5. Article 2 of the Convention is replaced by the following text:

1. This Convention shall apply to nuclear material used for peaceful purposes in use, storage and transport and to nuclear facilities used for peaceful purposes, provided, however, that articles 3 and 4 and paragraph 4 of article 5 of this Convention shall only apply to such nuclear material while in international nuclear transport.

2. The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State Party rests entirely with that State.

3. Apart from the commitments expressly undertaken by States Parties under this Convention, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State.

4. (a) Nothing in this Convention shall affect other rights, obligations and responsibilities of States Parties under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

(b) The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, are not governed by this Convention, and the activities undertaken by the military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

(c) Nothing in this Convention shall be construed as a lawful authorization to use or threaten to use force against nuclear material or nuclear facilities used for peaceful purposes.

(d) Nothing in this Convention condones or makes lawful otherwise unlawful acts, nor precludes prosecution under other laws.

5. This Convention shall not apply to nuclear material used or retained for military purposes or to a nuclear facility containing such material.

6. After Article 2 of the Convention, a new Article 2A is added as follows:

**Article 2A**

1. Each State Party shall establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under its jurisdiction, with the aim of:

- (a) protecting against theft and other unlawful taking of nuclear material in use, storage and transport;
- (b) ensuring the implementation of rapid and comprehensive measures to locate and, where appropriate, recover missing or stolen nuclear material; when the material is located outside its territory, that State Party shall act in accordance with article 5;
- (c) protecting nuclear material and nuclear facilities against sabotage; and
- (d) mitigating or minimizing the radiological consequences of sabotage.

2. In implementing paragraph 1, each State Party shall:

- (a) establish and maintain a legislative and regulatory framework to govern physical protection;
- (b) establish or designate a competent authority or authorities responsible for the implementation of the legislative and regulatory framework; and
- (c) take other appropriate measures necessary for the physical protection of nuclear material and nuclear facilities.

3. In implementing the obligations under paragraphs 1 and 2, each State Party shall, without prejudice to any other provisions of this Convention, apply insofar as is reasonable and practicable the following Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities.

**FUNDAMENTAL PRINCIPLE A: *Responsibility of the State***

The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State rests entirely with that State.

**FUNDAMENTAL PRINCIPLE B: *Responsibilities During International Transport***

The responsibility of a State for ensuring that nuclear material is adequately protected extends to the international transport thereof, until that responsibility is properly transferred to another State, as appropriate.

**FUNDAMENTAL PRINCIPLE C: *Legislative and Regulatory Framework***

The State is responsible for establishing and maintaining a legislative and regulatory framework to govern physical protection. This framework should provide for the establishment of applicable physical protection requirements and include a system of evaluation and licensing or other procedures to grant authorization. This framework should include a system of inspection of nuclear facilities and transport to verify compliance with applicable requirements and conditions of the license or other authorizing document, and to establish a means to enforce applicable requirements and conditions, including effective sanctions.

**FUNDAMENTAL PRINCIPLE D: *Competent Authority***

The State should establish or designate a competent authority which is responsible for the implementation of the legislative and regulatory framework, and is provided with adequate authority, competence and financial and human resources to fulfill its assigned responsibilities. The State should take steps to ensure an effective independence between the functions of the State's competent authority and those of any other body in charge of the promotion or utilization of nuclear energy.

**FUNDAMENTAL PRINCIPLE E: *Responsibility of the License Holders***

The responsibilities for implementing the various elements of physical protection within a State should be clearly identified. The State should ensure that the prime responsibility for the implementation of physical protection of nuclear material or of nuclear facilities rests with the holders of the relevant licenses or of other authorizing documents (e.g., operators or shippers).

**FUNDAMENTAL PRINCIPLE F: *Security Culture***

All organizations involved in implementing physical protection should give due priority to the security culture, to its development and maintenance necessary to ensure its effective implementation in the entire organization.

**FUNDAMENTAL PRINCIPLE G: *Threat***

The State's physical protection should be based on the State's current evaluation of the threat.

**FUNDAMENTAL PRINCIPLE H: *Graded Approach***

Physical protection requirements should be based on a graded approach, taking into account the current evaluation of the threat, the relative attractiveness, the nature of the material and potential consequences associated with the unauthorized removal of nuclear material and with the sabotage against nuclear material or nuclear facilities.

**FUNDAMENTAL PRINCIPLE I: *Defence in Depth***

The State's requirements for physical protection should reflect a concept of several layers and methods of protection (structural or other technical, personnel and organizational) that have to be overcome or circumvented by an adversary in order to achieve his objectives.

**FUNDAMENTAL PRINCIPLE J: *Quality Assurance***

A quality assurance policy and quality assurance programmes should be established and implemented with a view to providing confidence that specified requirements for all activities important to physical protection are satisfied.

**FUNDAMENTAL PRINCIPLE K: *Contingency Plans***

Contingency (emergency) plans to respond to unauthorized removal of nuclear material or sabotage of nuclear facilities or nuclear material, or attempts thereof, should be prepared and appropriately exercised by all license holders and authorities concerned.

**FUNDAMENTAL PRINCIPLE L: *Confidentiality***

The State should establish requirements for protecting the confidentiality of information, the unauthorized disclosure of which could compromise the physical protection of nuclear material and nuclear facilities.

4. (a) The provisions of this article shall not apply to any nuclear material which the State Party reasonably decides does not need to be subject to the physical protection regime established pursuant to paragraph 1, taking into account the nature of the material, its quantity and relative attractiveness and the potential radiological and other consequences associated with any unauthorized act directed against it and the current evaluation of the threat against it.

(b) Nuclear material which is not subject to the provisions of this article pursuant to subparagraph (a) should be protected in accordance with prudent management practice.

7. Article 5 of the Convention is replaced by the following text:

1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their point of contact in relation to matters within the scope of this Convention.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

(a) a State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof, and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations;

(b) in doing so, as appropriate, the States Parties concerned shall exchange information with each other, the

International Atomic Energy Agency and other relevant international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container or recovering unlawfully taken nuclear material and shall:

- (i) co-ordinate their efforts through diplomatic and other agreed channels;
- (ii) render assistance, if requested;
- (iii) ensure the return of recovered nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. In the case of a credible threat of sabotage of nuclear material or a nuclear facility or in the case of sabotage thereof, States Parties shall, to the maximum feasible extent, in accordance with their national law and consistent with their relevant obligations under international law, cooperate as follows:

- (a) if a State Party has knowledge of a credible threat of sabotage of nuclear material or a nuclear facility in another State, the former shall decide on appropriate steps to be taken in order to inform that State as soon as possible and, where appropriate, the International Atomic Energy Agency and other relevant international organizations of that threat, with a view to preventing the sabotage;
- (b) in the case of sabotage of nuclear material or a nuclear facility in a State Party and if in its view other States are likely to be radiologically affected, the former, without prejudice to its other obligations under international law, shall take appropriate steps to inform as soon as possible the State or the States which are likely to be radiologically affected and to inform, where appropriate, the International Atomic Energy Agency and other relevant international organizations, with a view to minimizing or mitigating the radiological consequences thereof;
- (c) if in the context of sub-paragraphs (a) and (b), a State Party requests assistance, each State Party to which a request for assistance is directed shall promptly decide and notify the requesting State Party, directly or through the International Atomic Energy Agency, whether it is in a position to render the assistance requested and the scope and terms of the assistance that may be rendered;
- (d) co-ordination of the co-operation under sub-paragraphs (a) to (c) shall be through diplomatic or other agreed channels. The means of implementation of this cooperation shall be determined bilaterally or multilaterally by the States Parties concerned.

4. States Parties shall co-operate and consult, as appropriate, with each other directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

5. A State Party may consult and co-operate, as appropriate, with other States Parties directly or through the International Atomic Energy Agency and other relevant international organizations, with a view to obtaining their guidance on the design, maintenance and improvement of its national system of physical protection of nuclear material in domestic use, storage and transport and of nuclear facilities.

8. Article 6 of the Convention is replaced by the following text:

1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations or to States that are not parties to this Convention in confidence, steps shall be taken to ensure that the confidentiality of such information is

protected. A State Party that has received information in confidence from another State Party may provide this information to third parties only with the consent of that other State Party.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material or nuclear facilities.

9. Paragraph 1 of Article 7 of the Convention is replaced by the following text:

1. The intentional commission of:

- (a) an act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property or to the environment;
- (b) a theft or robbery of nuclear material;
- (c) an embezzlement or fraudulent obtaining of nuclear material;
- (d) an act which constitutes the carrying, sending, or moving of nuclear material into or out of a State without lawful authority;
- (e) an act directed against a nuclear facility, or an act interfering with the operation of a nuclear facility, where the offender intentionally causes, or where he knows that the act is likely to cause, death or serious injury to any person or substantial damage to property or to the environment by exposure to radiation or release of radioactive substances, unless the act is undertaken in conformity with the national law of the State Party in the territory of which the nuclear facility is situated;
- (f) an act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (g) a threat:
  - (i) to use nuclear material to cause death or serious injury to any person or substantial damage to property or to the environment or to commit the offence described in sub-paragraph (e), or
  - (ii) to commit an offence described in sub-paragraphs (b) and (e) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;
- (h) an attempt to commit any offence described in sub-paragraphs (a) to (e);
- (i) an act which constitutes participation in any offence described in sub-paragraphs (a) to (h);
- (j) an act of any person who organizes or directs others to commit an offence described in sub-paragraphs (a) to (h); and
- (k) an act which contributes to the commission of any offence described in sub-paragraphs (a) to (h) by a group of persons acting with a common purpose; such act shall be intentional and shall either:
  - (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence described in sub-paragraphs (a) to (g), or
  - (ii) be made in the knowledge of the intention of the group to commit an offence described in sub-paragraphs (a) to (g)

shall be made a punishable offence by each State Party under its national law.

10. After Article 11 of the Convention, two new articles, Article 11A and Article 11B, are added as follows:

Article 11A

None of the offences set forth in article 7 shall be regarded for the purposes of extradition or mutual legal assistance, as a



political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 11B

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 7 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

11. After Article 13 of the Convention, a new Article 13A is added as follows:

Article 13A

Nothing in this Convention shall affect the transfer of nuclear technology for peaceful purposes that is undertaken to strengthen the physical protection of nuclear material and nuclear facilities.

12. Paragraph 3 of Article 14 of the Convention is replaced by the following text:

3. Where an offence involves nuclear material in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, or where an offence

involves a nuclear facility and the alleged offender remains in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

13. Article 16 of the Convention is replaced by the following text:

1. A conference of States Parties shall be convened by the depositary five years after the entry into force of the Amendment adopted on 8 July 2005 to review the implementation of this Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.

2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

14. Footnote <sup>b</sup> of Annex II of the Convention is replaced by the following text:

<sup>b</sup> Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 1 gray/hour (100 rads/hour) at one metre unshielded.

15. Footnote <sup>e</sup> of Annex II of the Convention is replaced by the following text:

<sup>e</sup> Other fuel which by virtue of its original fissile material content is classified as Category and II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 1 gray/hour (100 rads/hour) at one metre unshielded.

[Eds...]

**Status of Amendment to the Convention on the Physical Protection of Nuclear Material**

[As at 31 January 2012]

the thirtieth day after the date on which two thirds of the States Party have deposited their instruments of ratification, acceptance or approval with the depositary. International Atomic Energy Agency

Contracting States: 52

Last change of status: 13 December 2011

Notes: Pursuant to Article 20, the amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on

Country/Organization	Signature	Instrument	Date of deposit	Declaration etc. / Withdrawal	Entry into force
Algeria		ratification	25 Apr 2007	<input type="checkbox"/>	<input type="checkbox"/>
Antigua and Barbuda		ratification	17 Dec 2009	<input type="checkbox"/>	<input type="checkbox"/>
Australia		ratification	17 Jul 2008	<input type="checkbox"/>	<input type="checkbox"/>
Austria		ratification	18 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>
Bahrain		acceptance	9 Jun 2010	<input type="checkbox"/>	<input type="checkbox"/>
Bosnia and Herzegovina		ratification	21 Jun 2010	<input type="checkbox"/>	<input type="checkbox"/>
Bulgaria		ratification	17 Mar 2006	<input type="checkbox"/>	<input type="checkbox"/>
Chile		acceptance	12 Mar 2009	<input type="checkbox"/>	<input type="checkbox"/>
China		ratification	14 Sep 2009	<input type="checkbox"/>	<input type="checkbox"/>
Croatia		approval	11 Sep 2006	<input type="checkbox"/>	<input type="checkbox"/>
Czech Republic		acceptance	30 Dec 2010	<input type="checkbox"/>	<input type="checkbox"/>
Denmark		approval	19 May 2010	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Estonia		ratification	24 Feb 2009	<input type="checkbox"/>	<input type="checkbox"/>
Fiji		approval	22 Jun 2008	<input type="checkbox"/>	<input type="checkbox"/>
Finland		acceptance	17 Jun 2011	<input type="checkbox"/>	<input type="checkbox"/>
Gabon		acceptance	20 Mar 2008	<input type="checkbox"/>	<input type="checkbox"/>
Germany		ratification	21 Oct 2010	<input type="checkbox"/>	<input type="checkbox"/>
Greece		ratification	13 Dec 2011	<input type="checkbox"/>	<input type="checkbox"/>
Hungary		ratification	4 Dec 2008	<input type="checkbox"/>	<input type="checkbox"/>
India		ratification	19 Sep 2007	<input type="checkbox"/>	<input type="checkbox"/>
Indonesia		ratification	27 May 2010	<input type="checkbox"/>	<input type="checkbox"/>
Jordan		acceptance	7 Oct 2009	<input type="checkbox"/>	<input type="checkbox"/>
Kazakhstan		ratification	26 Apr 2011	<input type="checkbox"/>	<input type="checkbox"/>
Kenya		acceptance	1 Aug 2007	<input type="checkbox"/>	<input type="checkbox"/>
Latvia		acceptance	23 Nov 2010	<input type="checkbox"/>	<input type="checkbox"/>
Libyan Arab Jamahiriya		ratification	19 Jul 2006	<input type="checkbox"/>	<input type="checkbox"/>
Liechtenstein		ratification	13 Oct 2009	<input type="checkbox"/>	<input type="checkbox"/>
Lithuania		ratification	19 May 2009	<input type="checkbox"/>	<input type="checkbox"/>
Mali		acceptance	27 Jan 2010	<input type="checkbox"/>	<input type="checkbox"/>
Mauritania		ratification	28 Feb 2008	<input type="checkbox"/>	<input type="checkbox"/>

Nauru		approval	14 Jun 2010	<input type="checkbox"/>	<input type="checkbox"/>	
Netherlands		acceptance	17 Apr 2011	<input type="checkbox"/>	<input type="checkbox"/>	
Niger		ratification	28 May 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Nigeria		ratification	4 May 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Norway		approval	20 Aug 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Poland		ratification	1 Jun 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Portugal		ratification	26 Nov 2010	<input type="checkbox"/>	<input type="checkbox"/>	
Rep. of Moldova		ratification	22 Dec 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Romania		ratification	6 Feb 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Russian Federation		acceptance	19 Sep 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Saudi Arabia		acceptance	21 Jan 2011	<input type="checkbox"/>	<input type="checkbox"/>	
Seychelles		acceptance	9 Jan 2006	<input type="checkbox"/>	<input type="checkbox"/>	
Slovenia		acceptance	1 Sep 2009	<input type="checkbox"/>	<input type="checkbox"/>	
Spain		acceptance	9 Nov 2007	<input type="checkbox"/>	<input type="checkbox"/>	
Switzerland		ratification	15 Oct 2008	<input type="checkbox"/>	<input type="checkbox"/>	
Former Yug Rep of Macedonia		ratification	25 Nov 2011	<input type="checkbox"/>	<input type="checkbox"/>	
Tunisia		acceptance	7 Jun 2010	<input type="checkbox"/>	<input type="checkbox"/>	
Turkmenistan		acceptance	22 Sep 2005	<input type="checkbox"/>	<input type="checkbox"/>	
Ukraine		ratification	24 Dec 2008	<input type="checkbox"/>	<input type="checkbox"/>	
United Arab Emirates		acceptance	31 Jul 2009	<input type="checkbox"/>	<input type="checkbox"/>	
United Kingdom		ratification	8 Apr 2010	<input type="checkbox"/>	<input type="checkbox"/>	

### UN Security Council Resolution 1540

[Reproduced from S/RES/1540,  
adopted on 28 April 2004]

*The Security Council,*

*Affirming* that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery,\* constitutes a threat to international peace and security,

*Reaffirming*, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

*Recalling also* that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

*Affirming* its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

*Affirming* its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

*Welcoming* efforts in this context by multilateral arrangements which contribute to non-proliferation,

*Affirming* that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

*Gravely concerned* by the threat of terrorism and the risk that non-State actors\* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

*Gravely concerned* by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials,\* which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

*Recognizing* the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to

international security,

*Recognizing* that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

*Recognizing further* the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

*Encouraging* all Member States to implement fully the disarmament treaties and agreements to which they are party,

*Reaffirming* the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

*Determined* to facilitate henceforth an effective response to global threats in the area of non-proliferation,

*Acting* under Chapter VII of the Charter of the United Nations,

- Decides* that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;
- Decides also* that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;
- Decides also* that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:
  - Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
  - Develop and maintain appropriate effective physical protection measures;
  - Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
  - Establish, develop, review and maintain appropriate

effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

4. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will, calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report no later than six months from the adoption of this resolution to the Committee on steps they have taken or intend to take to implement this resolution;
5. *Decides* that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;
6. *Recognizes* the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;
7. *Recognizes* that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions;
8. *Calls upon* all States:
  - (a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;
  - (b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral nonproliferation treaties;
  - (c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;
  - (d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;
9. *Calls upon* all States to promote dialogue and cooperation on nonproliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;
10. Further to counter that threat, *calls upon* all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;
11. *Expresses* its intention to monitor closely the implementation of this resolution and, at the appropriate level, to take further decisions which may be required to this end;
12. *Decides* to remain seized of the matter.

\* Definitions for the purpose of this resolution only:  
 – Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical, or biological weapons, that are specially designed for such use.  
 – Non-State actor: individual or entity, not acting under the lawful authority of any State in conducting activities which come within the scope of this resolution.  
 – Related materials: materials, equipment and technology covered

by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

## International Convention for the Suppression of Acts of Nuclear Terrorism

[United Nations, 2005]

*The States Parties to this Convention,*

*(Eds.)[...]*

*Have agreed* as follows:

### Article 1

For the purposes of this Convention:

1. “Radioactive material” means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.
2. “Nuclear material” means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; or any material containing one or more of the foregoing;

Whereby “uranium enriched in the isotope 235 or 233” means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. “Nuclear facility” means:
  - (a) Any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;
  - (b) Any plant or conveyance being used for the production, storage, processing or transport of radioactive material.
4. “Device” means:
  - (a) Any nuclear explosive device; or
  - (b) Any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.
5. “State or government facility” includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of a Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.
6. “Military forces of a State” means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

### Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:
  - (a) Possesses radioactive material or makes or possesses a device:
    - (i) With the intent to cause death or serious bodily injury; or
    - (ii) With the intent to cause substantial damage to property or to the environment;
  - (b) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:
    - (i) With the intent to cause death or serious bodily injury; or

- (ii) With the intent to cause substantial damage to property or to the environment; or
  - (iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.
2. Any person also commits an offence if that person:
- (a) Threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (b) of the present article; or
  - (b) Demands unlawfully and intentionally radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.
3. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.
4. Any person also commits an offence if that person:
- (a) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or
  - (b) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or
  - (c) In any other way contributes to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

#### Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under article 9, paragraph 1 or 2, to exercise jurisdiction, except that the provisions of articles 7, 12, 14, 15, 16 and 17 shall, as appropriate, apply in those cases.

#### Article 4

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.
2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.
3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.
4. This Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

#### Article 5

Each State Party shall adopt such measures as may be necessary:

- (a) To establish as criminal offences under its national law the offences set forth in article 2;
- (b) To make those offences punishable by appropriate penalties which take into account the grave nature of these offences.

#### Article 6

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

#### Article 7

1. States Parties shall cooperate by:
  - (a) Taking all practicable measures, including, if necessary, adapting their national law, to prevent and counter preparations in their respective territories for the commission within or outside their territories of the offences set forth in article 2, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or knowingly provide technical assistance or information or engage in the perpetration of those offences;
  - (b) Exchanging accurate and verified information in accordance with their national law and in the manner and subject to the conditions specified herein, and coordinating administrative and other measures taken as appropriate to detect, prevent, suppress and investigate the offences set forth in article 2 and also in order to institute criminal proceedings against persons alleged to have committed those crimes. In particular, a State Party shall take appropriate measures in order to inform without delay the other States referred to in article 9 in respect of the commission of the offences set forth in article 2 as well as preparations to commit such offences about which it has learned, and also to inform, where appropriate, international organizations.
2. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.
3. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.
4. States Parties shall inform the Secretary-General of the United Nations of their competent authorities and liaison points responsible for sending and receiving the information referred to in the present article. The Secretary-General of the United Nations shall communicate such information regarding competent authorities and liaison points to all States Parties and the International Atomic Energy Agency. Such authorities and liaison points must be accessible on a continuous basis.

#### Article 8

For purposes of preventing offences under this Convention, States Parties shall make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the International Atomic Energy Agency.

#### Article 9

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:
  - (a) The offence is committed in the territory of that State; or
  - (b) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or
  - (c) The offence is committed by a national of that State.
2. A State Party may also establish its jurisdiction over any such offence when:
  - (a) The offence is committed against a national of that State; or
  - (b) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or
  - (c) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or
  - (d) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or
  - (e) The offence is committed on board an aircraft which is operated by the Government of that State.
3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of

the United Nations of the jurisdiction it has established under its national law in accordance with paragraph 2 of the present article. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of the present article.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its national law.

**Article 10**

1. Upon receiving information that an offence set forth in article 2 has been committed or is being committed in the territory of a State Party or that a person who has committed or who is alleged to have committed such an offence may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 of the present article are being taken shall be entitled:

- (a) To communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;
- (b) To be visited by a representative of that State;
- (c) To be informed of that person's rights under subparagraphs (a) and (b).

4. The rights referred to in paragraph 3 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 of the present article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 9, paragraph 1 (c) or 2 (c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to the present article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 9, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that that person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 of the present article shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

**Article 11**

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 9 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its national law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which

the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1 of the present article.

**Article 12**

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international law of human rights.

**Article 13**

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in article 2. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 9, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

**Article 14**

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their national law.

**Article 15**

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

**Article 16**

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice

to that person's position for any of these reasons.

#### Article 17

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

- (a) The person freely gives his or her informed consent; and
- (b) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of the present article:

(a) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State to which he or she was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

#### Article 18

1. Upon seizing or otherwise taking control of radioactive material, devices or nuclear facilities, following the commission of an offence set forth in article 2, the State Party in possession of such items shall:

(a) Take steps to render harmless the radioactive material, device or nuclear facility;

(b) Ensure that any nuclear material is held in accordance with applicable International Atomic Energy Agency safeguards; and

(c) Have regard to physical protection recommendations and health and safety standards published by the International Atomic Energy Agency.

2. Upon the completion of any proceedings connected with an offence set forth in article 2, or sooner if required by international law, any radioactive material, device or nuclear facility shall be returned, after consultations (in particular, regarding modalities of return and storage) with the States Parties concerned to the State Party to which it belongs, to the State Party of which the natural or legal person owning such radioactive material, device or facility is a national or resident, or to the State Party from whose territory it was stolen or otherwise unlawfully obtained.

3. (a) Where a State Party is prohibited by national or international law from returning or accepting such radioactive material, device or nuclear facility or where the States Parties concerned so agree, subject to paragraph 3(b) of the present article, the State Party in possession of the radioactive material, devices or nuclear facilities shall continue to take the steps described in paragraph 1 of the present article; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes;

(b) Where it is not lawful for the State Party in possession of the radioactive material, devices or nuclear facilities to possess them, that State shall ensure that they are placed as soon as possible in the possession of a State for which such possession is lawful and which, where appropriate, has provided assurances consistent with the requirements of paragraph 1 of the present article in consultation with that State, for the purpose of rendering it harmless; such radioactive material, devices or nuclear facilities

shall be used only for peaceful purposes.

4. If the radioactive material, devices or nuclear facilities referred to in paragraphs 1 and 2 of the present article do not belong to any of the States Parties or to a national or resident of a State Party or was not stolen or otherwise unlawfully obtained from the territory of a State Party, or if no State is willing to receive such items pursuant to paragraph 3 of the present article, a separate decision concerning its disposition shall, subject to paragraph 3 (b) of the present article, be taken after consultations between the States concerned and any relevant international organizations.

5. For the purposes of paragraphs 1, 2, 3 and 4 of the present article, the State Party in possession of the radioactive material, device or nuclear facility may request the assistance and cooperation of other States Parties, in particular the States Parties concerned, and any relevant international organizations, in particular the International Atomic Energy Agency. States Parties and the relevant international organizations are encouraged to provide assistance pursuant to this paragraph to the maximum extent possible.

6. The States Parties involved in the disposition or retention of the radioactive material, device or nuclear facility pursuant to the present article shall inform the Director General of the International Atomic Energy Agency of the manner in which such an item was disposed of or retained. The Director General of the International Atomic Energy Agency shall transmit the information to the other States Parties.

7. In the event of any dissemination in connection with an offence set forth in article 2, nothing in the present article shall affect in any way the rules of international law governing liability for nuclear damage, or other rules of international law.

#### Article 19

The State Party where the alleged offender is prosecuted shall, in accordance with its national law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

#### Article 20

States Parties shall conduct consultations with one another directly or through the Secretary-General of the United Nations, with the assistance of international organizations as necessary, to ensure effective implementation of this Convention.

#### Article 21

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

#### Article 22

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its national law.

#### Article 23

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

2. Each State may, at the time of signature, ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.

3. Any State which has made a reservation in accordance with paragraph 2 of the present article may at any time withdraw that reservation by notification to the Secretary-General of the United

Nations.

**Article 24**

1. This Convention shall be open for signature by all States from 14 September 2005 until 31 December 2006 at United Nations Headquarters in New York.
2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.
3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

**Article 25**

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.
2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

**Article 26**

1. A State Party may propose an amendment to this Convention. The proposed amendment shall be submitted to the depositary, who circulates it immediately to all States Parties.
2. If the majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin no sooner than three months after the invitations are issued.
3. The conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted by a two-thirds majority of all States Parties. Any amendment adopted at the conference shall be promptly circulated by the depositary to all States Parties.
4. The amendment adopted pursuant to paragraph 3 of the present article shall enter into force for each State Party that deposits its instrument of ratification, acceptance, accession or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their relevant instrument. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day after the date on which that State deposits its relevant instrument.

**Article 27**

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.

**Article 28**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on 14 September 2005.

**The United Nations Global Counter-Terrorism Strategy**

[Excerpts reproduced from A/RES/60/288,  
8 September 2006]

The General Assembly,

Guided by the purposes and principles of the Charter of the United

Nations and *reaffirming* its role under the Charter, including on questions related to international peace and security,

*Reiterating* its strong condemnation of terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security,

*Reaffirming* the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 51/210 of 17 December 1996, and the 2005 World Summit Outcome, in particular its section on terrorism,

*Recalling* all General Assembly resolutions on measures to eliminate international terrorism, including resolution 46/51 of 9 December 1991, and Security Council resolutions on threats to international peace and security caused by terrorist acts, as well as relevant resolutions of the General Assembly on the protection of human rights and fundamental freedoms while countering terrorism,

*Recalling also* that at the 2005 World Summit Outcome world leaders rededicated themselves to support all efforts to uphold the sovereign equality of all States, respect their territorial integrity and political independence, to refrain in our international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations, to uphold resolution of disputes by peaceful means and in conformity with the principles of justice and international law, the right to self-determination of peoples which remain under colonial domination or foreign occupation, non-interference in the internal affairs of States, respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction as to race, sex, language or religion, international cooperation in solving international problems of an economic, social, cultural or humanitarian character and the fulfillment in good faith of the obligations assumed in accordance with the Charter,

*Recalling further* the mandate contained in the 2005 World Summit Outcome that the General Assembly should develop without delay the elements identified by the Secretary-General for a counter-terrorism strategy, with a view to adopting and implementing a strategy to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism, which also takes into account the conditions conducive to the spread of terrorism,

*Reaffirming* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

*Reaffirming also* that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

*Reaffirming further* Member States' determination to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism, including by resolving the outstanding issues related to the legal definition and scope of the acts covered by the convention, so that it can serve as an effective instrument to counter terrorism,

*Continuing* to acknowledge that the question of convening a high level conference under the auspices of the United Nations to formulate an international response to terrorism in all its forms and manifestations could be considered,

*Recognizing* that development, peace and security, and human rights are interlinked and mutually reinforcing,

*Bearing in mind* the need to address the conditions conducive to the spread of terrorism,

*Affirming* Member States' determination to continue to do all they can to resolve conflict, end foreign occupation, confront oppression, eradicate poverty, promote sustained economic growth, sustainable development, global prosperity, good governance, human rights for all and rule of law, improve

intercultural understanding and ensure respect for all religions, religious values, beliefs or cultures,

1. Expresses its appreciation for the report "Uniting against terrorism: recommendations for a global counter-terrorism strategy" (doc. A/60/825), submitted by the Secretary-General to the General Assembly;
2. Adopts the present resolution and its annex as the United Nations Global Counter-Terrorism Strategy ("the Strategy");
3. Decides, without prejudice to the continuation of the discussion at its relevant committees of all their agenda items related to terrorism and counter-terrorism, to undertake the following steps for the effective follow-up of the Strategy:
  - a. To launch the Strategy at a high-level segment of its sixty-first session;
  - b. To examine in two years progress made in implementation of the Strategy, and to consider updating it to respond to changes, recognizing that many of the measures contained in the Strategy can be achieved immediately, some will require sustained work through the coming few years, and some should be treated as long term objectives;
  - c. To invite the Secretary-General to contribute to the future deliberations of the General Assembly on the review of the implementation and updating of the Strategy;
  - d. To encourage Member States, the United Nations and other appropriate international, regional and sub-regional organizations to support the implementation of the Strategy, including through mobilizing resources and expertise;
  - e. To further encourage non-governmental organizations and civil society to engage, as appropriate, on how to enhance efforts to implement the Strategy.
4. Decides to inscribe in the provisional agenda of its sixty-second session an item entitled "The United Nations Global Counter-Terrorism Strategy".

## ANNEX

### Plan of Action

We, the States Members of the United Nations, resolve:

1. To consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security.
2. To take urgent action to prevent and combat terrorism in all its forms and manifestations and, in particular:
  - a. To consider becoming parties without delay to the existing international conventions and protocols against terrorism, and implementing them, and to make every effort to reach an agreement on and conclude a comprehensive convention on international terrorism;
  - b. To implement all General Assembly resolutions on measures to eliminate international terrorism, and relevant General Assembly resolutions on the protection of human rights and fundamental freedoms while countering terrorism;
  - c. To implement all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the Security Council in the fulfillment of their tasks, recognizing that many States continue to require assistance in implementing these resolutions.
3. To recognize that international cooperation and any measures that we undertake to prevent and combat terrorism must comply with our obligations under international law, including the Charter of the United Nations and relevant international conventions and protocols, in particular human rights law, refugee law and international humanitarian law.

### I. Measures to address the conditions conducive to the spread of terrorism

We resolve to undertake the following measures aimed at addressing the conditions conducive to the spread of terrorism, including but not limited to prolonged unresolved conflicts,

dehumanization of victims of terrorism in all its forms and manifestations, lack of rule of law and violations of human rights, ethnic, national and religious discrimination, political exclusion, socio-economic marginalization, and lack of good governance, while recognizing that none of these conditions can excuse or justify acts of terrorism:

1. To continue to strengthen and make best possible use of the capacities of the United Nations in areas such as conflict prevention, negotiation, mediation, conciliation, judicial settlement, rule of law, peacekeeping and peacebuilding, in order to contribute to the successful prevention and peaceful resolution of prolonged unresolved conflicts. We recognize that the peaceful resolution of such conflicts would contribute to strengthening the global fight against terrorism.
2. To continue to arrange under the auspices of the United Nations initiatives and programmes to promote dialogue, tolerance and understanding among civilizations, cultures, peoples and religions, and to promote mutual respect for and prevent the defamation of religions, religious values, beliefs and cultures. In this regard, we welcome the launching by the Secretary-General of the initiative on the Alliance of Civilizations. We also welcome similar initiatives that have been taken in other parts of the world.
3. To promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs or cultures by establishing and encouraging, as appropriate, education and public awareness programmes involving all sectors of society. In this regard, we encourage the United Nations Educational, Scientific and Cultural Organization to play a key role, including through inter-faith and intra-faith dialogue and dialogue among civilizations.
4. To continue to work to adopt such measures as may be necessary and appropriate and in accordance with our obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct.
5. To reiterate our determination to ensure the timely and full realization of the development goals and objectives agreed at the major United Nations conferences and summits, including the Millennium Development Goals. We reaffirm our commitment to eradicate poverty and promote sustained economic growth, sustainable development and global prosperity for all.

6. To pursue and reinforce development and social inclusion agendas at every level as goals in themselves, recognizing that success in this area, especially on youth unemployment, could reduce marginalization and the subsequent sense of victimization that propels extremism and the recruitment of terrorists.
7. To encourage the United Nations system as a whole to scale up the cooperation and assistance it is already conducting in the fields of rule of law, human rights and good governance, to support sustained economic and social development.
8. To consider putting in place, on a voluntary basis, national systems of assistance that would promote the needs of victims of terrorism and their families and facilitate the normalization of their lives. In this regard, we encourage States to request the relevant United Nations entities to help them to develop such national systems. We will also strive to promote international solidarity in support of victims and foster the involvement of civil society in a global campaign against terrorism and for its condemnation. This could include exploring at the General Assembly the possibility of developing practical mechanisms assistance to victims.

### II. Measures to prevent and combat terrorism

We resolve to undertake the following measures to prevent and combat terrorism, in particular by denying terrorists access to the means to carry out their attacks, to their targets and to the desired impact of their attacks:

1. To refrain from organizing, instigating, facilitating, participating in, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that our respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.
2. To cooperate fully in the fight against terrorism, in accordance with our obligations under international law, in order to find, deny



safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or perpetration of terrorist acts or provides safe havens.

3. To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts, in accordance with the relevant provisions of national and international law, in particular human rights law, refugee law and international humanitarian law. We will endeavour to conclude and implement to that effect mutual judicial assistance and extradition agreements, and to strengthen cooperation between law enforcement agencies.

4. To intensify cooperation, as appropriate, in exchanging timely and accurate information concerning the prevention and combating of terrorism.

5. To strengthen coordination and cooperation among States in combating crimes that might be connected with terrorism, including drug trafficking in all its aspects, illicit arms trade, in particular of small arms and light weapons, including man-portable air defence systems, money laundering and smuggling of nuclear, chemical, biological, radiological and other potentially deadly materials.

6. To consider becoming parties without delay to the United Nations Convention against Transnational Organized Crime and to the three protocols supplementing it, and implementing them.

7. To take appropriate measures, before granting asylum, for the purpose of ensuring that the asylum seeker has not engaged in terrorist activities and, after granting asylum, for the purpose of ensuring that the refugee status is not used in a manner contrary to the provisions set out in paragraph 1 of this section.

8. To encourage relevant regional and sub-regional organizations to create or strengthen counter-terrorism mechanisms or centres. Should they require cooperation and assistance to this end, we encourage the United Nations Counter-Terrorism Committee and its Executive Directorate and, where consistent with their existing mandates, the United Nations Office of Drugs and Crime and the International Criminal Police Organization, to facilitate its provision.

9. To acknowledge that the question of creating an international centre to fight terrorism could be considered, as part of the international efforts to enhance the fight against terrorism.

10. To encourage States to implement the comprehensive international standards embodied in the Financial Action Task Force's Forty Recommendations on Money Laundering and Nine Special Recommendations on Terrorist Financing, recognizing that States may require assistance in implementing them.

11. To invite the United Nations system to develop, together with Member States, a single comprehensive database on biological incidents, ensuring that it is complementary to the International Criminal Police Organization's contemplated Biocrimes Database. We also encourage the Secretary-General to update the roster of experts and laboratories, as well as the technical guidelines and procedures, available to him for the timely and efficient investigation of alleged use. In addition, we note the importance of the proposal of the Secretary-General to bring together, within the framework of the United Nations, the major biotechnology stakeholders, including industry, scientific community, civil society and governments, into a common programme aimed at ensuring that biotechnology's advances are not used for terrorist or other criminal purposes but for the public good, with due respect to the basic international norms on intellectual property rights.

12. To work with the United Nations, with due regard to confidentiality, respecting human rights and in compliance with other obligations under international law, to explore ways and means to

- a. Coordinate efforts at the international and regional level to counter terrorism in all its forms and manifestations on the Internet,
- b. Use the Internet as a tool for countering the spread of terrorism, while recognizing that States may require assistance in this regard.

13. To step-up national efforts and bilateral, sub-regional, regional and international co-operation, as appropriate, to improve border and customs controls, in order to prevent and detect the movement

of terrorists and to prevent and detect the illicit traffic in, inter alia, small arms and light weapons, conventional ammunition and explosives, nuclear, chemical, biological or radiological weapons and materials, while recognizing that States may require assistance to that effect.

14. To encourage the United Nations Counter Terrorism Committee and its Executive Directorate to continue to work with States, at their request, to facilitate the adoption of legislation and administrative measures to implement the terrorist travel-related obligations, and to identify best practices in this area, drawing whenever possible on those developed by technical international organizations such as the International Civil Aviation Organization, the World Customs Organization and the International Criminal Police Organization.

15. To encourage the Committee established pursuant to Security Council resolution 1267 (1999) to continue to work to strengthen the effectiveness of the travel ban under the United Nations sanctions regime against Al-Qaida and the Taliban and associated individuals and entities, as well as to ensure, as a matter of priority, that fair and transparent procedures exist for placing individuals and entities on its lists, for removing them and for granting humanitarian exceptions. In this regard, we encourage States to share information, including by widely distributing the International Criminal Police Organization-United Nations Special Notices concerning people subject to this sanctions regime.

16. To step up efforts and co-operation at every level, as appropriate, to improve the security on manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use, while recognizing that States may require assistance in doing so. In this regard, we invite the International Criminal Police Organization to enhance its database on stolen and lost travel documents, and we will endeavour to make full use of this tool as appropriate, in particular by sharing relevant information.

17. To invite the United Nations to improve co-ordination in planning a response to a terrorist attack using nuclear, chemical, biological or radiological weapons or materials, in particular by reviewing and improving the effectiveness of the existing inter-agency co-ordination mechanisms for assistance delivery, relief operations and victim support, so that all States can receive adequate assistance. In this regard, we invite the General Assembly and the Security Council to develop guidelines for the necessary co-operation and assistance in the event of a terrorist attack using weapons of mass destruction.

18. To step up all efforts to improve the security and protection of particularly vulnerable targets such as infrastructure and public places, as well as the response to terrorist attacks and other disasters, in particular in the area of civil protection, while recognizing that States may require assistance to that effect.

**III. Measures to build States' capacity to prevent and combat terrorism and to strengthen the role of the United Nations system in this regard**

We recognize that capacity-building in all States is a core element of the global counter-terrorism effort, and resolve to undertake the following measures to develop State capacity to prevent and combat terrorism and enhance coordination and coherence within the United Nations system in promoting international cooperation in countering terrorism:

1. To encourage Member States to consider making voluntary contributions to United Nations counter-terrorism cooperation and technical assistance projects, and to explore additional sources of funding in this regard. We also encourage the United Nations to consider reaching out to the private sector for contributions to capacity-building programmes, in particular in the areas of port, maritime and civil aviation security.

2. To take advantage of the framework provided by relevant international, regional and sub-regional organizations to share best practices in counter-terrorism capacity-building, and to facilitate their contributions to the international community's efforts in this area.

3. To consider establishing appropriate mechanisms to rationalize States' reporting requirements in the field of counter-terrorism and eliminate duplication of reporting requests, taking into

account and respecting the different mandates of the General Assembly, the Security Council and its subsidiary bodies that deal with counter terrorism.

4. To encourage measures, including regular informal meetings, to enhance, as appropriate, more frequent exchanges of information on cooperation and technical assistance among Member States, United Nations bodies dealing with counter terrorism, relevant specialized agencies, relevant international, regional and sub-regional organizations, and the donor community, to develop States' capacities to implement relevant United Nations resolutions.

5. To welcome the intention of the Secretary-General to institutionalize, within existing resources, the United Nations Counter-Terrorism Implementation Task Force within the Secretariat, in order to ensure overall co-ordination and coherence in the United Nations system's counter-terrorism efforts.

6. To encourage the United Nations Counter-Terrorism Committee and its Executive Directorate to continue to improve the coherence and efficiency of technical assistance delivery in the field of counter-terrorism, in particular by strengthening its dialogue with States and relevant international, regional and sub-regional organizations and working closely, including by sharing information, with all bilateral and multilateral technical assistance providers.

7. To encourage the United Nations Office on Drugs and Crime, including its Terrorism Prevention Branch, to enhance, in close consultation with the United Nations Counter-Terrorism Committee and its Executive Directorate, its provision of technical assistance to States, upon request, to facilitate the implementation of the international conventions and protocols related to the prevention and suppression of terrorism and relevant United Nations resolutions.

8. To encourage the International Monetary Fund, the World Bank, the United Nations Office on Drugs and Crime and the International Criminal Police Organization to enhance cooperation with States to help them to comply fully with international norms and obligations to combat money-laundering and financing of terrorism.

9. To encourage the International Atomic Energy Agency and the Organization for the Prohibition of Chemical Weapons to continue their efforts, within their respective mandates, in helping States to build capacity to prevent terrorists from accessing nuclear, chemical or radiological materials, to ensure security at related facilities, and to respond effectively in the event of an attack using such materials.

10. To encourage the World Health Organization to step up its technical assistance to help States improve their public health systems to prevent and prepare for biological attacks by terrorists.

11. To continue to work within the United Nations system to support the reform and modernization of border management systems, facilities and institutions, at the national, regional and international level.

12. To encourage the International Maritime Organization, the World Customs Organization and the International Civil Aviation Organization to strengthen their co-operation, work with States to identify any national shortfalls in areas of transport security and provide assistance upon request to address them.

13. To encourage the United Nations to work with Member States and relevant international, regional and sub-regional organizations to identify and share best practices to prevent terrorist attacks on particularly vulnerable targets. We invite the International Criminal Police Organization to work with the Secretary-General so that he can submit proposals to this effect. We also recognize the importance of developing public-private partnerships in this area.

#### **IV. Measures to ensure respect for human rights for all and the rule of law as the fundamental basis of the fight against terrorism**

We resolve to undertake the following measures, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy, recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals, but complementary and mutually

reinforcing, and stressing the need to promote and protect the rights of victims of terrorism:

1. To reaffirm that General Assembly resolution 60/158 of 16 December 2005 provides the fundamental framework for the "Protection of human rights and fundamental freedoms while countering terrorism".

2. To reaffirm that States must ensure that any measures taken to combat terrorism comply with their obligations under international law, in particular human rights law, refugee law and international humanitarian law.

3. To consider becoming parties without delay to the core international instruments on human rights law, refugee law and international humanitarian law, and implementing them, as well as to consider accepting the competence of international and relevant regional human rights monitoring bodies.

4. To make every effort to develop and maintain an effective and rule of law-based national criminal justice system that can ensure, in accordance with our obligations under international law, that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in support of terrorist acts is brought to justice, on the basis of the principle to extradite or prosecute, with due respect for human rights and fundamental freedoms, and that such terrorist acts are established as serious criminal offences in domestic laws and regulations. We recognize that States may require assistance in developing and maintaining such effective and rule of law-based criminal justice system, and we encourage them to resort to the technical assistance delivered, *inter alia*, by the United Nations Office on Drugs and Crime.

5. To reaffirm the United Nations system's important role in strengthening the international legal architecture by promoting the rule of law, respect for human rights, and effective criminal justice systems, which constitute the fundamental basis of our common fight against terrorism.

6. To support the Human Rights Council, and to contribute, as it takes shape, to its work on the question of the promotion and protection of human rights for all in the fight against terrorism.

7. To support the strengthening of the operational capacity of the Office of the United Nations High Commissioner for Human Rights, with a particular emphasis on increasing field operations and presences. The Office should continue to play a lead role in examining the question of protecting human rights while countering terrorism, by making general recommendations on States' human rights obligations and providing them with assistance and advice, in particular in the area of raising awareness of international human rights law among national law-enforcement agencies, at States' request.

8. To these support the role of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The Special Rapporteur should continue to support States' efforts and offer concrete advice by corresponding with Governments, making country visits, liaising with the United Nations and regional organizations, and reporting on these issues.

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#### **Statement of Principles for the Global initiative to Combat Nuclear Terrorism**

Bureau of International Security and Nonproliferation,  
Washington, DC  
[20 November 2006]

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Participants in the Global Initiative to Combat Nuclear Terrorism are committed to the following Statement of Principles to develop partnership capacity to combat nuclear terrorism on a determined and systematic basis, consistent with national legal authorities and obligations they have under relevant international legal frameworks, notably the Convention for the Suppression of Acts of Nuclear Terrorism, the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, United Nations Security Council Resolutions 1373 and 1540. They call on all states concerned with this threat to international peace and security, to make a commitment to implement on a voluntary basis the following principles:

- Develop, if necessary, and improve accounting, control and physical protection systems for nuclear and other radioactive materials and substances;
- Enhance security of civilian nuclear facilities;
- Improve the ability to detect nuclear and other radioactive materials and substances in order to prevent illicit trafficking in such materials and substances, to include cooperation in the research and development of national detection capabilities that would be interoperable;
- Improve capabilities of participants to search for, confiscate, and establish safe control over unlawfully held nuclear or other radioactive materials and substances or devices using them.
- Prevent the provision of safe haven to terrorists and financial or economic resources to terrorists seeking to acquire or use nuclear and other radioactive materials and substances;
- Ensure adequate respective national legal and regulatory frameworks sufficient to provide for the implementation of appropriate criminal and, if applicable, civil liability for terrorists and those who facilitate acts of nuclear terrorism;
- Improve capabilities of participants for response, mitigation, and investigation, in cases of terrorist attacks involving the use of nuclear and other radioactive materials and substances, including the development of technical means to identify nuclear and other radioactive materials and substances that are, or may be, involved in the incident; and
- Promote information sharing pertaining to the suppression of acts of nuclear terrorism and their facilitation, taking appropriate measures consistent with their national law and international obligations to protect the confidentiality of any information which they exchange in confidence.

Global Initiative participants recognize the role of the International Atomic Energy Agency (IAEA) in the fields of nuclear safety and security and the IAEA has been invited to serve as an observer to the Initiative. All participants commend the IAEA for its action in the field of nuclear security. Participants intend for the IAEA to contribute to the Initiative through its ongoing activities and technical expertise.

The initial partner nations intend to establish a terms of reference for implementation and assessment to support effective fulfillment of the initiative, including by facilitating the provision of assistance to participants that may require it, and facilitating suitable exercises.

They express the desire to broaden participation in the Global Initiative to other countries who share the common goals of the Initiative, are actively committed to combating nuclear terrorism, and endorse the Statement of Principles.

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**Statement on the Nuclear Terrorism Convention  
by the IAEA Director  
General Mohamed ElBaradei**

[Excerpt reproduced from the Introductory Statement to the Board of Governors; Vienna, 11 June 2007]

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(Eds.)[...]

The *International Convention for the Suppression of Acts of Nuclear Terrorism* will enter into force on 7 July 2007. The *Convention* recognizes important functions of the Agency, and is an important step forward in global efforts to protect against nuclear terrorism.

Taken together, the *International Convention on the Suppression of Acts of Nuclear Terrorism*, and the *Amendment to the Convention on the Physical Protection of Nuclear Material*, when in force, will serve to further strengthen international efforts to improve physical protection of nuclear facilities and nuclear and other radioactive material.

[...](eds)

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**Joint Statement of the President of the Russian Federation and the President of the United States of America for the 4<sup>th</sup> Meeting of the Global Initiative to Combat Nuclear Terrorism**

[17 June 2008]

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We are pleased to be working closely together with our Global Initiative Partners to combat nuclear terrorism. That so many nations have joined the Global Initiative to Combat Nuclear Terrorism demonstrates a true commitment to defeat this threat to our peace and security.

The Russian Federation and the United States launched the Global Initiative on July 15, 2006 and we can now call more than 70 nations Global Initiative partners. We will continue to stand upon the principles at the heart of this Initiative, attract others to our ranks and realize our goal of making this a truly global effort. Gathering as partners in Madrid is an important reminder to one another of the commitments we have to each of our citizens to see clearly the concrete steps we can take together to prevent nuclear terrorism and ensure our peace and security.

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**Nuclear security**

[GC(54)/RES/8 24 September 2010]

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The General Conference.

(a) Recalling its previous resolutions on measures to improve the security of nuclear and other radioactive materials and on measures against the illicit trafficking of these materials,

(b) Taking note of the Nuclear Security Report 2010 submitted by the Director General in document GC(54)/9 and Corr.1 and the Nuclear Security Plan for 2010-13 approved by the Board of Governors in September 2009,

(c) Mindful of the responsibilities of every Member State, in accordance with its international obligations, to maintain effective nuclear security, and asserting that the responsibility for nuclear security within a State rests entirely with that State, and noting the important contribution of the Agency in facilitating international cooperation in supporting the efforts of States to fulfil their nuclear security responsibilities,

(d) Noting United Nations Security Council resolutions 1373, 1540, 1673 and 1810, United Nations General Assembly resolution 64/38, the International Convention for the Suppression of Acts of Nuclear Terrorism, and international efforts in conformity with these instruments to prevent access by non-State actors to weapons of mass destruction and related materials,

(e) Reaffirming the importance of the Convention on the Physical Protection of Nuclear Material and the value of the Amendment extending its scope,

(f) Noting the conclusions and recommendations for follow-on actions of the 2010 NPT Review Conference relating to nuclear security,

(g) Taking note of the April 2010 Washington Nuclear Security Summit and the Cape Town December 2009 International Conference on effective regulatory systems,

(h) Taking note of the April 2010 Tehran Conference on disarmament and non-proliferation and other international fora,

(i) Noting the important role of the Agency in developing comprehensive guidance on nuclear security, in consultation with Member States, while recognizing that such guidance is not legally binding,

(j) Reaffirming that the overall goal of the Agency's nuclear security activities is to assist Member States, upon their request, in improving their nuclear security, as appropriate,

(k) Recalling UN General Assembly Resolution 64/38, which states that progress is urgently needed in the area of disarmament and non-proliferation in order to maintain international peace and security and to contribute to global efforts against terrorism, and acknowledging the need to make further progress towards achieving nuclear disarmament,

(l) Reaffirming the importance and the value of the non-legally-binding Code of Conduct on the Safety and Security of Radioactive Sources and underlining the important role of the supplementary Guidance on the Import and Export of Radioactive Sources,

(m) Noting the central contribution of Member States' systems of accounting for and control of nuclear materials to preventing loss of control and illicit trafficking and to deterring and detecting the unauthorized removal of nuclear materials,

(n) Underlining the importance of IAEA programmes for education and training in nuclear security for reinforcing technical, managerial and institutional capabilities of Member States in a sustainable manner, as well as other international, regional and national efforts to this end,

(o) Recognizing the work done by the Agency in providing technical assistance and expert advice to countries hosting major public events,

(p) Recognizing the IAEA's central role in gathering and sharing information on illicit trafficking, and

(q) Stressing the essential importance of ensuring the confidentiality of information relevant to nuclear security,

1. Welcomes the Nuclear Security Report 2010 submitted by the Director General in document GC (54/9) and invites the Director General and the Secretariat to continue to implement the Agency's activities relevant to nuclear security, taking into account the priorities set out in paragraphs 61-66 of the Report;

2. Calls upon all Member States to maintain the highest possible standards of security and physical protection of nuclear materials and facilities;

3. Calls upon all States to ensure that measures to strengthen nuclear security do not hamper international cooperation in the field of peaceful nuclear activities, production, transfer and use of nuclear and other radioactive materials, the exchange of nuclear materials for peaceful purposes and the promotion of peaceful uses of nuclear energy, without undermining the established priorities of the technical cooperation programme;

4. Calls upon all Member States to consider providing the necessary support to international efforts to enhance nuclear security through various arrangements at the bilateral, regional and international levels, and recalls the decision of the Board of Governors on support for the Nuclear Security Fund;

5. Calls upon all States Parties to the Convention on the Physical Protection of Nuclear Material to ratify the Amendment to the Convention as soon as possible and encourages them to act in accordance with the objectives and purposes of the Amendment until such time as it enters into force, and also encourages all Member States that have not yet done so to adhere to the Convention and adopt its Amendment as soon as possible;

6. Encourages all Member States to take into account, as appropriate, the IAEA recommendations on the physical protection of nuclear material and nuclear facilities (INFCIRC/225/Rev.4 (Corrected));

7. Encourages all Member States that have not yet done so to become party to the International Convention on the Suppression of Acts of Nuclear Terrorism as soon as possible;

8. Encourages the Secretariat to continue, in coordination with Member States, within its nuclear security programme, to play a constructive and coordinated role in nuclear security-related initiatives, inter alia the Global Initiative to Combat Nuclear Terrorism, and to work jointly, as appropriate, with relevant international and regional organizations and institutions;

9. Encourages the Secretariat, in cooperation with Member States, to continue training programmes and the education of trainers and to adapt the courses as appropriate to meet the needs of Member States;

10. Invites the Secretariat to provide assistance to Member States, upon their request, in fulfilling their obligations under United Nations Security Council resolution 1540 and to the 1540 Committee, provided that the requests are within the scope of the Agency's statutory responsibilities;

11. Calls upon all States to identify secure storage and disposition pathways for disused radioactive sealed sources so that such sources in their territories remain under regulatory control, unless exempted from regulatory control, and further calls upon States to address obstacles to the return of disused sources to the supplier State;

12. Calls upon all States to consider taking measures to prevent, detect and deter illicit trafficking in nuclear and other radioactive materials across their borders and within their countries, and notes that the Illicit Trafficking Database Programme (ITDB) may help in identifying relevant risks;

13. Notes the Agency's work in the field of nuclear forensics, aimed at assisting Member States in connection with the detection of, response to and determination of the origin of illicitly trafficked, stored or handled nuclear and other radioactive materials, and encourages Member States to provide continued support to the Agency's activities in this field, and encourages Member States which have not yet done so to establish national nuclear material databases;

14. Encourages Member States to consider taking further steps to enhance detection capabilities for illicit nuclear and other radioactive materials through national, bilateral and international efforts;

15. Encourages the Member States concerned, on a voluntary basis, to further minimize HEU in civilian stocks and use LEU, where technically and economically feasible;

16. Encourages Member States to use the Agency's nuclear security advisory services for exchanges of views and advice on nuclear security measures;

17. Encourages Member States to share experience with a view to improving nuclear security practices;

18. Supports the steps taken by the Secretariat to ensure confidentiality of information relevant to nuclear security and requests the Secretariat to continue its efforts to implement appropriate confidentiality measures in conformity with the Agency's confidentiality regime and to report as appropriate to the Board of Governors on the status of the implementation of the confidentiality measures;

19. Requests that the actions of the Secretariat called for in this resolution be undertaken subject to the availability of resources; and

20. Requests the Director General to submit an annual Nuclear Security Report to the General Conference at its fifty-fifth (2011) regular session on activities undertaken by the Agency in the area of nuclear security, highlighting significant accomplishments of the prior year and indicating programmatic goals and priorities for the year to come.

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## Nuclear Forensics and Attribution Act

[Senate and House of Representatives of the United States of America in Congress, 5 January 2010]

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An Act To strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### Section 1. Short Title.

This Act may be cited as the "Nuclear Forensics and Attribution Act".

### Section 2. Findings.

Congress finds the following:

(1) The threat of a nuclear terrorist attack on American interests, both domestic and abroad, is one of the most serious threats to the national security of the United States. In the wake of an attack, attribution of responsibility would be of utmost importance. Because of the destructive power of a nuclear weapon, there could be little forensic evidence except the radioactive material in the weapon itself.

(2) Through advanced nuclear forensics, using both existing techniques and those under development, it may be possible to identify the source and pathway of a weapon or material after it is interdicted or detonated. Though identifying intercepted smuggled material is now possible in some cases, predetonation forensics is a relatively undeveloped field. The postdetonation nuclear forensics field is also immature, and the challenges are compounded by the pressures and time constraints of performing forensics after a nuclear or radiological attack.

(3) A robust and well-known capability to identify the source of nuclear or radiological material intended for or used in an act of terror could also deter prospective proliferators. Furthermore, the threat of effective attribution could compel improved security at material storage facilities, preventing the unwitting transfer of nuclear or radiological materials.

(4) (A) In order to identify special nuclear material and other radioactive materials confidently, it is necessary to have a robust capability to acquire samples in a timely manner, analyze and characterize samples, and compare samples against known signatures of nuclear and radiological material.

(B) Many of the radioisotopes produced in the detonation of a nuclear device have short half-lives, so the timely acquisition of samples is of the utmost importance. Over the past several decades, the ability of the United States to gather atmospheric samples—often the preferred method of sample acquisition—has diminished. This ability must be restored and modern techniques that could complement or replace existing techniques should be pursued.

(C) The discipline of pre-detonation forensics is a relatively undeveloped field. The radiation associated with a nuclear or radiological device may affect traditional forensics techniques in unknown ways. In a post-detonation scenario, radiochemistry may provide the most useful tools for analysis and characterization of samples. The number of radiochemistry programs and radiochemists in United States National Laboratories and universities has dramatically declined over the past several decades. The narrowing pipeline of qualified people into this critical field is a serious impediment to maintaining a robust and credible nuclear forensics program.

(5) Once samples have been acquired and characterized, it is necessary to compare the results against samples of known material from reactors, weapons, and enrichment facilities, and from medical, academic, commercial, and other facilities containing such materials, throughout the world. Some of these samples are available to the International Atomic Energy Agency through safeguards agreements, and some countries maintain internal sample databases. Access to samples in many countries is limited by national security concerns.

(6) In order to create a sufficient deterrent, it is necessary to have the capability to positively identify the source of nuclear or radiological material, and potential traffickers in nuclear or radiological material must be aware of that capability. International cooperation may be essential to catalogue all existing sources of nuclear or radiological material.

**Section. 3. Sense of Congress on International Agreements for Forensics Cooperation.**

It is the sense of the Congress that the President should—

(1) pursue bilateral and multilateral international agreements to establish, or seek to establish under the auspices of existing bilateral or multilateral agreements, an international framework for determining the source of any confiscated nuclear or radiological material or weapon, as well as the source of any detonated weapon and the nuclear or radiological material used in such a weapon;

(2) develop protocols for the data exchange and dissemination of sensitive information relating to nuclear or radiological materials and samples of controlled nuclear or radiological materials, to the extent required by the agreements entered into under paragraph (1); and

(3) develop expedited protocols for the data exchange and dissemination of sensitive information needed to publicly identify the source of a nuclear detonation.

[Eds...]

**Final communiqué of the 47-nation Nuclear Security Summit in Washington**

[14 April 2010]

Nuclear terrorism is one of the most challenging threats to international security, and strong nuclear security measures are the most effective means to prevent terrorists, criminals, or other unauthorized actors from acquiring nuclear materials.

In addition to our shared goals of nuclear disarmament, nuclear nonproliferation and peaceful uses of nuclear energy, we also all share the objective of nuclear security.

Therefore those gathered here in Washington, D.C., on April 13, 2010, commit to strengthen nuclear security and reduce the threat of nuclear terrorism.

Success will require responsible national actions and sustained and effective international cooperation.

We welcome and join President Obama's call to secure all vulnerable nuclear material in four years, as we work together to enhance nuclear security. Therefore, we:

1. Reaffirm the fundamental responsibility of States, consistent with their respective international obligations, to maintain effective security of all nuclear materials, which includes nuclear materials used in nuclear weapons, and nuclear facilities under their control; to prevent non-state actors from obtaining the information or technology required to use such material for malicious purposes; and emphasize the importance of robust national legislative and regulatory frameworks for nuclear security;
2. Call on States to work cooperatively as an international community to advance nuclear security, requesting and providing assistance as necessary;
3. Recognize that highly enriched uranium and separated plutonium require special precautions and agree to promote measures to secure, account for, and consolidate these materials, as appropriate; and encourage the conversion of reactors from highly enriched to low enriched uranium fuel and minimisation of use of highly enriched uranium, where technically and economically feasible;
4. Endeavor to fully implement all existing nuclear security commitments and work toward acceding to those not yet joined, consistent with national laws, policies and procedures;
5. Support the objectives of international nuclear security instruments, including the Convention on the Physical Protection of Nuclear Material, as amended, and the International Convention for the Suppression of Acts of Nuclear Terrorism, as essential elements of the global nuclear security architecture;
6. Reaffirm the essential role of the International Atomic Energy Agency in the international nuclear security framework and will work to ensure that it continues to have the appropriate structure, resources and expertise needed to carry out its mandated nuclear security activities in accordance with its Statute, relevant General Conference resolutions and its Nuclear Security Plans;
7. Recognize the role and contributions of the United Nations as well as the contributions of the Global Initiative to Combat Nuclear Terrorism and the G-8-led Global Partnership Against the Spread of Weapons and Materials of Mass Destruction within their respective mandates and memberships;
8. Acknowledge the need for capacity building for nuclear security and cooperation at bilateral, regional and multilateral levels for the promotion of nuclear security culture through technology development, human resource development, education, and training; and stress the importance of optimizing international cooperation and coordination of assistance;
9. Recognize the need for cooperation among States to effectively prevent and respond to incidents of illicit nuclear trafficking; and agree to share, subject to respective national laws and procedures, information and expertise through bilateral and multilateral mechanisms in relevant areas such as nuclear detection, forensics, law enforcement, and the development of new technologies;
10. Recognize the continuing role of nuclear industry, including the

private sector, in nuclear security and will work with industry to ensure the necessary priority of physical protection, material accountancy, and security culture;

11. Support the implementation of strong nuclear security practices that will not infringe upon the rights of States to develop and utilize nuclear energy for peaceful purposes and technology and will facilitate international cooperation in the field of nuclear security; and

12. Recognize that measures contributing to nuclear material security have value in relation to the security of radioactive substances and encourage efforts to secure those materials as well.

Maintaining effective nuclear security will require continuous national efforts facilitated by international cooperation and undertaken on a voluntary basis by States. We will promote the strengthening of global nuclear security through dialogue and cooperation with all states. Thus, we issue the Work Plan as guidance for national and international action including through cooperation within the context of relevant international fora and organisations. We will hold the next Nuclear Security Summit in the Republic of Korea in 2012.

### **Work Plan of the Washington Nuclear Security Summit**

[Washington DC, April 13, 2010]

This Work Plan supports the Communiqué of the Washington Nuclear Security Summit. It constitutes a political commitment by the Participating States to carry out, on a voluntary basis, applicable portions of this Work Plan, consistent with respective national laws and international obligations, in all aspects of the storage, use, transportation and disposal of nuclear materials and in preventing non-state actors from obtaining the information required to use such material for malicious purposes.

Recognizing the importance of the International Convention for the Suppression of Acts of Nuclear Terrorism as an important legally binding multilateral instrument addressing threats posed by acts of nuclear terrorism:

1. Participating States Parties to the Convention will work together to achieve universality of the Convention, as soon as possible;
2. Participating States Parties to the Convention will assist States, as appropriate and upon their request, to implement the Convention; and
3. Participating States Parties to the Convention encourage discussions among States Parties to consider measures to ensure its effective implementation, as called for in Article 20 of the Convention.

Recognizing the importance of the Convention on the Physical Protection of Nuclear Material, as the only multilateral legally binding agreement dealing with the physical protection of nuclear material in peaceful uses, and the value of the 2005 Amendment to the Convention in strengthening global security:

1. Participating States Parties to the Convention will work towards its universal adherence and where applicable, to accelerate the ratification processes of the Amendment to the Convention and to act for early implementation of that Amendment;
2. Participating States Parties to the Convention call on all States to act in accordance with the object and purpose of the Amendment until such time as it enters into force; and
3. Participating States Parties to the Convention will assist States, as appropriate and upon their request, to implement the Convention and the Amendment.

Noting the need to fully implement United Nations Security Council Resolution (UNSCR) 1540 (2004) on preventing non-State actors from obtaining weapons of mass destruction (WMD), their means of delivery and related materials, in particular as it relates to nuclear material:

1. Participating States support the continued dialogue between the Security Council committee established pursuant to UNSCR 1540 and States and support strengthened international cooperation in this regard, in accordance with relevant United Nations resolutions

and within the framework of the United Nations Global Counterterrorism Strategy;

2. Participating States support the activities of the Security Council committee established pursuant to UNSCR 1540 to promote full implementation;
3. Participating States recognize the importance of complete and timely reporting as called for by UNSCR 1540, and will work with other States to do so, including by providing technical support or assistance, as requested;
4. Participating States note the outcome of Comprehensive Review by the Security Council committee established pursuant to UNSCR 1540, including the consideration of the establishment of a voluntary fund, and express their support for ensuring the effective and sustainable support for the activities of the 1540 Committee;
5. With respect to the nuclear security-related aspects of Paragraph 3, sections (a) and (b) of UNSCR 1540, Participating States recognize the importance of evaluating and improving their physical protection systems to ensure that they are capable of achieving the objectives set out in relevant International Atomic Energy Agency (IAEA) Nuclear Security Series documents and as contained in the document "Physical Protection of Nuclear Material and Nuclear Facilities," (INFCIRC/225); and
6. Participating States in a position to do so are encouraged to provide technical assistance to those States that request it through appropriate mechanisms, including through the Committee's efforts to match needs with available resources.

Welcoming IAEA activities in support of national efforts to enhance nuclear security worldwide and commending the work of the IAEA for the provision of assistance, upon request, through its Nuclear Security Programme and for the implementation of the Nuclear Security Plan 2010 – 2013, approved by the Board of Governors in September 2009 and noted by the IAEA General Conference, and welcoming IAEA programs to advance new technologies to improve nuclear security and nuclear materials accountancy.

Recognizing that the IAEA is facilitating the development by member states, in the framework of the Nuclear Security Series, of guidance and recommendations relating to the prevention and detection of, and response to, theft, sabotage, unauthorized access and illegal transfer, or other malicious acts involving, inter alia, nuclear material, and associated facilities, and is providing guidance in developing and implementing effective nuclear security measures.

Noting that pursuit of the objectives of this Work Plan will not be interpreted so as to alter the mandate or responsibilities of the IAEA:

1. Participating States note that the IAEA's Nuclear Security Series of documents provides recommendations and guidance to assist States in a wide range of aspects of nuclear security, and encourage the widest possible participation by all its member states in the process;
2. Participating States in a position to do so, will work actively with the IAEA towards the completion and implementation, as appropriate, of the guidance provided by the Nuclear Security Series, and to assist, upon request, other States in doing so;
3. Participating States in particular welcome and support the IAEA's efforts to finalize the fifth revision of the recommendations contained in INFCIRC/225, which will be published in the Nuclear Security Series;
4. Participating States recognize the importance of nuclear material accountancy in support of nuclear security and look forward to the completion of the technical guidance document on "Nuclear Material Accountancy Systems at Facilities";
5. Participating States will endeavor to incorporate, as appropriate, the relevant principles set out in the Nuclear Security Series documents, into the planning, construction, and operation of nuclear facilities;
6. Participating States, when implementing their national nuclear security measures, will support the use of the IAEA Implementing Guide on the Development, Use and Maintenance of the Design Basis Threat to elaborate their national design basis threat as

appropriate, to include the consideration of outsider and insider threats;

7. Participating States welcome the IAEA's efforts to assist States to develop, upon request, Integrated Nuclear Security Support Plans to consolidate their nuclear security needs into integrated plans for nuclear security improvements and assistance;

8. Participating States recognize the value of IAEA support mechanisms such as the International Physical Protection Advisory Service missions to review, as requested, their physical protection systems for civilian nuclear material and facilities; and

9. Participating States call upon all member states of the IAEA in a position to do so to provide the necessary support to enable the IAEA to implement these important activities.

Noting the contributions to the promotion of nuclear security by the U.N. and initiatives such as the Global Initiative to Combat Nuclear Terrorism, the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, as well as other bilateral, regional, multilateral, and nongovernmental activities within their respective mandates and memberships:

1. Participating States will work together, as appropriate, to ensure that nuclear security cooperation mechanisms are complementary, reinforcing, efficient, consistent with related IAEA activities, and appropriately matched to identified needs in those States requesting assistance;

2. Participating States encourage, where appropriate, expanded participation in and commitment to international initiatives and voluntary cooperative mechanisms aimed at improving nuclear security and preventing nuclear terrorism; and

3. Participating States welcome the intent of the members of the G-8 Global Partnership, in a position to do so, to undertake additional programming to enhance nuclear security.

Recognizing States' rights to develop and use nuclear energy for peaceful purposes, and noting the responsibility of each State for the use and management of all nuclear materials and facilities under its jurisdiction and recognize that highly enriched uranium and separated plutonium are particularly sensitive and require special precautions:

1. Participating States will consider, where appropriate, the consolidation of national sites where nuclear material is held;

2. Participating States will continue to exercise particular care in ensuring the safe and secure transport of nuclear materials, both in domestic and international transport;

3. Participating States, where appropriate, will consider on a national basis the safe, secure and timely removal and disposition of nuclear materials from facilities no longer using them;

4. Participating States will continue to exercise particular care in securing and accounting for separated plutonium, taking into consideration the potential of various forms for use in a nuclear explosive device;

5. Participating States will consider, where appropriate, converting highly-enriched-uranium fueled research reactors, and other nuclear facilities using highly enriched uranium, to use low enriched uranium, where it is technically and economically feasible;

6. Participating States, as appropriate, will collaborate to research and develop new technologies that require neither highly enriched uranium fuels for reactor operation nor highly enriched uranium targets for producing medical or other isotopes, and will encourage the use of low enriched uranium and other proliferation-resistant technologies and fuels in various commercial applications such as isotope production;

7. Participating States in a position to do so will provide assistance to those States requesting assistance to secure, account for, consolidate, and convert nuclear materials; and

8. Participating States will consider how to best address the security of radioactive sources, as well as consider further steps as appropriate.

Mindful of the responsibilities of every Participating State to maintain effective nuclear security and a robust domestic regulatory capacity:

1. Participating States will establish and maintain effective national nuclear security regulations, including the periodic review and adjustment of the regulations as the State considers appropriate;

2. Participating States undertake to maximize regulatory independence, consistent with each State's particular legal and institutional structures;

3. Participating States will undertake to build regulatory capacity and ensure sufficiently trained and fully vetted professional nuclear security staff and adequate resources, taking into account current needs and future expansion of their respective nuclear programs; and

4. Participating States will pursue the review and enforcement of compliance with national nuclear security regulations as a matter of priority.

Understanding the role of the nuclear industry, including the private sector, in nuclear security and recognizing that national governments are responsible for standard setting within each State:

1. Participating States will work, in guiding the nuclear industry, to promote and sustain strong nuclear security culture and corporate commitment to implement robust security practices, including regular exercises and performance testing of nuclear security features, consistent with national regulations;

2. Consistent with State requirements, Participating States will facilitate exchange of best practices, where legally and practically feasible, in nuclear security in the nuclear industry, and in this respect, will utilize relevant institutions to support such exchanges; and

3. Participating States encourage nuclear operators and architect/engineering firms to take into account and incorporate, where appropriate, effective measures of physical protection and security culture into the planning, construction, and operation of civilian nuclear facilities and provide technical assistance, upon request, to other States in doing so.

Emphasizing the importance of the human dimension of nuclear security, the need to enhance security culture, and the need to maintain a well-trained cadre of technical experts:

1. Participating States will promote cooperation, as appropriate, among international organizations, governments, industries, other stakeholders, and academia for effective capacity building, including human resources development in nuclear security programs;

2. Participating States will encourage the creation of and networking among nuclear security support centres for capacity building to disseminate and share best practices and will support IAEA activities in this area;

3. Participating States encourage the creation of adequate national nuclear security capacities, and encourage supplier countries and technology suppliers to support those capacities in the recipient countries, including human resources development through education and training, upon request and consistent with each State's particular legal and institutional structures;

4. Participating States will encourage an integrated approach to education and training and institutional capacity building by all stakeholders having a key role in establishing and maintaining adequate security infrastructure; and

5. Participating States will encourage the implementation of national measures to ensure the proper management of sensitive information in order to prevent illicit acquisition or use of nuclear material, and, where appropriate, will support bilateral and multilateral capacity building projects, upon request.

Underscoring the value of exchanging accurate and verified information, without prejudice to confidentiality provisions, to detect, prevent, suppress, investigate, and prosecute acts or attempted acts of illicit nuclear trafficking and nuclear terrorism:

1. Participating States will strive to improve their national criminal laws, as needed, to ensure that they have the adequate authority to prosecute all types of cases of illicit nuclear trafficking and nuclear terrorism and commit to prosecuting these crimes to the full extent of the law;

2. Participating States are encouraged to develop and apply mechanisms to expand sharing of information on issues, challenges, risks and solutions related to nuclear security, nuclear terrorism and illicit nuclear trafficking in a comprehensive and timely manner; and

3. Participating States are encouraged to develop methods and mechanisms, where appropriate, to enhance bilateral and multilateral collaboration in sharing urgent and relevant information on nuclear security and incidents involving illicit nuclear trafficking.

Noting the IAEA's and Participating States' work in the field of nuclear detection and nuclear forensics, aimed at assisting States in connection with the detection of and response to illicitly trafficked nuclear material, and determination of its origin, and recognizing the importance of respecting provisions on confidentiality of information:

1. Participating States will consider taking further steps, nationally, bilaterally or multilaterally, to enhance their technical capabilities, including the appropriate use of new and innovative technologies, to prevent and combat illicit nuclear trafficking;

2. Participating States will explore ways to work together to develop national capacities for nuclear forensics, such as the creation of national libraries and an international directory of points of contact, to facilitate and encourage cooperation between States in combating illicit nuclear trafficking, including relevant IAEA activities in this area; and

3. Participating States will explore ways to enhance broader cooperation among local, national and international customs and law enforcement bodies to prevent illicit nuclear trafficking and acts of nuclear terrorism, including through joint exercises and sharing of best practices.

### Highlights of National Commitments, Nuclear Security Summit

[Washington DC, April 12-13, 2010]

**Armenia:** Ratified International Convention on Suppression of Acts of Nuclear Terrorism, passed new export control law

**Argentina:** Joined the Global Initiative to Combat Nuclear Terrorism; moving toward the ratification of the International Convention on Suppression of Acts of Nuclear Terrorism and 2005 Amendment of the Convention on Physical Protection of Nuclear Materials

**Australia:** Moving toward the ratification of the International Convention on Suppression of Acts of Nuclear Terrorism

**Belgium:** Contributing \$300,000 to International Atomic Energy Agency's Nuclear Security Fund

**Canada:** Returning a large amount of spent highly enriched uranium fuel from their medical isotope production reactor to the United States; championing the extension of the G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction; funding highly enriched uranium removals from Mexico and Vietnam; hosting and funding a World Institute of Nuclear Security best practices workshop in Ottawa; unveiling \$100 million in new bilateral security cooperation with Russia

**Chile:** Removed all highly enriched uranium (18kgs) in March 2010

**China:** Announce cooperation on nuclear security Center of Excellence Egypt: Passed new comprehensive nuclear law in March 2010 that includes nuclear security, criminalization of sabotage and illicit trafficking provisions as well as envisaging an independent regulatory authority

**France:** Ratifying the 2005 Amendment to the Convention on Physical Protection of Nuclear materials; inviting an International Physical Protection Advisory Service security review from the International Atomic Energy Agency; incorporating training in nuclear security at the European Nuclear Safety Training and Tutoring Institute and the International Nuclear Energy Institute (announced during March 2010 Paris nuclear energy conference)

**Finland:** Invited an International Physical Protection Advisory Service security review from the International Atomic Energy Agency

**Germany:** Moving toward ratifying 2005 Amendment of the Convention on Physical Protection of Nuclear Materials

**Georgia:** Signed instrument of approval for International Convention for the Suppression of Acts of Nuclear Terrorism on April 7, 2010

**India:** Announcing the creation of a Nuclear Energy Center with a nuclear security component Italy: Signed a Megaports agreement (to install detection equipment at ports) with U.S.; establishing a school of nuclear security in Trieste, in collaboration with the Abdus Salam International Center for Theoretical Physics and the International Atomic Energy Agency (IAEA), to train nuclear personnel from developing countries

**Japan:** Launching an integrated regional support center; research and development on detection and forensics; contributing new resources to International Atomic Energy Agency's Nuclear Security Fund; hosting and funding a World Institute of Nuclear Security best practices conference

**Kazakhstan:** Converting a highly enriched uranium research reactor and eliminating remaining highly enriched uranium; cooperative work on BN-350 reactor shutdown and fuel security; hosting a Global Initiative Activity in June; considering a International Nuclear Security Training Center.

**Malaysia:** Passed new export control law

**Mexico:** Converting a highly enriched uranium research reactor and eliminating remaining highly enriched uranium working through IAEA

**New Zealand:** Contributing to International Atomic Energy Agency's Nuclear Security Fund; contributing to the U.S. Nuclear Smuggling Outreach Initiative

**Norway:** Contributing \$3.3 million over the next four years to the IAEA nuclear security fund (flexible funds for use for activities in developing countries); contributing \$500,000 in additional support to Kazakhstan's efforts to upgrade portal monitors to prevent nuclear smuggling as part of the Global Initiative to Combat Nuclear Terrorism

**Philippines:** Joining the Global Initiative to Combat Nuclear Terrorism Republic of Korea: Hosting 2012 Nuclear Security Summit; hosting a Global Initiative activity

**Russia:** Signing Plutonium Disposition protocol; ending plutonium production; contributing International Atomic Energy Agency's Nuclear Security Fund

**Saudi Arabia:** Hosting a UNSCR 1540 conference for Gulf Cooperation Council Thailand: Joining the Global Initiative to Combat Nuclear Terrorism

**Ukraine:** Removing all highly enriched uranium by next Summit—half of it by year's end

**United Arab Emirates:** Signed a Megaports Agreement with the U.S.

**United Kingdom:** Contributing \$6 million to International Atomic Energy Agency's Nuclear Security Fund; inviting an International Physical Protection Advisory Service security review from the International Atomic Energy Agency; ratification of the International Convention on Suppression of Acts of Nuclear Terrorism and 2005 Amendment of the Convention on Physical Protection of Nuclear Materials

**Vietnam:** Converting a highly enriched uranium research reactor; joining the Global Initiative to Combat Nuclear Terrorism

**IAEA:** Completing final review of the next revision of INFCIRC 225, the IAEA nuclear physical security guidance document

### 2012 Seoul Nuclear Security Summit, Overview

[available from: Seoul Nuclear Security official website  
<http://www.thenuclearsecuritysummit.org>]

#### Summary

The "2012 Seoul Nuclear Security Summit", which will be held in Seoul in March 2012, will be the largest summit in the security field that discusses international cooperative measures to protect



nuclear materials and facilities from terrorist groups, with participation from more than 50 heads of state and international organizations. The main issues to be discussed at the Summit will be as follows.

- Cooperative measures to combat the threat of nuclear terrorism
- Protection of nuclear materials and related facilities
- Prevention of illicit trafficking of nuclear materials

**Background**

**Basic Objectives**

The possibility of nuclear terrorism became a real threat after 9/11, which increased the importance of strengthening nuclear security to prevent nuclear materials from being misused by terrorist groups. There is a need to recognize the importance of nuclear security at the summit level and seek cooperation, as the threat of nuclear terrorism cannot be addressed by a single nation.

**Background**

President Obama stated in his 2009 Prague speech that nuclear terrorism is a serious threat to international security, and expressed his will to lead global efforts to protect nuclear materials as part of his plan to realize his vision of a "world free of nuclear weapons."

The first Nuclear Security Summit, the largest international meeting relating to the nuclear issue, was held in Washington in April 2010. The summit was attended by leaders from 47 states and 3 international organizations (UN, EU, IAEA), including the P5 nations (nuclear weapons states) and states not party to the NPT, such as India, Pakistan, and Israel. The leaders discussed plans to strengthen nuclear security by preventing the misuse of nuclear materials by non-state actors.

The Republic of Korea, as host of the second Nuclear Security Summit to be held in March 2012, will play a leading role in coordinating participating countries' views on key nuclear security issues and lead discussions on the drafting of the 'Seoul Communiqué,' which will be the final document of the Seoul Summit.

The selection of Korea as host of the 2012 Summit reflects the international community's recognition of its world-class nuclear technology, its compliance with NPT obligations and its exemplary use of nuclear energy for peaceful purposes. The hosting of the Nuclear Security Summit on the Korean peninsula will be highly significant given its implications within the context of denuclearization.

**The Significance of the Hosting of the Summit in Seoul**

Korea has established its status as an advanced country by securing the hosting of a whole range of international meetings in the economic, cultural, and sports fields including the hosting of the 2010 G20 Seoul Summit. The holding of the 2012 Seoul Nuclear Security Summit means that Korea has gained even greater standing in the international community in the security field as well. In addition, it is meaningful that Korea will play a leading role in establishing global governance in the security and political fields just as it played a significant role in the economic field through the hosting of the 2010 G20 Seoul Summit.

**Participants**

Heads of 47 states which participated in the 1st Washington Nuclear Security Summit. (Republic of Korea, Algeria, Argentina, Armenia, Australia, Belgium, Brazil, Canada, Chile, China, Czech Republic, Egypt, Finland, France, Georgia, Germany, India, Indonesia, Israel, Italy, Japan, Jordan, Kazakhstan, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Russia, Saudi Arabia, Singapore, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, UAE, UK, Ukraine, USA, Vietnam).

Heads of international organizations which participated in the Washington Summit (the UN, IAEA, and EU).

INTERPOL was added to the group of participants as agreed upon between the participating countries and international organizations.

**Expected Outcomes**

The 2012 Seoul Nuclear Security Summit will serve as an

opportunity for Korea to earn international recognition on its enhanced status following its hosting of the G20 Seoul Summit in 2010. Moreover, the holding of the Summit in the year 2012, which will see major changes in regional leadership, will help secure the stability of the Korean peninsula by bringing global leaders to discuss cooperative measures to strengthen nuclear security.

In addition, the 2012 Seoul Nuclear Security Summit will serve as a forum for discussion not only of the issue of nuclear security, but also of its interface with nuclear safety which became the focus of renewed attention following the Fukushima nuclear accident.

**Keynote speech at the Sous-Sherpa meeting, Kim Sung-hwan, Minister of Foreign Affairs and Trade**

[available from: Seoul Nuclear Security official website <http://www.thenuclearsecuritysummit.org>]

[Eds.]

I would like to begin by expressing my deep appreciation to the Sherpas and Sous-Sherpas who have traveled to Korea to make preparations for the 2012 Seoul Nuclear Security Summit. I also extend my gratitude to the distinguished members of the diplomatic corps who are attending this meeting.

We all have high expectations for this round of the Sous-Sherpa Meeting because this Sous-Sherpa Meeting will mark a substantial step for ensuring the success of next year's Summit.

It is my understanding that you will hold initial discussions on the contents of the Outcome Document of the Seoul Summit. I sincerely hope that you will be able to make meaningful progress to this end by sharing your insights, pooling your wisdom, and embracing the true spirit of cooperation.

As you are aware, President Lee Myung-bak sent out invitations on May 30th to the distinguished Leaders of your countries and organizations to attend the Seoul Nuclear Security Summit. President Lee greatly looks forward to greeting all the Leaders at the Summit next March. Please convey my President's sincere wish to the office of your Leader.

The Seoul Nuclear Security Summit has three key objectives: to reaffirm and consolidate the political will generated at the Washington Nuclear Security Summit; to further advance the implementation of the commitments made at the Washington Summit; and to contribute to the realization of the key objectives of nuclear security.

The Korean Government envisages a result of the Summit that the Leaders of the participating countries reach an agreement on concrete and practical measures to achieve a world free of nuclear and radiological terrorism.

To this end, I believe that the Seoul Communiqué, which we hope will be adopted at next year's Summit, needs to set out a practical vision and concrete action plans for nuclear security.

[Eds.]

As recognized by the international community, the Republic of Korea is an exemplary country in exercising peaceful uses of nuclear energy and consistently upholding non-proliferation norms, despite facing a serious nuclear threat from North Korea.

I believe it is meaningful to hold the Nuclear Security Meeting in Korea since we have achieved both 'nonproliferation' and 'peaceful uses of nuclear energy,' which are the two essential elements of the Nuclear Non-Proliferation Treaty (NPT).

I hope that the Seoul Summit will not only serve to strengthen the norms of nuclear security, but also foster greater international confidence in nuclear energy.

As was the case of the Chernobyl accident in 1986, the Fukushima nuclear accident this March has been a stark reminder of the crucial importance of nuclear safety. It made us give deep thought on the future of nuclear energy. I firmly believe that from crisis comes opportunity and that this will be the case of the Fukushima incident.

Due to such an experience, the international community will make greater efforts to find safer and more reliable ways to use nuclear

energy. Such efforts have already begun in the IAEA, UN, and other international fora.

The Seoul Nuclear Security Summit next year will provide a useful opportunity to discuss synergies and interface between nuclear security and nuclear safety. Leaders from participating countries will address the various implications of nuclear safety and how to help in advancing the goals of nuclear security. With the mutual reinforcement of nuclear security and nuclear safety, peaceful uses of nuclear energy will be further promoted.

[Eds..]

The Nuclear Security Summit is a forum at the highest level to muster our wisdom and to formulate effective responses in addressing the nuclear security issues faced by the international community. We achieved a great deal at the Washington Summit, and the Seoul Summit will further advance the progress on nuclear security as we build upon the success of the Washington Summit. We are all on the same course, sailing in the same direction, embracing the same vision.

Since the outcomes of today's and tomorrow's discussions will eventually lead to the final outcome of the Seoul Summit, the in-depth and substantive discussions held here will play a vital role for the success of the Summit. I would therefore like to ask you to be proactive and forward-looking in your deliberations.

With this Sous-Sherpa Meeting, the process of the Seoul Summit is now fully under way. And I believe that your efforts and hard work will serve as a cornerstone for next year's Summit.

For the preparations for the Seoul Summit, my Government established an inter-agency Preparatory Commission headed by the Prime Minister last October, and this March launched a task force which will look after the overall logistics of the Summit. The preparations are now fully under way.

The Government of the Republic of Korea will make every effort to make the Seoul Summit a great success. President Lee Myung-bak is greatly looking forward to meeting all the distinguished Leaders from participating countries at the Seoul Nuclear Security Summit next March.

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### **Address by President Lee Myung-bak at High-Level Meeting on Nuclear Safety and Security**

[New York, September 22, 2011]

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[Eds..]

I wish to express my appreciation for this opportunity to offer some reflections on the peaceful and safe use of nuclear energy. I hope today's meeting will also be of significant contribution to the discussions on nuclear safety at the Seoul Nuclear Security Summit in March next year.

The accident at the Fukushima Daiichi Nuclear Power Plant last March dealt a hard blow to confidence in nuclear safety. However, I do not think that this accident should be cause to renounce nuclear energy; on the contrary, this is a moment to seek ways to promote the safe use of nuclear energy based on scientific evidence.

I am not saying that nuclear energy is the only option to solving future energy problems. Efforts should be stepped up to promote other alternatives such as renewable energy. Yet the use of nuclear energy is inevitable as there still remain technical and economic limits for alternative energy to meet the rapidly rising global energy demand or to tackle the problem of climate change.

[Eds..]

Whilst nuclear energy has the advantages of being an inexpensive and clean energy source, it is with greater confidence in its safety that it can be more widely used. To this end, it is important that each country establishes a rigorous nuclear safety framework. International cooperation and coordination led by the IAEA also need to be promoted.

In this regard, the Republic of Korea welcomes the efforts by the IAEA to strengthen the international nuclear safety framework, notably by establishing global norms on nuclear safety such as the Convention on Nuclear Safety, setting the IAEA Safety Standards, providing IAEA peer reviews, and creating a network of experts.

We also welcome the IAEA Action Plan for the promotion of nuclear safety and emergency preparedness which builds upon the IAEA Ministerial Conference in June. The Republic of Korea will render full support for its implementation.

I would like to emphasize the following three points for the enhancement of nuclear safety for the future.

First, each country should have an independent safety regulatory framework. While a nuclear accident is rare, a single mistake can bring about disastrous outcomes. Institutional arrangements are therefore needed to secure safety before pursuing economy. To this end, the Government of the Republic of Korea plans to launch a Presidential Commission on Nuclear Safety and Security this October as an independent agency.

The Republic of Korea was also the first country to host the IAEA IRRS (Integrated Regulatory Review Service) after the accident at Fukushima. The IAEA IRRS team commended Korea's effective regulatory framework, its contribution to the global nuclear safety community, and its adequate response to the Fukushima accident.

Second, utmost transparency should be guaranteed to increase confidence in nuclear energy. Not only should information on nuclear safety be adequately disseminated to the public, but systematic education and training programmes should also be provided to stakeholders to help nurture a culture of transparency in the nuclear field.

The Republic of Korea established an 'International Nuclear Safety School' to render assistance to countries embarking on a nuclear power programme. The school provides training to safety experts to help them create a regulatory infrastructure and build technological capacity. We are also making efforts to enhance public awareness on nuclear safety through various educational programs. Furthermore, we set up an integrated information system on nuclear safety to facilitate the public's access to relevant information.

Third, regional cooperation should be strengthened, as a nuclear accident is transnational in nature and could therefore have an enormous impact on neighboring countries and their people. Neighboring countries and their people who may be affected by a nuclear accident should be recognized as important stakeholders and be given full information and consultations so that their trust may be secured. In this vein, it is noteworthy that the Korea-Japan-China Summit last May procured an agreement on strengthening trilateral cooperation in nuclear safety and disaster management.

[Eds..]

The Republic of Korea currently operates 21 nuclear power plants since it first introduced a nuclear power plant in 1978, with five more under construction. The Republic of Korea puts the utmost emphasis on safety in using nuclear energy; as a result, we have the lowest level of accident and incident rate in the world. We are investing heavily in developing alternative energy sources. At the same time, we will actively utilize nuclear energy in accordance with our 'low carbon, green growth' policy. Furthermore, we are willing to share our accumulated experience in the construction and safe operation of nuclear power plants with the international community.

We are also keen to contribute to the peaceful use of nuclear energy by leading the 2012 Seoul Nuclear Security Summit to a success. Nuclear security, which aims to secure nuclear materials from terrorists, is a prerequisite for all nuclear activities. I look forward to leaders from all over the world gathering in Seoul next March to review progress on the commitments made at the Washington Summit and to reach concrete and action-oriented agreements to guide future activities. I look forward to the insightful inputs from the leaders and delegations gathered here.

[Eds..]

Just as the Chernobyl accident in 1986 spurred the global effort to strengthen the nuclear safety regime, we must learn from the Fukushima accident and redouble our efforts to enhance nuclear safety in keeping up with new technology and demands of the times, and to restore public confidence. With collective effort, I am confident that the international community can avert large-scale nuclear accidents and ensure that clean and efficient nuclear energy continues to contribute significantly to global economic

growth and our efforts against climate change.

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**Nuclear security**

[GC(55)/RES/10 September 2011]

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See Section G

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**Measures to prevent terrorists from acquiring weapons of mass destruction**

[Resolution A/RES/66/50, adopted by the General Assembly at its 66<sup>th</sup> Session]

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[Editorial note – footnotes not included]

The General Assembly,

*Recalling* its resolution 65/62 of 8 December 2010,

*Recognizing* the determination of the international community to combat terrorism, as evidenced in relevant General Assembly and Security Council resolutions,

*Deeply concerned* by the growing risk of linkages between terrorism and weapons of mass destruction, and in particular by the fact that terrorists may seek to acquire weapons of mass destruction,

*Cognizant* of the steps taken by States to implement Security Council resolution 1540 (2004) on the non-proliferation of weapons of mass destruction, adopted on 28 April 2004,

*Recalling* the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism,

*Recalling also* the adoption, by consensus, of amendments to strengthen the Convention on the Physical Protection of Nuclear Material by the International Atomic Energy Agency on 8 July 2005,

*Noting* the support expressed in the final document of the Fifteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries, which was held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009, for measures to prevent terrorists from acquiring weapons of mass destruction,

*Noting also* that the Group of Eight, the European Union, the Regional Forum of the Association of Southeast Asian Nations and others have taken into account in their deliberations the dangers posed by the likely acquisition by terrorists of weapons of mass destruction and the need for international cooperation in combating it, and that the Global Initiative to Combat Nuclear Terrorism has been launched jointly by the Russian Federation and the United States of America,

*Noting further* the holding of the Nuclear Security Summit on 12 and 13 April 2010 in Washington, D.C.,

*Noting* the holding of the High-level Meeting on Nuclear Safety and Security, in New York on 22 September 2011,

*Acknowledging* the consideration of issues relating to terrorism and weapons of mass destruction by the Advisory Board on Disarmament Matters,

*Taking note* of the relevant resolutions adopted by the General Conference of the International Atomic Energy Agency at its fifty-fifth regular session,

*Taking note also* of the 2005 World Summit Outcome adopted at the high-level plenary meeting of the General Assembly in September 2005 and the adoption of the United Nations Global Counter-Terrorism Strategy on 8 September 2006,

*Taking note further* of the report of the Secretary-General submitted pursuant to paragraph 5 of resolution 65/62,

*Mindful* of the urgent need for addressing, within the United Nations framework and through international cooperation, this threat to humanity,

*Emphasizing* that progress is urgently needed in the area of disarmament and non-proliferation in order to maintain international peace and security and to contribute to global efforts against terrorism,

1. *Calls upon* all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery;
2. *Appeals* to all Member States to consider early accession to and ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism;
3. *Urges* all Member States to take and strengthen national measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture;
4. *Encourages* cooperation among and between Member States and relevant regional and international organizations for strengthening national capacities in this regard;
5. *Requests* the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction and to seek the views of Member States on additional relevant measures, including national measures, for tackling the global threat posed by the acquisition by terrorists of weapons of mass destruction and to report to the General Assembly at its sixty-seventh session;
6. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Measures to prevent terrorists from acquiring weapons of mass destruction".



## M – Bilateral Measures – Russia-United States

### Agreement Between the Government of the United States Of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation

[2000]

The Government of the United States of America and the Government of the Russian Federation, hereinafter referred to as the Parties,

Guided by:

The Joint Statement of Principles for Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes, signed by the President of the United States of America and the President of the Russian Federation on September 2, 1998, affirming the intention of each country to remove by stages approximately 50 metric tons of plutonium from their nuclear weapons programs and to convert this plutonium into forms unusable for nuclear weapons;

Taking into account:

The Agreement between the Government of the United States of America and the Government of the Russian Federation on Scientific and Technical Cooperation in the Management of Plutonium That Has Been Withdrawn from Nuclear Military Programs, signed on July 24, 1998 (hereinafter referred to as the Scientific and Technical Cooperation Agreement);

Continuation by the Parties of their cooperation within the framework of the Scientific and Technical Cooperation Agreement and the importance of that work for making decisions concerning technologies for plutonium conversion and mixed uranium-plutonium fuel fabrication, as well as for reactor modification for the use of such fuel;

The statement of the President of the United States of America on March 1, 1995, announcing that 200 tons of fissile material will be withdrawn from the U.S. nuclear stockpile and directing that these materials will never again be used to build a nuclear weapon;

The statement of the President of the Russian Federation to the 41st Session of the General Conference of the International Atomic Energy Agency, on September 26, 1997, on step-bystep removal from nuclear military programs of up to 500 tons of highly enriched uranium and up to 50 tons of plutonium released in the process of nuclear disarmament; and

The Joint Statement by the Parties concerning non-separation of weapon-grade plutonium in connection with the signing of this Agreement;

Have agreed as follows:

#### Article I

For the purposes of this Agreement, the terms specified below are defined as follows:

1. "Weapon-grade plutonium" means plutonium with an isotopic ratio of plutonium 240 to plutonium 239 of no more than 0.10.
2. "Disposition plutonium" means weapon-grade plutonium that has been
  - a) withdrawn from nuclear weapon programs,
  - b) designated as no longer required for defense purposes, and
  - c) declared in the Annex on Quantities, Forms, Locations, and Methods of Disposition, which is an integral part of this Agreement.
3. "Blend stock" means any plutonium other than disposition plutonium that is received at a disposition facility for mixing with disposition plutonium.
4. "Spent plutonium fuel" means fuel that was manufactured with disposition plutonium and irradiated in nuclear reactors.

5. "Immobilized forms" means disposition plutonium that has been imbedded in a glass or ceramic matrix and encapsulated with high-level radioactive waste in a can-in-canister system suitable for geologic disposal, or any other immobilization system agreed in writing by the Parties.

6. "Disposition facility" means any facility that is constructed, modified or operated under this Agreement or that stores, processes, or otherwise uses disposition plutonium, spent plutonium fuel, or immobilized forms, including any such conversion or conversion/blending facility, fuel fabrication facility, immobilization facility, nuclear reactor, and storage facility (other than storage facilities specified in Section III of the Annex on Quantities, Forms, Locations, and Methods of Disposition).

#### Article II

1. Each Party shall, in accordance with the terms of this Agreement, dispose of no less than thirty-four (34) metric tons of disposition plutonium.
2. Each Party's declaration on quantities, forms, locations, and methods of disposition for disposition plutonium is set forth in the Annex on Quantities, Forms, Locations, and Methods of Disposition.
3. The Parties shall cooperate in the management and disposition of disposition plutonium, implementing their respective disposition programs in parallel to the extent practicable.
4. The reciprocal obligations set forth in paragraph 1 of this Article shall not prejudice consideration by the Parties of what additional quantities of plutonium may be designated by each Party in the future as no longer required for defense purposes.
5. The Parties shall cooperate with a view to ensuring that additional quantities of weapon-grade plutonium that may be withdrawn from nuclear weapon programs and designated in the future by the Parties as no longer required for defense purposes are:
  - a) brought under and disposed of in accordance with the terms of this Agreement; or
  - b) subject to other measures as agreed by the Parties in writing that provide for comparable transparency and disposition.
6. Each Party shall have the right to mix blend stock with disposition plutonium provided that for nuclear reactor fuel containing disposition plutonium the mass of blend stock shall:
  - a) be kept to a minimum, taking into account the protection of classified information, safety and economic considerations, and obligations of this Agreement; and
  - b) in no case exceed twelve (12) percent of the mass of disposition plutonium with which it is mixed.

The resulting mixture of disposition plutonium and blend stock shall be weapon-grade plutonium.
7. Each Party's disposition plutonium shall count toward meeting the thirty-four (34) metric ton obligation set forth in paragraph 1 of this Article once the other Party confirms in accordance with agreed procedures that the spent plutonium fuel or immobilized forms meet the criteria specified in the Annex on Technical Specifications, which is an integral part of this Agreement. Blend stock shall not count toward meeting that thirty-four (34) metric ton obligation.

#### Article III

1. Disposition shall be by one or more of the following methods:
  - a) irradiation of disposition plutonium as fuel in nuclear reactors;
  - b) immobilization of disposition plutonium into immobilized forms; or
  - c) any other methods that may be agreed by the Parties in writing.
2. The following are the nuclear reactors that may be used for irradiation of disposition plutonium under this Agreement: light water reactors in the United States of America and in the Russian Federation; the BOR-60 at Dimitrovgrad and the BN-600 at Zarechnyy in the Russian Federation; and any other nuclear reactors agreed by the Parties in writing.

**Article IV**

1. Each Party shall take all reasonable steps, including completion of necessary technical and other preparatory activities and feasibility studies, to complete construction and modification and to begin operation of disposition facilities necessary to dispose of no less than two (2) metric tons per year of its disposition plutonium in accordance with Article III of this Agreement, if the assistance specified in the multilateral agreement referred to in paragraph 8 of Article IX of this Agreement for this disposition rate is being provided for achievement of milestones in the Russian Federation specified in the Annex on Schedules and Milestones, which is an integral part of this Agreement.

2. Each Party shall seek to begin operation of facilities referenced in paragraph 1 of this Article not later than December 31, 2007.

3. Pending conclusion of the multilateral agreement referred to in paragraph 8 of Article IX of this Agreement for the disposition rate specified in paragraph 1 of this Article, the Parties shall proceed with research, development, demonstrations, design and licensing activities under this Agreement, on the condition that assistance for such activities is being provided pursuant to paragraph 1 of Article IX of this Agreement.

4. Each Party shall notify the other Party whenever it reaches a milestone set forth in the Annex on Schedules and Milestones or, if not reached at the specified time, the reasons for that delay. If a Party does not reach a milestone at the specified time, it shall make every effort to minimize the delay. In these circumstances, the Parties shall establish in writing a revised mutually-agreed schedule of work for achieving the milestone.

5. Once facilities specified in paragraph 1 of this Article are constructed or modified and begin operations, each Party shall proceed to dispose of disposition plutonium to achieve a disposition rate of no less than two (2) metric tons per year at the earliest possible date.

6. If, prior to December 31, 2007, a Party begins to dispose of disposition plutonium, such plutonium may count toward meeting the thirty-four (34) metric ton obligation set forth in paragraph 1 of Article II of this Agreement if:

- a) the criteria specified in the Annex on Technical Specifications are met; and
- b) monitoring and inspection measures agreed in writing by the Parties are applied to such disposition activities.

**Article V**

1. Promptly upon entry into force of this Agreement, the Parties shall undertake to develop a detailed action plan, including efforts with other countries as appropriate, to at least double the disposition rate specified in paragraphs 1 and 5 of Article IV of this Agreement at the earliest practicable date. The Parties shall seek to complete this detailed action plan within one year after entry into force of this Agreement. The development of the action plan and the development of arrangements provided for in paragraph 7 of Article IX of this Agreement will, for the Government of the United States of America and the Government of the Russian Federation, proceed in the channels that have negotiated this Agreement.

2. In developing the action plan pursuant to paragraph 1 of this Article, consideration may be given to:

- a) expanding the capability of existing nuclear reactors to utilize mixed uranium-plutonium fuel or using such fuel in additional nuclear reactors, including nuclear reactors outside the Russian Federation, and using such fuel or other plutonium fuel in advanced nuclear reactors within the Russian Federation, if they prove practical in light of available resources within the time frame of this Agreement;
- b) consistent with the expansion of capabilities mentioned in subparagraph (a) of this paragraph, increasing the capacity of conversion or conversion/blending facilities, fuel fabrication facilities and/or immobilization facilities, or constructing additional facilities; and
- c) any other approaches as the Parties may agree.

3. Each Party shall proceed at the earliest possible date to dispose of disposition plutonium at the disposition rate specified in the action plan referred to in paragraph 1 of this Article if the assistance specified in the provisions supplementing the multilateral agreement referred to in paragraph 8 of Article IX of this

Agreement for this rate in the Russian Federation is being provided.

**Article VI**

1. Disposition plutonium and blend stock, once received at any disposition facility, shall not be:

- a) used for the manufacture of nuclear weapons or any other nuclear explosive device, for research, development, design or testing related to such devices, or for any other military purpose; or
- b) exported to a third country, including for disposition, except by agreement in writing of the Parties to this Agreement and subject to international safeguards and other applicable international agreements or arrangements, including INFCIRC/274/Rev. 1, The Convention on the Physical Protection of Nuclear Material.

2. Neither Party shall separate plutonium contained in spent plutonium fuel until such time as that Party has fulfilled the obligation set forth in paragraph 1 of Article II of this Agreement.

3. Neither Party shall separate disposition plutonium contained in immobilized forms.

4. Disposition facilities shall be utilized only in ways consistent with the terms and conditions of this Agreement.

5. Disposition plutonium and blend stock shall be the only plutonium received at or processed by disposition facilities that are conversion or conversion/blending facilities, or fuel fabrication facilities.

**Article VII**

1. Each Party shall have the right to conduct and the obligation to receive and facilitate monitoring and inspection activities in accordance with this Article and the Annex on Monitoring and Inspections, which is an integral part of this Agreement, in order to confirm that the terms and conditions of this Agreement with respect to disposition plutonium, blend stock, spent plutonium fuel and immobilized forms, and disposition facilities are being met.

2. Disposition plutonium and blend stock shall become subject to monitoring and inspection under this Agreement, in accordance with the Annex on Monitoring and Inspections and procedures developed pursuant to that Annex, either (a) after receipt but before processing at a conversion or conversion/blending facility, or (b) upon receipt at a fuel fabrication or an immobilization facility, whichever (a) or (b) occurs first for any given disposition plutonium or blend stock.

3. Each Party shall begin consultations with the International Atomic Energy Agency (IAEA) at an early date and undertake all other necessary steps to conclude appropriate agreements with the IAEA to allow it to implement verification measures beginning not later in the disposition process than: (a) when disposition plutonium or disposition plutonium mixed with blend stock is placed into the post-processing storage location of a conversion or conversion/blending facility; or (b) when disposition plutonium is received at a fuel fabrication or an immobilization facility, whichever (a) or (b) occurs first for any given disposition plutonium.

4. If agreed in writing by the Parties, the exercise of each Party's right set forth in paragraph 1 of this Article may be suspended in whole or in part by the application of equivalent IAEA verification measures under the agreements referred to in paragraph 3 of this Article. The Parties shall, to the extent practicable, avoid duplication of effort of monitoring and inspection activities implemented under this Agreement and appropriate agreements with the IAEA.

**Article VIII**

1. Each Party shall be responsible within the territory of the United States of America and the Russian Federation, respectively, for:

- a) ensuring safety and ecological soundness of disposition plutonium activities under the terms of this Agreement; and
- b) effectively controlling and accounting for disposition plutonium, blend stock, spent plutonium fuel and immobilized forms, as well as providing effective physical protection of such material and facilities containing such material taking into account the recommendations published in the IAEA document INFCIRC/225/Rev. 4, The Physical Protection of Nuclear Material, or a subsequent revision accepted by the Parties.

**Article IX**

1. The Government of the United States of America shall make available up to two hundred (200) million United States dollars in assistance for the activities to be undertaken in the Russian Federation pursuant to this Agreement and such other amounts as may be agreed in writing by the Parties for these purposes in the future, subject to the availability of appropriated funds and the fulfillment of United States legal and administrative requirements. Assistance provided by the Government of the United States of America shall be for such activities as the research, design, development, licensing, construction and/or modification of facilities (including modification of nuclear reactors), and technological processes, systems and associated infrastructure for such activities. This assistance will be in addition to any other assistance that may be provided by the Government of the United States of America under the Scientific and Technical Cooperation Agreement.

2. Assistance provided by the Government of the United States of America may include research and development, scientific and technical experimentation, design for facility construction or modification, general and specialized equipment, replacement and spare parts, installation services, licensing and certification costs, initial operations and testing, aspects of facility operations, and other assistance directly related to the management and disposition of plutonium in accordance with the provisions of this Agreement.

3. Equipment, supplies, materials, services, and other assistance provided or acquired by the Government of the United States of America, its contractors, subcontractors, and their personnel, for the implementation of this Agreement in the Russian Federation, are considered free technical assistance.

4. Assistance provided by the Government of the United States of America for activities to be undertaken in the Russian Federation pursuant to this Agreement shall be provided in accordance with the terms and conditions set forth in this Agreement, including the Annex on Assistance, which is an integral part of this Agreement.

5. The activities of each Party under this Agreement shall be subject to the availability of appropriated funds.

6. Activities to be undertaken in the Russian Federation pursuant to this Agreement may be supported by contributions by the Government of the Russian Federation and by assistance provided by the Government of the United States of America and, as may be specified in the multilateral agreement referred to in paragraph 8 of this Article, by other countries or groups of countries (including equipment, supplies, materials, services, and other assistance provided by them). Activities may also be supported from other sources, including non-government and private sector funds, under terms and conditions agreed in writing by the Parties.

7. The Parties shall seek to develop near-term and long-term international financial or other arrangements for the support of activities to be undertaken in the Russian Federation pursuant to this Agreement sufficient, in combination with contributions by the Government of the Russian Federation and assistance provided by the Government of the United States of America, to achieve and maintain:

- a) the two (2) metric ton per year disposition rate specified in paragraphs 1 and 5 of Article IV of this Agreement; and
- b) the disposition rate resulting from the action plan developed pursuant to paragraph 1 of Article V of this Agreement.

8. For the disposition rate referred to in paragraph 7(a) of this Article, the Parties shall cooperate with a view toward concluding within one (1) year after entry into force of this Agreement a multilateral agreement that documents the assistance arrangements necessary for that rate. For the disposition rate resulting from the action plan developed pursuant to paragraph 1 of Article V of this Agreement, the Parties shall cooperate with a view to supplementing such multilateral agreement with provisions recording assistance arrangements necessary for that rate.

9. As part of the multilateral agreement referred to in paragraph 8 of this Article, the Parties shall seek to provide for:

- a) notifications, explanations and immediate consultations in the event that a recorded assistance commitment is not fulfilled; and
- b) those consultations to include consideration of resumption of

assistance, measures to mitigate any consequences of such non-fulfillment, including costs associated with nuclear safety, physical protection and facility conservation, and other measures as deemed appropriate by the participants in the consultations.

10. If conclusion of the multilateral agreement referred to in paragraph 8 of this Article for assistance arrangements necessary for the disposition rate set forth in paragraph 7(a) of this Article is not completed within eighteen (18) months after entry into force of this Agreement for any reason, the Parties shall consult on whether to adjust the schedules for their respective programs, including any necessary adjustments to the milestones set forth in the Annex on Schedules and Milestones, and any other steps, or whether to terminate the Agreement in accordance with Article XIII of this Agreement.

11. Pending conclusion of the multilateral agreement referred to in paragraph 8 of this Article and conclusion of necessary arrangements with the Government of the Russian Federation for the disposition rate set forth in paragraph 7(a) of this Article, neither Party shall be obligated to construct, modify or operate facilities to dispose of disposition plutonium pursuant to this Agreement. Notwithstanding this, each Party shall proceed under this Agreement with activities in accordance with paragraph 3 of Article IV of this Agreement necessary for construction, modification or operation of disposition facilities.

12. If one or more parties to the multilateral agreement referred to in paragraph 8 of this Article decide to terminate implementation of their assistance commitments recorded in that agreement, and as a result the Government of the Russian Federation is unable to fulfill its obligations with respect to the achievement of a milestone set forth in the Annex on Schedules and Milestones or of the annual disposition rate specified in paragraphs 1 and 5 of Article IV or paragraph 3 of Article V of this Agreement, whichever is applicable, the Government of the Russian Federation shall have the right, consistent with the requirements of paragraphs 13 and 15 of this Article, to suspend those implementation activities under this Agreement that are affected by such termination.

13. If the Government of the Russian Federation intends to exercise its right pursuant to paragraph 12 of this Article, it shall notify the Government of the United States of America through diplomatic channels at least fourteen (14) days prior to any such suspension of implementation activities and identify what activities are to be suspended, and the Parties shall immediately start consultations. In the event implementation of the recorded assistance commitments referred to in paragraph 12 of this Article is not resumed within one hundred and eighty (180) days after the start of consultations, the Parties will consider whether to resume implementation of or to terminate the Agreement in accordance with Article XIII of this Agreement.

14. In the event the Government of the Russian Federation suspends any implementation activities pursuant to paragraph 12 of this Article, the Government of the United States of America shall have the right to suspend proportionately its implementation activities under this Agreement.

15. During the consultations referred to in paragraph 13 of this Article, unless otherwise agreed by the Parties in writing, neither Party shall take any action that:

- a) could break the continuity in the other Party's knowledge of disposition plutonium or disposition facilities, that had become subject to monitoring and inspection under this Agreement, in a manner that would prevent that Party from confirming that such disposition plutonium or disposition facilities are not being used in ways inconsistent with the Agreement; or
- b) would be inconsistent with the terms and conditions for assistance that had been provided under this Agreement.

**Article X**

1. Under this Agreement, no United States classified information or Russian Federation state secret information shall be exchanged, except as may be agreed in writing by the Parties for purposes of exchanging information pursuant to this Agreement related to the quantities and locations of disposition plutonium and blend stock at disposition facilities.

2. The information transmitted under this Agreement or developed

as a result of its implementation and considered by the United States of America as “sensitive” or by the Russian Federation as “konfidentsial'naya” must be clearly designated and marked as such.

3. “Konfidentsial'naya” or “sensitive” information shall be handled in accordance with the laws of the state of the Party receiving the information, and this information shall not be disclosed and shall not be transmitted to a third party not participating in the implementation of this Agreement without the written consent of the Party that had transmitted such information.

a) According to the laws and regulations of the Russian Federation, such information shall be treated as “limited-distribution official information.” Such information shall be protected in accordance with the laws and regulations of the Russian Federation.

b) According to the laws and regulations of the United States of America, such information shall be treated as “foreign government information,” provided in confidence. Such information shall be protected in accordance with the laws and regulations of the United States of America.

4. Information transmitted under this Agreement shall be used solely in conformance with this Agreement.

5. The Parties shall minimize the number of persons having access to information that is designated “konfidentsial'naya” or “sensitive” information in accordance with paragraph 2 of this Article.

6. The Parties shall ensure effective protection and allocation of rights to intellectual property, transferred or created under this Agreement, as set forth in this Agreement, including the Annex on Intellectual Property, which is an integral part of this Agreement.

#### Article XI

1. The Parties shall designate Executive Agents for implementation of this Agreement. The Executive Agent for the United States of America shall be the U.S. Department of Energy. The Executive Agent for the Russian Federation shall be the Ministry of the Russian Federation for Atomic Energy.

2. With the exception of the notification referred to in paragraph 1 of Article XIII of this Agreement, notifications between the Parties that are provided for by this Agreement shall be transmitted between the Executive Agents unless otherwise specified.

3. The Executive Agents may enter into implementing agreements and arrangements as necessary and appropriate to carry out the provisions of this Agreement. When appropriate, the Executive Agents may utilize other agencies or entities to assist in the implementation of this Agreement, such as government agencies, academies, universities, science and research centers, institutes and institutions, and private sector firms.

#### Article XII

1. The Parties shall establish a Joint Consultative Commission for this Agreement to:

- a) consider and resolve questions regarding the interpretation or application of this Agreement;
- b) consider additional measures as may be necessary to improve the viability and effectiveness of this Agreement; and
- c) consider and resolve such other matters as the Parties may agree are within the scope of this Agreement.

2. The Joint Consultative Commission shall meet within twenty-one (21) days of a request of either Party or its Executive Agent.

3. Each Party shall designate its Co-Chairman to the Joint Consultative Commission. Each Party shall notify the other Party of its designated Co-Chairman in writing within thirty (30) days after entry into force of this Agreement. Decisions of the Joint Consultative Commission shall be made on the basis of consensus.

#### Article XIII

1. This Agreement shall be applied provisionally from the date of signature and shall enter into force on the date of the last written notification that the Parties have fulfilled the national procedures required for its entry into force.

2. This Agreement may only be amended by written agreement of the Parties, except that the Annex on Schedules and Milestones

may be updated as specified in Section II of that Annex.

3. Except as provided in paragraph 4 of this Article, this Agreement shall terminate on the date the Parties exchange notes confirming that thirty-four (34) metric tons of disposition plutonium have been disposed by each Party in accordance with this Agreement, unless terminated earlier by written agreement of the Parties.

4. If additional quantities of weapon-grade plutonium are brought under this Agreement pursuant to paragraph 5 of Article II of this Agreement, this Agreement shall terminate on the date the Parties exchange notes confirming that thirty-four (34) metric tons of disposition plutonium and all such additional quantities of weapon-grade plutonium have been disposed in accordance with this Agreement, unless terminated earlier by written agreement of the Parties.

5. Notwithstanding termination of this Agreement in accordance with paragraph 3 or 4 of this Article:

a) neither Party shall use plutonium, once it is received at any disposition facility, for the manufacture of nuclear weapons or any other nuclear explosive device, for research, development, design or testing related to such devices, or for any other military purpose;

b) neither Party shall export to a third country plutonium, once it is received at any disposition facility, except by agreement in writing of the Government of the United States of America and the Government of the Russian Federation and subject to international safeguards and other applicable international agreements or arrangements, including INFCIRC/274/Rev. 1, The Convention on the Physical Protection of Nuclear Material;

c) neither Party shall (i) use any plutonium separated from spent plutonium fuel for the manufacture of nuclear weapons or any other nuclear explosive device, for research, development, design or testing related to such devices, or for any other military purpose, or (ii) export spent plutonium fuel, immobilized forms, or any plutonium separated from spent plutonium fuel to a third country, except by agreement in writing of the Government of the United States of America and the Government of the Russian Federation and subject to international safeguards and other applicable international agreements or arrangements, including INFCIRC/274/Rev. 1, The Convention on the Physical Protection of Nuclear Material;

d) each Party shall continue to effectively control and account for spent plutonium fuel and immobilized forms, as well as to provide effective physical protection of such material taking into account the recommendations published in the IAEA document INFCIRC/225/Rev. 4, The Physical Protection of Nuclear Material, or subsequent revisions accepted by the Parties;

e) the obligations set forth in paragraph 3 of Article VI of this Agreement, Article X of this Agreement, paragraphs 6 and 7 of this Article, paragraphs 5, 6, and 7 of the General Assistance Section of the Annex on Assistance, and the Liability Section of the Annex on Assistance shall remain in force unless otherwise agreed in writing by the Government of the United States of America and the Government of the Russian Federation;

f) the Parties shall consult concerning implementation of existing contracts and projects between the Parties and settlement of any outstanding costs between the Parties; and

g) for any activities under this Agreement and any importation or exportation by the Government of the United States of America, its personnel, contractors and contractors' personnel of equipment, supplies, materials or services that had been required to implement this Agreement, no retroactive taxes shall be imposed in the Russian Federation.

6. At an appropriate early date, but in any event not fewer than five (5) years prior to termination of this Agreement, the Parties shall begin consultations to determine what international monitoring measures shall be applied, after termination, to spent plutonium fuel, immobilized forms, and disposition facilities that are conversion or conversion/blending facilities or fuel fabrication facilities, as well as to any reprocessing of spent plutonium fuel. In the event the Parties do not reach agreement on such monitoring measures prior to the termination of this Agreement, each Party shall:

a) make such fuel and forms available for inspection by the other Party under established procedures, if the other Party has a question or concern regarding changes in their location or condition; and



b) unless it can be demonstrated that such facilities have been decommissioned and can no longer be operated, make such facilities available for inspection by the other Party under established procedures, if the other Party has a question or concern regarding the use of such facilities.

7. No spent plutonium fuel shall be reprocessed by either Party after termination of this Agreement unless such reprocessing is subject to monitoring agreed by the Parties pursuant to paragraph 6 of this Article.

8. Nothing in this Agreement shall alter the rights and obligations of the Parties under the Scientific and Technical Cooperation Agreement.

DONE at \_\_\_\_\_ and \_\_\_\_\_, the \_\_\_\_ and \_\_\_\_ days of \_\_\_\_\_, 2000, in duplicate in the English and Russian languages, both texts being equally authentic.

For The Government of the United States Of America:      For The Government of the Russian Federation:

**Strategic Offensive Reductions Treaty**

[Signed 24 May 2002, reproduced from White House Press Release, 24 May 2002]

The United States of America and the Russian Federation, hereinafter referred to as the Parties,

Embarking upon the path of new relations for a new century and committed to the goal of strengthening their relationship through cooperation and friendship,

Believing that new global challenges and threats require the building of a qualitatively new foundation for strategic relations between the Parties,

Desiring to establish a genuine partnership based on the principles of mutual security, cooperation, trust, openness, and predictability,

Committed to implementing significant reductions in strategic offensive arms,

Proceeding from the Joint Statements by the President of the United States of America and the President of the Russian Federation on Strategic Issues of July 22, 2001 in Genoa and on a New Relationship between the United States and Russia of November 13, 2001 in Washington,

Mindful of their obligations under the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991, hereinafter referred to as the START Treaty,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, and

Convinced that this Treaty will help to establish more favorable conditions for actively promoting security and cooperation, and enhancing international stability,

Have agreed as follows:

**Article I**

Each Party shall reduce and limit strategic nuclear warheads, as stated by the President of the United States of America on November 13, 2001 and as stated by the President of the Russian Federation on November 13, 2001 and December 13, 2001 respectively, so that by December 31, 2012 the aggregate number of such warheads does not exceed 1700–2200 for each Party. Each Party shall determine for itself the composition and structure of its strategic offensive arms, based on the established aggregate limit for the number of such warheads.

**Article II**

The Parties agree that the START Treaty remains in force in accordance with its terms.

**Article III**

For purposes of implementing this Treaty, the Parties shall hold meetings at least twice a year of a Bilateral Implementation Commission.

**Article IV**

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.

2. This Treaty shall remain in force until December 31, 2012 and may be extended by agreement of the Parties or superseded earlier by a subsequent agreement.

3. Each Party, in exercising its national sovereignty, may withdraw from this Treaty upon three months written notice to the other Party.

**Article V**

This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on May 24, 2002, in two copies, each in the English and Russian languages, both texts being equally authentic.

**Letter from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations, Addressed to the Secretary-General**

[A/C.1/62/3 1 November 2007]

We have the honour to transmit herewith the text of the Joint Statement on the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles (see annex), issued on 25 October 2007 by the Russian Federation and the United States of America.

We would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 98.

(Signed) Vitaly I. Churkin  
Permanent Representative of the Russian Federation to the United Nations

(Signed) Zalmay Khalilzad  
Permanent Representative of the United States of America to the United Nations

**Annex to the letter dated 26 October 2007 from the Permanent Representatives of the Russian Federation and the United States of America to the United Nations addressed to the Secretary-General**

**Joint United States-Russian Statement on the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles at the sixty-second session of the General Assembly**

December 8, 2007 marks the twentieth anniversary of the signing of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, which banned ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometres. It is hard to overestimate the historic significance of this act: it marked an important, practical step in meeting our NPT article VI obligation to pursue negotiations in good faith on nuclear disarmament. By late 1991, the Union of Soviet Socialist Republics and the United States destroyed all missiles of these two classes along with all supporting infrastructure under strict verification procedures.

We would like to underscore the contribution of this Treaty to decreased international tensions, particularly in Europe. The Russian Federation and the United States take this occasion to reaffirm our joint support for the INF Treaty.

We are concerned with the proliferation of intermediate- and shorter-range missiles. An ever-greater number of countries are acquiring missile production technologies and adding such missiles to their arsenals. At the same time, the Treaty, being of unlimited duration, is limiting the actions only of a few States, primarily Russia and the United States.

The Russian Federation and the United States call on all interested countries to discuss the possibility of imparting a global character to this important regime through the renunciation of ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometres, leading to destruction of any such missiles and the

cessation of associated programmes. Such a renunciation would serve to strengthen the international nuclear missile non-proliferation effort.

Today the Treaty retains its long-standing importance. We believe that renunciation of ground-launched intermediate- and shorter-range missiles and their complete elimination in the world would increase the role of the Treaty as a model for strengthening international security.

The Russian Federation and the United States will work with all interested countries and continue to make every effort to prevent the proliferation of such missiles and strengthen peace in the world.

## **Treaty Between The United States of America and The Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms**

[8 April 2010 Prague]

The United States of America and the Russian Federation, hereinafter referred to as the Parties,

Believing that global challenges and threats require new approaches to interaction across the whole range of their strategic relations,

Working therefore to forge a new strategic relationship based on mutual trust, openness, predictability, and cooperation,

Desiring to bring their respective nuclear postures into alignment with this new relationship, and endeavoring to reduce further the role and importance of nuclear weapons,

Committed to the fulfillment of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, and to the achievement of the historic goal of freeing humanity from the nuclear threat,

Expressing strong support for on-going global efforts in non-proliferation,

Seeking to preserve continuity in, and provide new impetus to, the step-by-step process of reducing and limiting nuclear arms while maintaining the safety and security of their nuclear arsenals, and with a view to expanding this process in the future, including to a multilateral approach,

Guided by the principle of indivisible security and convinced that measures for the reduction and limitation of strategic offensive arms and the other obligations set forth in this Treaty will enhance predictability and stability, and thus the security of both Parties,

Recognizing the existence of the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that current strategic defensive arms do not undermine the viability and effectiveness of the strategic offensive arms of the Parties,

Mindful of the impact of conventionally armed ICBMs and SLBMs on strategic stability,

Taking into account the positive effect on the world situation of the significant, verifiable reduction in nuclear arsenals at the turn of the 21st century,

Desiring to create a mechanism for verifying compliance with the obligations under this Treaty, adapted, simplified, and made less costly in comparison to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991, hereinafter referred to as the START Treaty,

Recognizing that the START Treaty has been implemented by the Republic of Belarus, the Republic of Kazakhstan, the Russian Federation, Ukraine, and the United States of America, and that the reduction levels envisaged by the START Treaty were achieved,

Deeply appreciating the contribution of the Republic of Belarus, the Republic of Kazakhstan, and Ukraine to nuclear disarmament and to strengthening international peace and security as non-nuclear-weapon states under the Treaty on the Non-Proliferation of Nuclear

Weapons of July 1, 1968,

Welcoming the implementation of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions of May 24, 2002,

Have agreed as follows:

### Article I

1. Each Party shall reduce and limit its strategic offensive arms in accordance with the provisions of this Treaty and shall carry out the other obligations set forth in this Treaty and its Protocol.
2. Definitions of terms used in this Treaty and its Protocol are provided in Part One of the Protocol.

### Article II

1. Each Party shall reduce and limit its ICBMs and ICBM launchers, SLBMs and SLBM launchers, heavy bombers, ICBM warheads, SLBM warheads, and heavy bomber nuclear armaments, so that seven years after entry into force of this Treaty and thereafter, the aggregate numbers, as counted in accordance with Article III of this Treaty, do not exceed:
  - (a) 700, for deployed ICBMs, deployed SLBMs, and deployed heavy bombers;
  - (b) 1550, for warheads on deployed ICBMs, warheads on deployed SLBMs, and nuclear warheads counted for deployed heavy bombers;
  - (c) 800, for deployed and non-deployed ICBM launchers, deployed and non-deployed SLBM launchers, and deployed and non-deployed heavy bombers.
2. Each Party shall have the right to determine for itself the composition and structure of its strategic offensive arms.

### Article III

1. For the purposes of counting toward the aggregate limit provided for in subparagraph I(a) of Article I1 of this Treaty:
  - (a) Each deployed ICBM shall be counted as one.
  - (b) Each deployed SLBM shall be counted as one.
  - (c) Each deployed heavy bomber shall be counted as one.
2. For the purposes of counting toward the aggregate limit provided for in subparagraph I(b) of Article I1 of this Treaty:
  - (a) For ICBMs and SLBMs, the number of warheads shall be the number of reentry vehicles emplaced on deployed ICBMs and on deployed SLBMs.
  - (b) One nuclear warhead shall be counted for each deployed heavy bomber.
3. For the purposes of counting toward the aggregate limit provided for in subparagraph I(c) of Article I1 of this Treaty:
  - (a) Each deployed launcher of ICBMs shall be counted as one.
  - (b) Each non-deployed launcher of ICBMs shall be counted as one.
  - (c) Each deployed launcher of SLBMs shall be counted as one.
  - (d) Each non-deployed launcher of SLBMs shall be counted as one.
  - (e) Each deployed heavy bomber shall be counted as one.
  - (f) Each non-deployed heavy bomber shall be counted as one.
4. For the purposes of this Treaty, including counting ICBMs and SLBMs:
  - (a) For ICBMs or SLBMs that are maintained, stored, and transported as assembled missiles in launch canisters, an assembled missile of a particular type, in its launch canister, shall be considered to be an ICBM or SLBM of that type
  - (b) For ICBMs or SLBMs that are maintained, stored, and transported as assembled missiles without launch canisters, an assembled missile of a particular type shall be considered to be an ICBM or SLBM of that type.
  - (c) For ICBMs or SLBMs that are maintained, stored, and transported in stages, the first stage of an ICBM or SLBM of a particular type shall be considered to be an ICBM or SLBM of that type.
  - (d) Each launch canister shall be considered to contain an ICBM or SLBM from the time it first leaves a facility at which an ICBM or SLBM is installed in it, until an ICBM or SLBM has been launched from it, or until an ICBM or SLBM has been removed from it for elimination. A launch canister shall not be

considered to contain an ICBM or SLBM if it contains a training model of a missile or has been placed on static display. Launch canisters for ICBMs or SLBMs of a particular type shall be distinguishable from launch canisters for ICBMs or SLBMs of a different type.

5. Newly constructed strategic offensive arms shall begin to be subject to this Treaty as follows:

- (a) an ICBM, when it first leaves a production facility;
- (b) a mobile launcher of ICBMs, when it first leaves a production facility;
- (c) a silo launcher of ICBMs, when the silo door is first installed and closed;
- (d) an SLBM, when it first leaves a production facility;
- (e) an SLBM launcher, when the submarine on which that launcher is installed is first launched;
- (f) a heavy bomber equipped for nuclear armaments, when its airframe is first brought out of the shop, plant, or building in which components of such a heavy bomber are assembled to produce complete airframes; or when its airframe is first brought out of the shop, plant, or building in which existing bomber airframes are converted to such heavy bomber airframes.

6. ICBMs, SLBMs, ICBM launchers, SLBM launchers, and heavy bombers shall cease to be subject to this Treaty in accordance with Parts Three and Four of the Protocol to this Treaty. ICBMs or SLBMs of an existing type shall cease to be subject to this Treaty if all ICBM or SLBM launchers of a type intended for such ICBMs or SLBMs have been eliminated or converted in accordance with Part Three of the Protocol to this Treaty.

7. For the purposes of this Treaty:

- (a) A missile of a type developed and tested solely to intercept and counter objects not located on the surface of the Earth shall not be considered to be a ballistic missile to which the provisions of this Treaty apply.
- (b) Within the same type, a heavy bomber equipped for nuclear armaments shall be distinguishable from a heavy bomber equipped for non-nuclear armaments.
- (c) Heavy bombers of the same type shall cease to be subject to this Treaty or to the limitations thereof when the last heavy bomber equipped for nuclear armaments of that type is eliminated or converted, as appropriate, to a heavy bomber equipped for non-nuclear armaments in accordance with Part Three of the Protocol to this Treaty.

8. As of the date of signature of this Treaty:

- (a) Existing types of ICBMs are:
  - (i) for the United States of America, the Minuteman 11, Minuteman 111, and Peacekeeper;
  - (ii) for the Russian Federation, the RS-12M, RS-12M2, RS-18, RS-20, and RS-24.
- (b) Existing types of SLBMs are:
  - (i) for the Russian Federation, the RSM-50, RSM-52, RSM-54, and RSM-56;
  - (ii) for the United States of America, the Trident 11.
- (c) Existing types of heavy bombers are:
  - (i) for the United States of America, the B-52G, B-52H, B-1B, and B-2A;
  - (ii) for the Russian Federation, the Tu-95MS and Tu-160.
- (d) Existing types of ICBM launchers and SLBM launchers are:
  - (i) for the Russian Federation, ICBM launchers RS-12M, RS-12M2, RS-18, RS-20, and RS-24; SLBM launchers RSM-50, RSM-52, RSM-54, and RSM-56;
  - (ii) for the United States of America, ICBM launchers Minuteman 11, Minuteman 111, and Peacekeeper; the SLBM launchers Trident 11.

Article IV

1. Each Party shall base:

- (a) deployed launchers of ICBMs only at ICBM bases;
- (b) deployed heavy bombers only at air bases.

2. Each Party shall install deployed launchers of SLBMs only on ballistic missile submarines.

3. Each Party shall locate:

- (a) non-deployed launchers of ICBMs only at ICBM bases, production facilities, ICBM loading facilities, repair facilities, storage facilities, conversion or elimination facilities, training

facilities, test ranges, and space launch facilities. Mobile launchers of prototype ICBMs shall not be located at maintenance facilities of ICBM bases;

(b) non-deployed ICBMs and non-deployed SLBMs only at, as appropriate, submarine bases, ICBM or SLBM loading facilities, maintenance facilities, repair facilities for ICBMs or SLBMs, storage facilities for ICBMs or SLBMs, conversion or elimination facilities for ICBMs or SLBMs, test ranges, space launch facilities, and production facilities. Prototype ICBMs and prototype SLBMs, however, shall not be located at maintenance facilities of ICBM bases or at submarine bases.

4. Non-deployed ICBMs and non-deployed SLBMs as well as nondeployed mobile launchers of ICBMs may be in transit. Each Party shall limit the duration of each transit between facilities to no more than 30 days.

5. Test launchers of ICBMs or SLBMs may be located only at test ranges.

6. Training launchers may be located only at ICBM bases, training facilities, and test ranges. The number of silo training launchers located at each ICBM base for silo launchers of ICBMs shall not exceed one for each type of ICBM specified for that ICBM base.

7. Each Party shall limit the number of test heavy bombers to no more than ten.

8. Each Party shall base test heavy bombers only at heavy bomber flight test centers. Non-deployed heavy bombers other than test heavy bombers shall be located only at repair facilities or production facilities for heavy bombers.

9. Each Party shall not carry out at an air base joint basing of heavy bombers equipped for nuclear armaments and heavy bombers equipped for non-nuclear armaments, unless otherwise agreed by the Parties.

10. Strategic offensive arms shall not be located at eliminated facilities except during their movement through such facilities and during visits of heavy bombers at such facilities.

11. Strategic offensive arms subject to this Treaty shall not be based outside the national territory of each Party. The obligations provided for in this paragraph shall not affect the Parties' rights in accordance with generally recognized principles and rules of international law relating to the passage of submarines or flights of aircraft, or relating to visits of submarines to ports of third States. Heavy bombers may be temporarily located outside the national territory, notification of which shall be provided in accordance with Part Four of the Protocol to this Treaty.

Article V

1. Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out.

2. When a Party believes that a new kind of strategic offensive arm is emerging, that Party shall have the right to raise the question of such a strategic offensive arm for consideration in the Bilateral Consultative Commission.

3. Each Party shall not convert and shall not use ICBM launchers and SLBM launchers for placement of missile defense interceptors therein. Each Party further shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein. This provision shall not apply to ICBM launchers that were converted prior to signature of this Treaty for placement of missile defense interceptors therein.

Article VI

1. Conversion, elimination, or other means for removal from accountability of strategic offensive arms and facilities shall be carried out in accordance with Part Three of the Protocol to this Treaty.

2. Notifications related to conversion, elimination, or other means for removal from accountability shall be provided in accordance with Parts Three and Four of the Protocol to this Treaty.

3. Verification of conversion or elimination in accordance with this Treaty shall be carried out by:

- (a) national technical means of verification in accordance with Article X of this Treaty; and

(b) inspection activities as provided for in Article XI of this Treaty.

#### Article VII

1. A database pertaining to the obligations under this Treaty shall be created in accordance with Parts Two and Four of the Protocol to this Treaty. Categories of data for this database are set forth in Part Two of the Protocol to this Treaty.
2. Each Party shall notify the other Party about changes in data and shall provide other notifications in a manner provided for in Part Four of the Protocol to this Treaty.
3. Each Party shall use the Nuclear Risk Reduction Centers in order to provide and receive notifications, unless otherwise provided for in this Treaty.
4. Each Party may provide additional notifications on a voluntary basis, in addition to the notifications specified in paragraph 2 of this Article, if it deems this necessary to ensure confidence in the fulfillment of obligations assumed under this Treaty.
5. The Parties shall hold consultations within the framework of the Bilateral Consultative Commission on releasing to the public data and information obtained during the implementation of this Treaty. The Parties shall have the right to release to the public such data and information following agreement thereon within the framework of the Bilateral Consultative Commission. Each Party shall have the right to release to the public data related to its respective strategic offensive arms.
6. Geographic coordinates relating to data provided for in Part Two of the Protocol to this Treaty, unique identifiers, site diagrams of facilities provided by the Parties pursuant to this Treaty, as well as coastlines and waters diagrams provided by the Parties pursuant to this Treaty shall not be released to the public unless otherwise agreed by the Parties within the framework of the Bilateral Consultative Commission.
7. Notwithstanding paragraph 5 of this Article, the aggregate numbers of deployed ICBMs, deployed SLBMs, and deployed heavy bombers; the aggregate numbers of warheads on deployed ICBMs, deployed SLBMs, and nuclear warheads counted for deployed heavy bombers; and the aggregate numbers of deployed and nondeployed ICBM launchers, deployed and non-deployed SLBM launchers, and deployed and non-deployed heavy bombers, may be released to the public by the Parties.

#### Article VIII

In those cases in which one of the Parties determines that its actions may lead to ambiguous situations, that Party shall take measures to ensure the viability and effectiveness of this Treaty and to enhance confidence, openness, and predictability concerning the reduction and limitation of strategic offensive arms. Such measures may include, among other things, providing information in advance on activities of that Party associated with deployment or increased readiness of strategic offensive arms, to preclude the possibility of misinterpretation of its actions by the other Party. This information shall be provided through diplomatic or other channels.

#### Article IX

By mutual agreement of the Parties, telemetric information on launches of ICBMs and SLBMs shall be exchanged on a parity basis. The Parties shall agree on the amount of exchange of such telemetric information.

#### Article X

1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party undertakes:
  - (a) to use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law;
  - (b) not to interfere with the national technical means of verification of the other Party operating in accordance with this Article; and
  - (c) not to use concealment measures that impede verification, by national technical means of verification, of compliance with the provisions of this Treaty.
2. The obligation not to use concealment measures includes the

obligation not to use them at test ranges, including measures that result in the concealment of ICBMs, SLBMs, ICBM launchers, or the association between ICBMs or SLBMs and their launchers during testing. The obligation not to use concealment measures shall not apply to cover or concealment practices at ICBM bases or to the use of environmental shelters for strategic offensive arms.

#### Article XI

1. For the purpose of confirming the accuracy of declared data on strategic offensive arms subject to this Treaty and ensuring verification of compliance with the provisions of this Treaty, each Party shall have the right to conduct inspection activities in accordance with this Article and Part Five of the Protocol to this Treaty.
2. Each Party shall have the right to conduct inspections at ICBM bases, submarine bases, and air bases. The purpose of such inspections shall be to confirm the accuracy of declared data on the numbers and types of deployed and non-deployed strategic offensive arms subject to this Treaty; the number of warheads located on deployed ICBMs and deployed SLBMs; and the number of nuclear armaments located on deployed heavy bombers. Such inspections shall hereinafter be referred to as Type One inspections.
3. Each Party shall have the right to conduct inspections at facilities listed in Section VII of Part Five of the Protocol to this Treaty. The purpose of such inspections shall be to confirm the accuracy of declared data on the numbers, types, and technical characteristics of non-deployed strategic offensive arms subject to this Treaty and to confirm that strategic offensive arms have been converted or eliminated.

In addition, each Party shall have the right to conduct inspections at formerly declared facilities, which are provided for in Part Two of the Protocol to this Treaty, to confirm that such facilities are not being used for purposes inconsistent with this Treaty.

The inspections provided for in this paragraph shall hereinafter be referred to as Type Two inspections.

4. Each Party shall conduct exhibitions and have the right to participate in exhibitions conducted by the other Party. The purpose of such exhibitions shall be to demonstrate distinguishing features and to confirm technical characteristics of new types, and to demonstrate the results of conversion of the first item of each type of strategic offensive arms subject to this Treaty.

#### Article XII

To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Bilateral Consultative Commission, the authority and procedures for the operation of which are set forth in Part Six of the Protocol to this Treaty.

#### Article XIII

To ensure the viability and effectiveness of this Treaty, each Party shall not assume any international obligations or undertakings that would conflict with its provisions. The Parties shall not transfer strategic offensive arms subject to this Treaty to third parties. The Parties shall hold consultations within the framework of the Bilateral Consultative Commission in order to resolve any ambiguities that may arise in this regard. This provision shall not apply to any patterns of cooperation, including obligations, in the area of strategic offensive arms, existing at the time of signature of this Treaty, between a Party and a third State.

#### Article XIV

1. This Treaty, including its Protocol, which is an integral part thereof, shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.
2. This Treaty shall remain in force for 10 years unless it is superseded earlier by a subsequent agreement on the reduction and limitation of strategic offensive arms. If either Party raises the issue of extension of this Treaty, the Parties shall jointly consider the matter. If the Parties decide to extend this Treaty, it will be extended for a period of no more than five years unless it is superseded earlier by a subsequent agreement on the reduction and limitation of strategic offensive arms.

3. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party. Such notice shall contain a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests. This Treaty shall terminate three months from the date of receipt by the other Party of the aforementioned notice, unless the notice specifies a later date.

4. As of the date of its entry into force, this Treaty shall supersede the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions of May 24, 2002, which shall terminate as of that date.

Article XV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing entry into force of this Treaty.

2. If it becomes necessary to make changes in the Protocol to this Treaty that do not affect substantive rights or obligations under this Treaty, the Parties shall use the Bilateral Consultative Commission to reach agreement on such changes, without resorting to the procedure for making amendments that is set forth in paragraph 1 of this Article.

Article XVI

This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Prague, this eight day of April, 2010, in two originals, each in the English and Russian languages, both texts being equally authentic

For the United States: Barack Obama

For the Russian Federation: Dmitry Medvedev

**Agreement to Update 2000 Plutonium Management and Disposition Agreement**

[Office of the Spokesman, Washington, DC, 13 April 2010]

**Overview**

- The Plutonium Disposition Protocol represents an essential step in the nuclear disarmament process.
- The Protocol makes arms reductions irreversible by ensuring that United States and Russia will transparently dispose weapon-grade plutonium from their respective defense programs, thereby preventing the plutonium from ever being reused for weapons or any other military purpose.
- The Protocol, thus, exemplifies the Parties' obligations under Article VI of the Non-Proliferation Treaty and their goals for nuclear disarmament and nuclear security.
- By updating the 2000 Plutonium Management and Disposition Agreement (PMDA), each country will proceed to complete and operate facilities that will dispose of at least 34 metric tons of this plutonium by using it as fuel in civil power reactors to produce electricity.
- Combined, this represents enough material for approximately 17,000 nuclear weapons.
- The PMDA also provides that additional weapon-grade plutonium declared excess, as arms reductions go forward, should be disposed under the same or comparable transparency and other terms.
- Disposition activities on both sides will be subject to monitoring and inspections, to provide confidence that the Parties are disposing of weapon-grade plutonium in accordance with the terms and conditions of the Agreement.
- U.S. cooperation with the Russian program will be limited to the \$400 million pledged in 1999-2000 subject to future appropriations, 25 percent of which will now be spread out over the decades of verified disposition.

- Russia's implementation of its disposition will no longer be contingent on additional U.S. and other donor funding.

**Background**

The Plutonium Management and Disposition Agreement (PMDA) signed by Vice President Gore and Russian Prime Minister Kasyanov in 2000 committed each side to dispose of no less than 34 metric tons of weapon-grade plutonium. The Protocol is essential for full implementation of the PMDA since the Russian program set forth in 2000 proved incompatible with Russia's nuclear energy strategy and was, thus, not financially viable. Russia's announcement of its nuclear strategy in 2006, and clarification of its preferred disposition approach in 2007, provided a basis for the two sides to update the PMDA via this Protocol in a manner that coincides with that strategy.

Existing nuclear arms reductions agreements have already led to the removal of weapon-grade plutonium from the U.S. and Russian defense programs. More is envisioned to be removed as further reductions take place. The PMDA, as amended by the Protocol, details the goals, monitoring and other conditions to ensure that disposition of that plutonium is transparent and irreversible.

The Protocol enhances the rights, obligations, principles and measures for monitoring and inspecting each side's disposition activities and their end products, thereby ensuring that this material will never again be used for nuclear weapons or any other military purpose. On March 12 the U.S. and Russian Co-Chairmen of the PMDA's Joint Consultative Commission also approved a number of key elements clarifying how monitoring and inspections will be developed and carried out.

Weapon-grade plutonium, unlike weapon-grade uranium, cannot be blended with other materials to make it unusable in weapons. But it can be fabricated into mixed oxide uranium-plutonium (MOX) fuel and irradiated in civil nuclear power reactors to produce electricity. This irradiation results in spent fuel, a form that is not usable for weapons or other military purposes and a form that the Protocol prohibits being changed any time in the future unless subject to agreed international monitoring measures and only for civil purposes.

The amended PMDA will provide that this weapon-grade plutonium be disposed by irradiating it in light water reactors in the United States and in fast-neutron reactors operating under certain nonproliferation conditions in the Russian Federation. The U.S. MOX fuel fabrication facility being constructed at the Department of Energy's Savannah River Site is planned to begin operation in 2016; Russia has already fabricated MOX fuel on a limited basis and is in the process of constructing/modifying fuel fabrication facilities capable of producing MOX fuel at levels required to meet the PMDA's disposition rate.

Both countries plan to begin disposition by 2018. The PMDA does not call for strict linkages in the timing of their respective programs, but both countries are to seek to proceed in parallel to the extent practicable.

Entry into force of the PMDA, as amended by this Protocol, and of the 2006 Protocol containing liability protections, will enable new cooperation to go forward between the United States and the Russian Federation. The Protocol reflects the previous U.S. pledge to contribute up to \$400 million for Russian disposition program activities. Up to \$300 million may be used for construction and development activities (including development of the monitoring and inspection regime). At least \$100 million would be allocated over the disposition period on a fixed rate per metric ton of confirmed disposed material.

Specific milestones for U.S. contributions will be agreed by the Department of Energy and the Russian State Corporation for Atomic Energy (Rosatom). The Department of Energy currently has \$17 million for this cooperation; the rest will be subject to the availability of appropriated funds and the U.S. budgetary review process. The Department is currently seeking \$113 million for FY 2011 for Russian fissile materials disposition, \$100 million of which is included under the PMDA pledge.

The Department of Energy and Rosatom will, under the amended PMDA, seek financial assistance from other countries. However, the amended agreement, unlike the 2000 Agreement, makes clear that Russian disposition will not be contingent on obtaining any

additional U.S. or other assistance.

Next steps include (1) fulfillment of each Party's requirements for and entry into force of the PMDA, as amended by the Protocol, along with the Protocol of 2006 containing liability provisions; (2) consultations and negotiations with the International Atomic Energy Agency on verification measures under the PMDA; and (3) development of mutually agreed milestones for the U.S. \$400 million contribution and related contracts in anticipation of entry into force.

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**The Agreement between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy (The U.S.-Russia 123 Agreement)**

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[Distributed by the Bureau of International Information Programs, U.S. Department of State. Web site: <http://www.america.gov> 12 January 2011]

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U.S. Ambassador to Russia John Beyrle and Russian Deputy Foreign Minister Sergey Ryabkov today exchanged diplomatic notes to bring into force the Agreement between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy, referred to as the U.S.-Russia 123 Agreement.

The agreement offers significant benefits to the United States: a solid foundation for long-term U.S.-Russia civil nuclear cooperation; commercial opportunities for U.S. industry; and enhanced cooperation on important global nonproliferation goals.

The commitment to bringing the 123 Agreement into force was highlighted in the July 6, 2009 Joint Statement on Nuclear Cooperation issued by Presidents Obama and Medvedev. This agreement provides the basis for joint efforts on innovative nuclear energy systems and technologies, reliable nuclear fuel cycle services, joint ventures in third countries, and other types of cooperation.

The 123 Agreement is based on a mutual commitment to nuclear nonproliferation. Over the last 12 months, the United States and Russia have made significant accomplishments in this area, including:

- The signing and U.S. Senate ratification of an historic New START Treaty that significantly reduces the number of strategic nuclear weapons both countries may deploy;
- The signing of a protocol to amend the 2000 Plutonium Management and Disposition Agreement, under which both countries will dispose of approximately 17,000 nuclear weapons-worth of excess weapon-grade plutonium; and,

- The establishment of both a Russian international nuclear fuel bank and an IAEA fuel bank that provide incentives for other nations not to acquire sensitive uranium enrichment technology.

Russia has also shut down its last remaining weapon-grade plutonium production reactor. Taken together, these are significant accomplishments made by both sides.

The U.S.-Russia 123 Agreement satisfies all applicable requirements of U.S. law for agreements of this type with a nuclear-weapon state, as defined by the Treaty on the Non-Proliferation of Nuclear Weapons. It has a term of 30 years and permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production.

The entry into force of the U.S.-Russia 123 Agreement will advance key nonproliferation and commercial goals:

- Nuclear Nonproliferation Cooperation: The 123 Agreement will create the conditions for improved cooperation on joint technology development to support arms control and nonproliferation activities. It will also provide the necessary legal framework for joint efforts to convert research reactors from highly-enriched uranium to low enriched uranium fuel. The 123 Agreement will aid cooperation on forensic analysis, allowing us to better identify nuclear material and prevent it from getting into the hands of terrorists, and it will set the stage for expanded joint technical cooperation on next generation international safeguards.
- Civil Nuclear Energy Cooperation: The 123 Agreement will facilitate cooperative work on reactor designs that result in reduced proliferation risk. It will create the conditions for advanced research and development projects that partner U.S. national laboratories and industry with Russian partners to explore new areas for collaboration, including fuel fabrication, innovative fuel types, and advanced reactor design.
- Commercial Opportunities: The 123 Agreement will support commercial interests by allowing U.S. and Russian firms to team up more easily in joint ventures and by permitting U.S. sales of nuclear material and equipment to Russia. This will put the United States and Russia's nuclear relationship on a stronger commercial footing. Russian and U.S. firms will be able to develop advanced nuclear reactors, fuel-cycle approaches, and cutting-edge technology that are safe, secure, and reliable.
- Civil Nuclear Energy Cooperation Action Plan: The 123 Agreement will allow long-term civil nuclear cooperation to proceed under the U.S.-Russian Presidential Commission Working Group on Nuclear Energy and Nuclear Security, specifically activities in the Civil Nuclear Energy Cooperation Action Plan which relate to reactor design, innovative nuclear energy technology options, and developing the global civil nuclear energy framework.

## N – Documents Relating to the Democratic People’s Republic of Korea

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.kcl.ac.uk/csss>]

### Joint Declaration for a Non-Nuclear Korean Peninsula

[Initiated 31 December 1991, signed 20 January 1992]

The circumstances affecting U.S. have changed In order to create conditions and an environment favourable to peace and the peaceful unification of our land and to contribute to the peace and security of Asia and the world at large by eliminating the danger of nuclear war through its denuclearization, the South and the North declare as follows:

1. The South and the North will not test, produce, receive, possess, store, deploy or use nuclear weapons.
2. The South and the North will use nuclear energy solely for peaceful purposes.
3. The South and the North will not possess facilities for nuclear reprocessing and uranium enrichment.
4. In order to verify the denuclearization of the Korean Peninsula, the South and the North will conduct inspection of objects chosen by the other side and agreed to by both parties. Such inspection will be implemented according to the procedures and methods prescribed by a South-North Joint Nuclear Control Committee.
5. In order to ensure the implementation of this Joint Declaration, the South and the North will organize a South-North Joint Nuclear Control Committee within one (1) month of the coming into force of this Declaration.
6. This Joint Declaration will enter into force the day appropriate instruments are exchanged following the completion by the South and the North of the necessary procedures to bring this Declaration into effect.

### Agreement on the Formation and Operation of the North-South Joint Nuclear Control Committee

[On denuclearization of the Korean Peninsula, 18 March 1992]

The North and South agreed to form and operate the North-South Joint Nuclear Control Committee to implement the Joint Declaration on the Denuclearization of the Korean Peninsula as follows:

1. The Joint Nuclear Control Committee shall be formed as follows:
  - (1) The Joint Nuclear Control Committee shall be composed of seven members, including one chairman and one vice chairman from each side, and one or two members, to include active-duty soldiers. The chairmen will be vice-minister level officials.
  - (2) When they replace members of the Joint Nuclear Control Committee, each side shall notify the other in advance.
  - (3) The Joint Nuclear Control Committee shall have seven suite members, and this number can be readjusted if necessary as agreed upon by the two sides.
2. The Joint Nuclear Control Committee shall discuss and handle the following:
  - (1) The adoption and handling of auxiliary documents on how to implement the Joint Declaration on the Denuclearization of the Korean Peninsula and other related issues.
  - (2) The exchange of information necessary for verifying the denuclearization of the Korean peninsula, including information on nuclear facilities, nuclear material, and nuclear weapons and nuclear bases that each side insists are suspicious.
  - (3) The formation and operation of inspection teams for verifying the denuclearization of the Korean peninsula.
  - (4) The selection of facilities for inspection when verifying the denuclearization of the Korean peninsula, including nuclear facilities, nuclear material, and nuclear weapons and nuclear bases that each side insists are suspicious; inspection procedures; and inspection methods.
  - (5) Issues concerning equipment to be used in nuclear inspection.
  - (6) Issues concerning rectifications as a result of nuclear inspection.

(7) Issues concerning the implementation of the Joint Declaration on the Denuclearization of the Korean Peninsula and the resolution of disputes in inspection activities.

3. The Joint Nuclear Control Committee shall be operated as follows:

- (1) Joint Nuclear Control Committee meetings shall take place every two months in principle and can take place at any time as the two sides agree.
  - (2) Joint Nuclear Control Committee meetings shall take place alternately in Tongilgak on the North side’s area and in the House of Peace on the South side’s area of Panmunjom in principle and can take place as the two sides agree.
  - (3) Joint Nuclear Control Committee meetings shall be jointly presided over by the two side’s chairmen. They shall take place behind closed doors in principle.
  - (4) Issues concerning the guarantee of personal safety for people who visit each other’s area to attend Joint Nuclear Control Committee meetings, providing them with conveniences and writing down details of meetings, and other procedural matters shall be handled according to usage.
  - (5) Other matters necessary for the operation of the Joint Nuclear Control Committee shall be discussed and decided by the two sides at the Joint Nuclear Control Committee.
4. The agreements on the Joint Nuclear Control Committee shall become effective from the day the two sides’ premiers sign those agreements. As the case may be, important documents that the two sides shall agree on shall become effective from the day the two sides’ premiers sign them and exchange their copies after completing ratification procedures.
5. This agreement can be amended and supplemented as the two sides agree.
6. This agreement will become effective from the day the two sides sign the documents and exchange their signed copies.

### Agreed Framework Between the United States of America and the Democratic People’s Republic of Korea

[21 October 1994]

Delegations of the Governments of the United States of America (US) and the Democratic People’s Republic of Korea (DPRK) held talks in Geneva from September 23 to October 21, 1994, to negotiate an overall resolution of the nuclear issue on the Korean Peninsula.

Both sides reaffirmed the importance of attaining the objectives contained in the August 12, 1994 Agreed Statement between the US and the DPRK and upholding the principles of the June 11, 1993 Joint Statement of the US and the DPRK to achieve peace and security on a nuclear-free Korean peninsula. The US and the DPRK decided to take the following actions for the resolution of the nuclear issue.

- I. Both sides will cooperate to replace the DPRK’s graphite-moderated reactors and related facilities with light-water reactor (LWR) power plants.
  - 1) In accordance with the October 20, 1994 letter of assurance from the US President, the US will undertake to make arrangements for the provision to the DPRK of a LWR project with a total generating capacity of approximately 2,000 MW(e) by a target date of 2003.
    - The US will organize under its leadership an international consortium to finance and supply the LWR project to be provided to the DPRK. The US representing the international consortium, will serve as the principal point of contact with the DPRK for the LWR project.
    - The US, representing the consortium, will make best efforts to secure the conclusion of a supply contract with the DPRK within six months of the date of this Document for the provision of the LWR project. Contract talks will begin as soon as possible after the date of this Document.
    - As necessary, the US and the DPRK will conclude a bilateral agreement for cooperation in the field of peaceful uses of nuclear energy.

2) In accordance with October 20, 1994 letter of assurance from the US President, the US, representing the consortium, will make arrangements to offset the energy foregone due to the freeze of the DPRK's graphite-moderated reactors and related facilities, pending completion of the first LWR Unit.

- Alternative energy will be provided in the form of heavy oil for heating and electricity production.
- Deliveries of heavy oil will begin within three months of the date of this Document, and will reach a rate of 500,000 tons annually, in accordance with an agreed schedule of deliveries.

3) Upon receipt of US assurances for the provision of LWRs and for arrangements for interim energy alternatives, the DPRK will freeze its graphite-moderated reactors and related facilities and will eventually dismantle these reactors and related facilities.

- The freeze on the DPRK's graphite-moderated reactors and related facilities will be fully implemented within one month of the date of this Document. During this one-month period, and throughout the freeze, the International Atomic Energy Agency (IAEA) will be allowed to monitor this freeze, and the DPRK will provide full cooperation to the IAEA for this purpose.
- Dismantlement of the DPRK's graphite-moderated reactors and related facilities will be completed when the LWR project is completed.
- The US and the DPRK will cooperate in finding a method to store safely the spent fuel from the 5 MW(e) experimental reactor during the construction of the LWR project, and to dispose of the fuel in safe manner that does not involve reprocessing in the DPRK.

4) As soon as possible after the date of this Document, US and DPRK experts will hold two sets of experts talks.

- At one set of talks, experts will discuss issues related to alternative energy and the replacement of the graphite-moderated reactor program with the LWR project.
- At the other set of talks, experts will discuss specific arrangements for spent fuel storage and ultimate disposition.

II. The two sides will move toward full normalization of political and economic relations.

1) Within three months of the date of this Document, both sides will reduce barriers to trade and investment, including restrictions on telecommunications services and financial transactions.

2) Each side will open a liaison office in the other's capital following resolution of consular and other technical issues through expert level discussions.

3) As progress is made on issues of concern to each side, the US and the DPRK will upgrade bilateral relations to the ambassadorial level.

III. Both sides will work together for peace and security on a nuclear-free Korean peninsula.

1) The US will provide formal assurances to the DPRK, against the threat or use of nuclear weapons by the US.

2) The DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula.

3) The DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue.

IV. Both sides will work together to strengthen the international nuclear non-proliferation regime.

1) The DPRK will remain a part to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and will allow implementation of its safeguards agreement under the Treaty.

2) Upon conclusion of the supply contract for the provision of the LWR project, ad hoc and routine inspections will resume under the DPRK's safeguards agreement with the IAEA with respect to the facilities not subject to the freeze.

3) When a significant portion of the LWR project is completed, but before delivery of key nuclear components, the DPRK will come into full compliance with its safeguards agreement with the IAEA (INFCIRC/403), including taking all steps that may be deemed necessary by the IAEA, following consultations with the Agency with regard to verifying the accuracy and completeness of the DPRK's initial report on all nuclear material in the DPRK.

## Report by The Director General on the Implementation of the NPT Safeguards Agreement Between the Agency and the Democratic People's Republic of Korea

[Resolution adopted by the IAEA Board of Governors,  
6 January 2003, GOV/2003/3]

The Board of Governors,

(a) Recalling its resolutions GOV/2636, GOV/2639, GOV/2645, GOV/2692, GOV/2711 and GOV/2742 and General Conference resolutions GC(XXXVII)RES/624, GC(XXXVIII)RES/16, GC(39)RES/3, GC(40)RES/4, GC(41)RES/22, GC(42)RES/2, GC(43)RES/3, GC(44)RES/26, GC(45)RES/16 and GC(46)RES/14,

(b) Recalling also its resolution GOV/2002/60 of 29 November 2002, and noting that there has been no positive response by the DPRK to that resolution or to the efforts of the Director General pursuant to it,

(c) Noting that the Democratic People's Republic of Korea (DPRK) is a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and reaffirming that the IAEA-DPRK safeguards agreement (INFCIRC/403) under the NPT remains binding and in force, and that both the IAEA and DPRK have an obligation to cooperate to facilitate the implementation of the safeguards provided for in that agreement;

(d) Noting with grave concern the report of the Director General on the Implementation of Safeguards in the DPRK (GOV/2002/62), particularly the statement that the Agency is at present unable to verify that there has been no diversion of nuclear material in the DPRK, and

(e) Having considered the report of the Director General at its meeting of 6 January 2003,

1. Takes note of the Director General's report and expresses support for the efforts of the Director General and the Secretariat to implement safeguards in the DPRK in accordance with the safeguards agreement;

2. Reiterates its previous calls to the DPRK to comply promptly and fully with its safeguards agreement, which remains binding and in force;

3. Stresses its desire for a peaceful resolution of this issue, including its support for efforts to promote through diplomatic means the denuclearization of the Korean Peninsula;

4. Deplores in the strongest terms the DPRK's unilateral acts to remove and impede the functioning of containment and surveillance equipment at its nuclear facilities and the nuclear material contained therein, including the expulsion of IAEA inspectors, which renders the Agency unable to verify, pursuant to its safeguards agreement with the DPRK, that there has been no diversion of nuclear material in the DPRK;

5. Considers that the DPRK's actions are of great non-proliferation concern and make the Agency unable at present to verify that all nuclear material in the DPRK is declared and submitted to Agency safeguards;

6. Calls upon the DPRK to co-operate urgently and fully with the Agency:

(i) by allowing the re-establishment of the required containment and surveillance measures at its nuclear facilities and the full implementation of all the required safeguards measures at all times including the return of IAEA inspectors;

(ii) by complying with the Board's resolution of 29 November 2002 (GOV/2002/60) and the Secretariat's letters seeking clarification of its reported uranium enrichment programme, as well as by giving up any nuclear weapons programme expeditiously and in a verifiable manner;

(iii) by enabling the Agency to verify that all nuclear material in the DPRK is declared and is subject to safeguards; and

(iv) by meeting immediately, as a first step, with IAEA officials;

7. Affirms that unless the DPRK takes all necessary steps to allow the Agency to implement all the required safeguards measures, the DPRK will be in further non-compliance with its safeguards agreement;

8. Requests the Director General to transmit the Board's resolution to the DPRK, to continue to pursue urgently all efforts with the aim of DPRK coming into full compliance with its safeguards obligations, and to report again to the Board of Governors as a matter of urgency; and



9. Decides to remain seized of the matter.

**Statement by the DPRK on Withdrawal from the NPT**

[Pyongyang, 10 January 2003, as reported by North Korean news agency KCNA (unofficial translation)]

The government of the Democratic People's Republic of Korea issued a statement today as regards the grave situation where the national sovereignty and the supreme interests of the state are most seriously threatened by the US vicious hostile policy towards the DPRK.

The full text of the statement reads: A dangerous situation where our nation's sovereignty and our state's security are being seriously violated is prevailing on the Korean Peninsula due to the US vicious hostile policy towards the DPRK.

The United States instigated the International Atomic Energy Agency (IAEA) to adopt another "resolution" against the DPRK on 6 January in the wake of a similar "resolution" made on 29 November, 2002.

Under its manipulation, the IAEA in those "resolutions" termed the DPRK "a criminal" and demanded it scrap what the US called a "nuclear programme" at once by a verifiable way in disregard of the nature of the nuclear issue, a product of the US hostile policy towards the DPRK, and its unique status in which it declared suspension of the effectuation of its withdrawal from the Nuclear Non-Proliferation Treaty (NPT).

Following the adoption of the latest "resolution", the IAEA director general issued an ultimatum that the agency would bring the matter to the UN Security Council to apply sanctions against the DPRK unless it implements the "resolution" in a few weeks.

This clearly proves that the IAEA still remains a servant and a spokesman for the US and the NPT is being used as a tool for implementing the US hostile policy towards the DPRK aimed to disarm it and destroy its system by force.

A particular mention should be made of the fact that the IAEA in the recent "resolution" kept mum about the US which has grossly violated the NPT and the DPRK-US agreed framework, but urged the DPRK, the victim, to unconditionally accept the US demand for disarmament and forfeit its right to self-defence, and the agency was praised by the US for "saying all what the US wanted to do." This glaringly reveals the falsehood and hypocrisy of the signboard of impartiality the IAEA put up.

The DPRK government vehemently rejects and denounces this "resolution" of the IAEA, considering it as a grave encroachment upon our country's sovereignty and the dignity of the nation.

It is none other than the US which wrecks peace and security on the Korean Peninsula and drives the situation there to an extremely dangerous phase.

After the appearance of the Bush administration, the United States listed the DPRK as part of an "axis of evil", adopting it as a national policy to oppose its system, and singled it out as a target of pre-emptive nuclear attack, openly declaring a nuclear war.

Systematically violating the DPRK-US Agreed Framework, the US brought up another "nuclear suspicion" and stopped the supply of heavy oil, reducing the AF to a dead document. It also answered the DPRK's sincere proposal for the conclusion of the DPRK-US non-aggression treaty and its patient efforts for negotiations with such threats as "blockade" and "military punishment" and with such an arrogant attitude as blustering that it may talk but negotiations are impossible.

The US went so far to instigate the IAEA to internationalize its moves to stifle the DPRK, putting its declaration of a war into practice. This has eliminated the last possibility of solving the nuclear issue of the Korean Peninsula in a peaceful and fair way.

It was due to such nuclear war moves of the US against the DPRK and the partiality of the IAEA that the DPRK was compelled to declare its withdrawal from the NPT in March 1993 when a touch-and-go situation was created on the Korean Peninsula.

As it has become clear once again that the US persistently seeks to stifle the DPRK at any cost and the IAEA is used as a tool for executing the US hostile policy towards the DPRK, we can no longer remain bound to the NPT, allowing the country's security and the dignity of our nation to be infringed upon.

Under the grave situation where our state's supreme interests are most seriously threatened, the DPRK government adopts the following decisions to protect the sovereignty of the country and the nation and their right to existence and dignity: firstly, the DPRK

government declares an automatic and immediate effectuation of its withdrawal from the NPT, on which "it unilaterally announced a moratorium as long as it deemed necessary" according to the 11 June, 1993, DPRK-US joint statement, now that the US has unilaterally abandoned its commitments to stop nuclear threat and renounce hostility towards the DPRK in line with the same statement.

Secondly, it declares that the DPRK withdrawing from the NPT is totally free from the binding force of the safeguards accord with the IAEA under its Article 3.

The withdrawal from the NPT is a legitimate self-defensive measure taken against the US moves to stifle the DPRK and the unreasonable behaviour of the IAEA following the US though we pull out of the NPT, we have no intention to produce nuclear weapons and our nuclear activities at this stage will be confined only to peaceful purposes such as the production of electricity.

If the US drops its hostile policy to stifle the DPRK and stops its nuclear threat to the DPRK, the DPRK may prove through a separate verification between the DPRK and the US that it does not make any nuclear weapon.

The United States and the IAEA will never evade their responsibilities for compelling the DPRK to withdraw from the NPT, by ignoring the DPRK's last efforts to seek a peaceful settlement of the nuclear issue through negotiations.

**Report by the Director General on the Implementation of the Resolution Adopted by the Board on 6 January 2003 and of the Agreement Between the IAEA and the Democratic People's Republic of Korea for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons**

[GOV/2003/4, 22 January 2003]

1. In his report to the Board of Governors on the "Implementation of Safeguards in the Democratic People's Republic of Korea" (GOV/2002/62), the Director General provided information on the action by the Democratic People's Republic of Korea (DPRK), which involved expelling Agency inspectors and disabling containment and surveillance measures in facilities subject to the Agreement between the DPRK and the IAEA for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).{1} Following its consideration of that report at its meeting of 6 January 2003, the Board adopted the resolution set out in document GOV/2003/3, which, inter alia, reiterated the Board's previous calls to the DPRK to comply promptly and fully with its NPT Safeguards Agreement, which remained binding and in force, and called upon the DPRK to co-operate urgently and fully by taking a number of steps, as detailed in operative paragraph 6 of the resolution. The Board affirmed that, unless the DPRK took all necessary steps to allow the Agency to implement all the required safeguards measures, the DPRK would be in further non-compliance with its NPT Safeguards Agreement. The Board requested the Director General to transmit the resolution to the DPRK, to continue to pursue urgently all efforts to bring the DPRK into full compliance with its safeguards obligations, and to report again to the Board as a matter of urgency.

2. As requested by the Board of Governors, the Director General transmitted the resolution to the DPRK on 6 January 2003, underlining the readiness of the Secretariat to undertake a dialogue with the DPRK Government.

3. In its response to the Director General dated 10 January 2003{2}, the Government of the DPRK referred to the resolutions set out in documents GOV/2003/3 and GOV/2002/60{3} as "unilateral and unjust". The DPRK referred to its 12 March 1993 notification of withdrawal from the NPT, and its "unilateral decision" reflected in the 11 June 1993 DPRK-US Joint Statement to "put a moratorium on the effectuation of its withdrawal from the NPT"; and announced its Government's decision, taken on 10 January 2003, to "lift" that "moratorium", and to withdraw from the NPT with effect from 11 January 2003.

**Status of the DPRK'S NPT Safeguards Agreement**

4. On 12 December 1985, the DPRK acceded to the NPT.

its NPT Safeguards Agreement entered into force on 10 April 1992. As provided for in Article 23 of that Safeguards Agreement, the application of safeguards under the earlier Agreement of 20 July 1977 between the DPRK and the IAEA for the Application of Safeguards in Respect of a Research Reactor Facility 4 was suspended while the NPT Safeguards Agreement is in force. As provided for in Article 26 of document INFCIRC/403, the NPT Safeguards Agreement is to remain in force as long as the DPRK remains a party to the NPT.

5. Article X(1) of the NPT provides that "Each 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 all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests".

6. In its letter of 10 January 2003, the DPRK asserted that its withdrawal from the NPT would take effect one day later, indicating the DPRK's view that, having "suspended" its 12 March 1993 notification of withdrawal one day short of the three month period provided for in Article X(1) of the NPT, it needed only one day following its "lifting of that moratorium" for the withdrawal to become effective.

7. The interpretation of the NPT belongs to its States Parties. The Agency is not a party to that treaty. Notwithstanding, as the NPT Safeguards Agreement remains in force only while the DPRK is a party to the NPT, the status of the DPRK's adherence to the NPT is relevant to the Agency. In that context, reference is made to the fact that the NPT contains no provision for the 'suspension' of a notice of withdrawal from the NPT, and that Article 68 of the Vienna Convention on the Law of Treaties provides only for the revocation of an instrument or notification of withdrawal from a treaty. Thus, it may be concluded that the 11 June 1993 "moratorium on the effectuation of its withdrawal from the NPT" by the DPRK should be treated as a revocation of its notice of withdrawal, and that, to effect its withdrawal from the NPT, the DPRK would have to issue a new notice of withdrawal in compliance with the terms of Article X (1) of the NPT, giving three months' advance notice – not one day – to all other parties to the NPT and to the United Nations Security Council, and include a statement of the current extraordinary events it regards as having jeopardized its supreme interests. 4 Under this item-specific safeguards agreement, reproduced in INFCIRC/252, safeguards had been applied to two nuclear research facilities in Nyongbyon, the IRT research reactor and a critical assembly.

#### **Implementation of Board Resolution Set Out in Document GOV/2003/3**

8. In addition to transmitting the Board resolution of 6 January 2003 to the Government of the DPRK, the Director General and the Secretariat have engaged in determined efforts to bring about its implementation, and to achieve progress in bringing the DPRK to come into full compliance with its Safeguards Agreement.

9. The DPRK has shown no willingness to undertake the steps called for by the Board in the resolution set out in document GOV/2003/3. It has further exacerbated the situation by declaring, as noted above, that as of 11 January 2003 it is no longer a State Party to the NPT. Furthermore, the DPRK has declared in a statement dated 10 January 2003, reported by the Korean Central News Agency, that it is "totally free from the binding force of the safeguards accord with the IAEA" pursuant to the NPT.

10. The Secretariat remains unable to verify, in accordance with the NPT Safeguards Agreement, that there has been no diversion of nuclear material in the DPRK. Furthermore, the DPRK's actions and statements do not indicate readiness to enable the Agency to perform its safeguards responsibilities. In the view of the Director General, the DPRK's actions at this time constitute further non-compliance with the NPT Safeguards Agreement.

11. In connection with the mandate entrusted to him by the Board of Governors and in the short time available, the Director General has been in contact with many of the Member States most directly concerned, including through high-level meetings in Athens (Greece having the EU Presidency), Moscow, New York, Paris, and Washington, as well as with Resident Representatives in

Vienna. During his visit to Paris, the Director General also met the Minister for Foreign Affairs of Japan. The Director General understands that intensive efforts among concerned Member States are continuing to find ways and means to bring the DPRK into compliance with its safeguards obligations – efforts that include the visit of a Russian Deputy Foreign Minister to Pyongyang, Ministerial-level discussions between the DPRK and the Republic of Korea in Seoul, and informal meetings among the permanent members of the UN Security Council in New York. On 21 January 2003, the Director General received a letter from the Minister for Foreign Affairs of the Russian Federation, stating that "certain positive shifts... [were] taking place in the course of active diplomatic process" and emphasizing that "the delicate process of finding ways to resolve mutual concerns" should not be disturbed.

12. The Director General understands that consultations are ongoing about the timing of a further meeting of the Board of Governors to consider the matter.

{1} Reproduced in INFCIRC/403, referred to hereafter as the NPT Safeguards Agreement.

{2} Reproduced in GOV/INF/2003/3.

{3} Adopted by the Board of Governors on 29 November 2002.

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### **Statement by the DPRK on Nuclear Test**

[Pyongyang, 9 October 2006, as reported by North Korean news agency KCNA (unofficial translation)]

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The following is the full text of the announcement carried on North Korea's official Korean Central News Agency as reported on the Reuters news agency:

"The field of scientific research in the DPRK (North Korea) successfully conducted an underground nuclear test under secure conditions on October 9, Juche 95 (2006) at a stirring time when all the people of the country are making a great leap forward in the building of a great, prosperous, powerful socialist nation.

"It has been confirmed that there was no such danger as radioactive emission in the course of the nuclear test as it was carried out under a scientific consideration and careful calculation.

"The nuclear test was conducted with indigenous wisdom and technology 100%. It marks a historic event as it greatly encouraged and pleased the KPA (Korean People's Army) and people that have wished to have powerful self-reliant defence capability.

"It will contribute to defending the peace and stability on the Korean peninsula and in the area around it."

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### **UN Security Council Resolution 1718**

[S/RES/1718 (2006), adopted 14 October 2006]

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*The Security Council,*

*Recalling* its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004) and, in particular, resolution 1695 (2006), as well as the statement of its President of 6 October 2006 (S/PRST/2006/41), Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

*Expressing the gravest concern* at the claim by the Democratic People's Republic of Korea (DPRK) that it has conducted a test of a nuclear weapon on 9 October 2006, and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond,

*Expressing* its firm conviction that the international regime on the non-proliferation of nuclear weapons should be maintained and recalling that the DPRK cannot have the status of a nuclear-weapon state in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons,

*Deploing* the DPRK's announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons and its pursuit of nuclear weapons,

*Deploing further* that the DPRK has refused to return to the Six-Party talks without precondition,

*Endorsing* the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States,

*Underlining* the importance that the DPRK respond to other security and humanitarian concerns of the international community,

*Expressing* profound concern that the test claimed by the DPRK has generated increased tension in the region and beyond, and determining therefore that there is a clear threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* the nuclear test proclaimed by the DPRK on 9 October 2006 in flagrant disregard of its relevant resolutions, in particular resolution 1695 (2006), as well as of the statement of its President of 6 October 2006 (S/PRST/2006/41), including that such a test would bring universal condemnation of the international community and would represent a clear threat to international peace and security;

2. *Demands* that the DPRK not conduct any further nuclear test or launch of a ballistic missile;

3. *Demands* that the DPRK immediately retract its announcement of withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons;

4. *Demands* further that the DPRK return to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency (IAEA) safeguards, and underlines the need for all States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to continue to comply with their Treaty obligations;

5. *Decides* that the DPRK shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launching;

6. *Decides* that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, shall act strictly in accordance with the obligations applicable to parties under the Treaty on the Non-Proliferation of Nuclear Weapons and the terms and conditions of its International Atomic Energy Agency (IAEA) Safeguards Agreement (IAEA INFCIRC/403) and shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipments and facilities as may be required and deemed necessary by the IAEA;

7. *Decides* also that the DPRK shall abandon all other existing weapons of mass destruction and ballistic missile programme in a complete, verifiable and irreversible manner;

8. *Decides* that:

(a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the S/RES/1718 (2006) Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction related programmes;

(iii) Luxury goods;

(b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States

shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;

(c) All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a state to refuse its own nationals entry into its territory;

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;

9. *Decides* that the provisions of paragraph 8 (d) above do not apply to financial or other assets or resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) To be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 8 (d) above or an individual or entity identified by the Security Council or the Committee, and has been notified by the relevant States to the Committee;

10. *Decides* that the measures imposed by paragraph 8 (e) above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution;

11. *Calls upon* all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they

have taken with a view to implementing effectively the provisions of paragraph 8 above;

12. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks:

(a) To seek from all States, in particular those producing or possessing the items, materials, equipment, goods and technology referred to in paragraph 8 (a) above, information regarding the actions taken by them to implement effectively the measures imposed by paragraph 8 above of this resolution and whatever further information it may consider useful in this regard;

(b) To examine and take appropriate action on information regarding alleged violations of measures imposed by paragraph 8 of this resolution;

(c) To consider and decide upon requests for exemptions set out in paragraphs 9 and 10 above;

(d) To determine additional items, materials, equipment, goods and technology to be specified for the purpose of paragraphs 8 (a) (i) and 8 (a) (ii) above;

(e) To designate additional individuals and entities subject to the measures imposed by paragraphs 8 (d) and 8 (e) above;

(f) To promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution;

(g) To report at least every 90 days to the Security Council on its work, with its observations and recommendations, in particular on ways to strengthen the effectiveness of the measures imposed by paragraph 8 above;

13. *Welcomes and encourages further* the efforts by all States concerned to intensify their diplomatic efforts, to refrain from any actions that might aggravate tension and to facilitate the early resumption of the Six-Party Talks, with a view to the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, to achieve the verifiable denuclearization of the Korean Peninsula and to maintain peace and stability on the Korean Peninsula and in north-east Asia;

14. *Calls upon* the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued on 19 September 2005 by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States;

15. *Affirms* that it shall keep DPRK's actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 above, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in light of the DPRK's compliance with the provisions of the resolution;

16. *Underlines* that further decisions will be required, should additional measures be necessary;

17. *Decides* to remain actively seized of the matter.

### **Text of the Joint Agreement on North Korea's Nuclear Disarmament (from the Third Session of the Fifth Round of the Six-Party Talks)**

[Beijing, 13 February 2007]

The Third Session of the Fifth Round of the Six-Party Talks was held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America from 8 to 13 February 2007.

Mr. Wu Dawei, Vice Minister of Foreign Affairs of the PRC, Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Kenichiro Sasae, Director-General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Chun Yung-woo, Special Representative for Korean Peninsula Peace and Security Affairs of the ROK Ministry of Foreign Affairs and Trade; Mr. Alexander

Losyukov, Deputy Minister of Foreign Affairs of the Russian Federation; and Mr. Christopher Hill, Assistant Secretary for East Asian and Pacific Affairs of the Department of State of the United States attended the talks as heads of their respective delegations.

Vice Foreign Minister Wu Dawei chaired the talks.

I. The Parties held serious and productive discussions on the actions each party will take in the initial phase for the implementation of the Joint Statement of 19 September 2005. The Parties reaffirmed their common goal and will to achieve early denuclearization of the Korean Peninsula in a peaceful manner and reiterated that they would earnestly fulfill their commitments in the Joint Statement. The Parties agreed to take coordinated steps to implement the Joint Statement in a phased manner in line with the principle of "action for action".

II. The Parties agreed to take the following actions in parallel in the initial phase:

1. The DPRK will shut down and seal for the purpose of eventual abandonment the Yongbyon nuclear facility, including the reprocessing facility and invite back IAEA personnel to conduct all necessary monitoring and verifications as agreed between IAEA and the DPRK.

2. The DPRK will discuss with other parties a list of all its nuclear programs as described in the Joint Statement, including plutonium extracted from used fuel rods, that would be abandoned pursuant to the Joint Statement.

3. The DPRK and the US will start bilateral talks aimed at resolving pending bilateral issues and moving toward full diplomatic relations. The US will begin the process of removing the designation of the DPRK as a state-sponsor of terrorism and advance the process of terminating the application of the Trading with the Enemy Act with respect to the DPRK.

4. The DPRK and Japan will start bilateral talks aimed at taking steps to normalize their relations in accordance with the Pyongyang Declaration, on the basis of the settlement of unfortunate past and the outstanding issues of concern.

5. Recalling Section 1 and 3 of the Joint Statement of 19 September 2005, the Parties agreed to cooperate in economic, energy and humanitarian assistance to the DPRK. In this regard, the Parties agreed to the provision of emergency energy assistance to the DPRK in the initial phase. The initial shipment of emergency energy assistance equivalent to 50,000 tons of heavy fuel oil (HFO) will commence within next 60 days.

The Parties agreed that the above-mentioned initial actions will be implemented within next 60 days and that they will take coordinated steps toward this goal.

III. The Parties agreed on the establishment of the following Working Groups (WG) in order to carry out the initial actions and for the purpose of full implementation of the Joint Statement:

1. Denuclearization of the Korean Peninsula
2. Normalization of DPRK-US relations
3. Normalization of DPRK-Japan relations
4. Economy and Energy Cooperation
5. Northeast Asia Peace and Security Mechanism

The WGs will discuss and formulate specific plans for the implementation of the Joint Statement in their respective areas. The WGs shall report to the Six-Party Heads of Delegation Meeting on the progress of their work. In principle, progress in one WG shall not affect progress in other WGs. Plans made by the five WGs will be implemented as a whole in a coordinated manner.

The Parties agreed that all WGs will meet within next 30 days.

IV. During the period of the Initial Actions phase and the next phase – which includes provision by the DPRK of a complete declaration of all nuclear programs and disablement of all existing nuclear facilities, including graphite-moderated reactors and reprocessing plant – economic, energy and humanitarian assistance up to the equivalent of 1 million tons of heavy fuel oil (HFO), including the initial shipment equivalent to 50,000 tons of HFO, will be provided to the DPRK.

The detailed modalities of the said assistance will be determined through consultations and appropriate assessments in the Working

Group on Economic and Energy Cooperation.

V. Once the initial actions are implemented, the Six Parties will promptly hold a ministerial meeting to confirm implementation of the Joint Statement and explore ways and means for promoting security cooperation in Northeast Asia.

VI. The Parties reaffirmed that they will take positive steps to increase mutual trust, and will make joint efforts for lasting peace and stability in Northeast Asia. The directly related parties will negotiate a permanent peace regime on the Korean Peninsula at an appropriate separate forum.

VII. The Parties agreed to hold the Sixth Round of the Six-Party Talks on 19 March 2007 to hear reports of WGs and discuss on actions for the next phase.

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**Statement on the Implementation of Safeguards in the Democratic People’s Republic of Korea by the IAEA Director General Mohamed ElBaradei**

[Excerpts reproduced from the Introductory Statement to the Board of Governors; Vienna, 5 March 2007]

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(Eds.)[...]

On 23 February I received an invitation from the Democratic People’s Republic of Korea (DPRK) to visit the DPRK to "develop the relations between the DPRK and the Agency, as well as to discuss problems of mutual concerns". I have also been notified by China, in its capacity as Chairman of the Six-Party Talks, of the "initial actions for the implementation of the joint statement" adopted in Beijing on 13 February. These actions envisioned, inter alia, the DPRK shutting down and sealing, for the purposes of eventual abandonment, its Yongbyon nuclear facility, including the reprocessing facility. It also envisioned the return of IAEA personnel to conduct all necessary monitoring and verification as agreed by the IAEA and the DPRK. I welcome the Beijing agreement, and the invitation to visit the DPRK, as positive steps towards the denuclearization of the Korean Peninsula, and towards the normalization of the DPRK’s relationship with the Agency. I will report to the Board on developments and any required action.

[...] (eds.)

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**Implementation of Safeguards in the Democratic People’s Republic of Korea, by the IAEA Director General Mohamed ElBaradei**

[Excerpt reproduced from the Introductory Statement to the Board of Governors, Vienna, 11 June 2007]

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[...] (eds.)

At the March Board meeting, I reported that I had received an invitation from the Democratic People’s Republic of Korea (DPRK) to visit the DPRK to "develop the relations between the DPRK and the Agency, as well as to discuss problems of mutual concerns". I also reported at the time that China, in its capacity as Chairman of the Six-Party Talks, had notified the Secretariat of the "initial actions for the implementation of the joint statement" adopted in Beijing on 13 February. These actions provide for, inter alia, the DPRK shutting down and sealing, for the purposes of eventual abandonment, its Yongbyon nuclear facility, including the reprocessing facility - as well as the return of IAEA personnel to conduct the necessary monitoring and verification as agreed by the IAEA and the DPRK.

Later in March, I visited the DPRK. Discussions with DPRK officials were forward looking. They were focused on the potential for re-establishing the relationship between the DPRK and the Agency. We remain ready to begin work with the DPRK as soon as we are notified of their readiness to do so.

[...] (eds.)

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**Excerpts from Introductory Statement by the Director General Mohamed ElBaradei to the IAEA Board of Governors**

[Vienna, 9 July 2007]

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As you are aware, at the invitation of the Democratic People’s Republic of Korea (DPRK), an Agency team visited the DPRK during the last week of June with a view to agreeing on modalities for verification and monitoring by the IAEA of the shutdown and sealing of the Yongbyon nuclear facility, as foreseen in the "Initial Actions" agreed at the Six Party Talks in Beijing on 13 February 2007.

Document GOV/2007/36 details the ad hoc monitoring and verification arrangement that was worked out between the DPRK and the Agency.

I welcome the return of the DPRK to the verification process. I am particularly pleased with the active cooperation of the DPRK that the IAEA team received during the visit and I look forward to continuing to work with the DPRK as the verification process evolves as envisaged in the Initial Actions.

You may recall that the Board concluded in June that, "a successfully negotiated settlement of the Korean nuclear issue, maintaining the essential verification role of the Agency, would be a significant accomplishment for international peace and security". In this context, I would invite the Board to take the actions recommended in document GOV/2007/36.

[...] (eds.)

The DPRK case clearly illustrates the need for the Agency to have an adequate reserve that can be drawn upon to enable it to respond promptly and effectively to unexpected crises or extraordinary requests, whether in the areas of verification, nuclear and radiological accidents, or other emergencies.

[...] (eds.)

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**Application of Safeguards in the Democratic People’s Republic of Korea (DPRK)**

[Report by the Director General, GOV/2007/45-GC(51)/19, 17 August 2007]

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[*Editorial note:* footnote not included]

**A. Introduction**

1. In his report to the 50th regular session of the General Conference (GC(50)/15) on 14 August 2006, the Director General stated, inter alia, that "since 31 December 2002, when on-site monitoring activities were terminated at the request of the DPRK, the Agency had been unable to draw any conclusions regarding the DPRK’s nuclear activities".

2. Having considered the Director General’s report, the General Conference adopted resolution GC(50)/RES/15, on 22 September 2006, in which it inter alia strongly urged the DPRK to return immediately to the Six-Party Talks without precondition and to work towards the expeditious implementation of the Joint Statement issued 19 September 2005, and in particular to implement fully its commitment to abandon all nuclear weapons and existing nuclear programmes, as a step towards the goal of the verifiable denuclearisation of the Korean Peninsula; called upon the DPRK to cooperate promptly with the Agency in the full and effective implementation of IAEA safeguards and to resolve any outstanding issues that may have arisen due to the long absence of safeguards; called upon the DPRK to comply fully with the Treaty on the Non-Proliferation of Nuclear Weapons; and stressed the essential verification role of the Agency. The General Conference also decided to include in the agenda for its fifty-first regular session an item entitled "*Implementation of the NPT safeguards agreement between the Agency and the Democratic People’s Republic of Korea*".

3. The announcement by the DPRK on 9 October 2006 that it had conducted a nuclear test was discussed at the November 2006 meeting of the Board of Governors.

4. On 23 February 2007, the Director General received an

invitation from the DPRK to visit the DPRK to "develop the relations between the DPRK and the Agency, as well as to discuss problems of mutual concerns". The Director General visited the DPRK on 13-14 March 2007 and reported to the Board of Governors in June 2007 that his discussions with DPRK officials were forward looking, and had focused on the potential for re-establishing the relationship between the DPRK and the Agency, and that the Agency remained ready to begin work with the DPRK on monitoring and verification of the shutdown and sealing of the Yongbyon nuclear facility, as foreseen in the Initial Actions for the Implementation of the Six Party Joint Statement on the Korean Peninsula Nuclear Issue agreed at the Six-Party Talks in Beijing on 13 February 2007.

5. On 3 July 2007, the Director General submitted to the Board of Governors a report on monitoring and verification in the DPRK (GOV/2007/36), in which he informed the Board of the results of a visit to the DPRK by an Agency team on 26-29 June 2007, and of the ad hoc arrangement for monitoring and verification as agreed between the Agency and the DPRK and foreseen in the Initial Actions agreed at the Six-Party Talks. On 9 July 2007, the Board of Governors authorized the Director General, subject to the availability of funds, to implement the ad hoc arrangement.

6. The current report, which is being submitted to the Board of Governors and the General Conference, covers developments since the fiftieth regular session of the General Conference regarding the application of safeguards in the DPRK and the developments since the Board of Governors authorized the implementation of the ad hoc arrangement.

#### **B. Application of Safeguards in the DPRK**

7. The Director General noted, most recently in his June 2007 statement to the Board of Governors, that the Agency had not performed any verification activities in the DPRK since December 2002, and had been unable to draw any conclusions regarding the DPRK's nuclear activities.

8. On 14 July 2007 an Agency team arrived at Yongbyon to implement the ad hoc monitoring and verification arrangement. On 17 July 2007 the Agency stated, following initial verification, that the DPRK has shut down the following installations at the Yongbyon nuclear facility: the Nuclear Fuel Fabrication Plant; the Radiochemical Laboratory (the reprocessing plant); the 5 MW(e) Experimental Nuclear Power Plant; and the 50 MW(e) Nuclear Power Plant all of which are located in Yongbyon; as well as the 200 MW(e) Nuclear Power Plant in Taechon.

9. Since 17 July 2007, the Agency has continued to monitor and verify the shut down status of the above mentioned installations and has implemented, with the cooperation of the DPRK, appropriate monitoring and verification measures as follows:

[Eds...]

#### **C. Conclusion**

10. The Agency has verified the shutdown status of the Yongbyon nuclear facility and is continuing to implement the ad hoc monitoring and verification arrangement with the cooperation of the DPRK.

### **Comments Made on the Six-Party Talks as Part of a Statement by the Director General Mohamed ElBaradei to the IAEA Board of Governors**

[22 November 2007]

#### **Implementation of Safeguards in the DPRK**

At the request of the Democratic People's Republic of Korea (DPRK), the Agency has been verifying and monitoring the shutdown and sealing of the Yongbyon nuclear facilities since 18 July 2007. More recently, work has been proceeding on the disablement of some of the Yongbyon nuclear facilities under Six-Party arrangements without the Agency's involvement.

I would recall that the Six-Party Joint Statement of 19 September 2005 envisions the DPRK "returning, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to IAEA safeguards". Under the NPT, the IAEA has the responsibility to verify that all nuclear material in a State Party is declared to the

Agency and is under safeguards. We stand ready to assume this or any other verification role as and when requested.

### **Statement by the Chair Mr Wu Dawei, head of the Chinese Delegation to the Six Party Talks**

[26 June 2008]

On the afternoon of 26th June, 2008, Mr. Wu Dawei, head of the Chinese delegation to the Six-Party Talks and Vice Foreign Minister, released the Statement by the Chair of the Six-Party Talks. The full text is as follows:

#### **The Six-Party Talks Has Made Positive Progress**

The Six-Party Talks has made positive progress in the second-phase actions for the implementation of the Joint Statement thanks to the concerted efforts by all the Parties.

In the spirit of the October 3, 2007 Six Party agreement, on June 26, 2008, the DPRK will submit its nuclear declaration to the Chair of the Six-Party Talks, and the United States will implement its obligations to remove the designation of the DPRK as a state sponsor of terrorism and to terminate application of the Trading with the Enemy Act.

The Parties agreed that the declaration will be subject to verification and there is agreement within the Parties on a set of principles to guide the establishment of a verification regime.

The Parties agreed to establish a Monitoring Mechanism to cover all parties' obligations in the Six-Party Talks, including nonproliferation and economic and energy assistance.

The Parties reaffirm the September 19, 2005 Joint Statement goal to realize verifiable denuclearization of the Korean Peninsula.

We believe that the above-mentioned developments will be conducive to implementing the second-phase actions in a comprehensive and balanced manner, and the final realization of all the goals in the September 19, 2005 Joint Statement.

Mr. Choe Jin Su, the DPRK Ambassador to China, submitted the nuclear declaration to Mr. Wu Dawei on the same day.

*Available at the website of the Consulate of the People's Republic of China in San Francisco:*

<http://www.chinaconsulatesf.org/eng/xw/t451491.htm>

### **Press Release by Ministry of Foreign Affairs of the Russian Federation on Denuclearization of Korean Peninsula**

[28 June 2008]

Russia notes with satisfaction the weighty progress achieved over the last few days in the framework of international efforts aimed at denuclearizing the Korean Peninsula.

We welcome the presentation by the North Korean side to the Chinese chair of the six-party talks to resolve the Korean Peninsula nuclear problem (KPNP) of a declaration of its nuclear activities as well as the demolition of the cooling tower at its Yongbyon nuclear reactor, which means that this facility is put out of action.

The Russian side has highly assessed the reciprocal decision of the US administration to start the procedure for de-listing the DPRK from its list of state sponsors of terrorism and for lifting Trading with Enemy Act restrictions on that country.

These steps are being carried out in accordance with the measures agreed upon by the participants in the talks to implement the Joint Statement of September 19, 2005 and signify real progress of the six-party process on the KPNP.

The Russian Federation reaffirms the readiness to continue its active participation in the six-party talks, including holding a meeting of the heads of the delegations soon with a view to achieving a complete denuclearization of the Korean Peninsula.

## North Korea Foreign Ministry Statement on the Disablement of Yongbyon

[4 July 2008]

Pyongyang, July 4 (KCNA) – A spokesman for the DPRK Foreign Ministry released the following statement Friday as regards the implementation of the October 3 agreement adopted by the six-party talks:

The October 3 agreement has entered a new phase in its implementation thanks to the DPRK's sincere efforts.

The disablement of the nuclear facilities in the DPRK has been done more than 80 percent as of now and it implemented the agreed point that calls for presenting an accurate and complete nuclear declaration.

The DPRK took the measure of completely blowing up the cooling tower of the pilot atomic power plant, in particular, going beyond the phase of disablement.

This constitutes a step taken out of good will, a proof of the DPRK's will for the denuclearization, as it means that it has taken in advance the action to be done at the phase following the dismantlement of the nuclear facilities.

The other participating parties of the six-way talks should join the DPRK in its efforts by honestly fulfilling their commitments.

The U.S. published the measure for political compensation according to the October 3 agreement, but the measure for taking the DPRK off the list of "state sponsors of terrorism" has not yet taken effect due to its procedural factor and the measure for putting an end to applying the "Trading with the Enemy Act" against the DPRK has not been implemented to the full in the light of its substance, though the U.S. claims it came into force.

The commitments of the five parties to make economic compensation have been fulfilled just 40 per cent as of now.

A party whose chief delegate had seconded the above-said agreement by raising his hand at the six-party talks is refusing to participate in the undertaking to implement it, but it is still connived at.

The DPRK is ready to cooperate in verifying the nuclear declaration but is maintaining the basic principle that the principle of "action for action" should be observed.

By origin, the denuclearization of the whole Korean Peninsula in line with the September 19 joint statement presupposes its verification. The fulfillment of the commitments by all participating parties including the U.S. should be verified without exception.

Only when all the participating countries accurately wind up the fulfillment of their commitments, is it possible to see the full implementation of the October 3 agreement and only then can the discussion of the issues at the next phase make smooth progress.

This is the basic requirement of the principle of "action for action" and the consistent stand of the DPRK.

## Press Communiqué of the Heads of Delegation Meeting of the Sixth Round of the Six-Party Talks

[Beijing, 12 July 2008]

The Heads of Delegation Meeting of the Sixth Round of the Six-Party Talks was held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America from 10 to 12 July 2008.

Mr. Wu Dawei, Vice Minister of Foreign Affairs of the PRC; Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Saiki Akitaka, Director-General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Kim Sook, Special Representative for Korean Peninsula Peace and Security Affairs of the ROK Ministry of Foreign Affairs and Trade; Mr. Alexei Borodavkin, Deputy Minister of Foreign Affairs of the Russian Federation; and Mr. Christopher R. Hill, Assistant Secretary for East Asian and Pacific Affairs of the State Department of the United States

attended the talks as heads of their respective delegations.

Vice Foreign Minister Wu Dawei chaired the meeting.

The Parties spoke highly of the positive progress made in the second-phase actions for the implementation of the Joint Statement and agreed unanimously that the progress contributes to peace and stability in Northeast Asia. The Parties reached important consensus on the full and balanced implementation of the second-phase actions.

1. In accordance with the Joint Statement of the Six-Party Talks adopted on 19 September 2005, the six parties agreed to establish a verification mechanism within the Six-Party Talks framework to verify the denuclearization of the Korean Peninsula.

The verification mechanism consists of experts of the six parties and is responsible to the Working Group on Denuclearization of the Korean Peninsula.

The verification measures of the verification mechanism include visits to facilities, review of documents, interviews with technical personnel and other measures unanimously agreed upon among the six parties.

When necessary, the verification mechanism can welcome the International Atomic Energy Agency (IAEA) to provide consultancy and assistance for relevant verification.

The specific plans and implementation of the verification will be decided by the Working Group on Denuclearization of the Korean Peninsula in line with the principle of consensus.

2. The six parties agreed to establish a monitoring mechanism within the Six-Party Talks framework.

The monitoring mechanism consists of the heads of delegation of the six parties.

The mission of the monitoring mechanism is to ensure that all parties honor and fulfill their respective commitments made within the Six-Party Talks framework, including non-proliferation and economic and energy assistance to the DPRK.

The monitoring mechanism will carry out its responsibilities in ways considered effective by the six parties.

The heads of delegation of the six parties can authorize appropriate officials to carry out their responsibilities.

3. The Parties formulated a timetable for economic and energy assistance along with disablement of the Yongbyon nuclear facilities.

Disablement of the Yongbyon nuclear facilities by the DPRK and the remaining heavy fuel oil (HFO) and non-HFO assistance to the DPRK by other parties will be fully implemented in parallel.

All parties will work to complete their HFO and non-HFO assistance to the DPRK by the end of October 2008.

The United States and Russia will work to complete the provision of their remaining share of HFO assistance to the DPRK by the end of October 2008.

China and the ROK will work to sign with the DPRK binding agreements for the provision of their remaining share of non-HFO assistance by the end of August 2008.

Japan expressed its willingness to take part in the economic and energy assistance to the DPRK as soon as possible when the environment is in place.

The DPRK will work to complete the disablement of the Yongbyon nuclear facilities by the end of October 2008.

4. The Parties agreed to continue with their discussions on the "Guiding Principles of Peace and Security in Northeast Asia".

5. The Parties reiterated that the Six-Party Ministerial Meeting will be held in Beijing at an appropriate time.

6. The Parties had a preliminary exchange of views on the third-phase actions for the implementation of the Joint Statement of 19 September 2005. The Parties agreed to continue to advance the Six-Party Talks process in a comprehensive manner and work together for lasting peace and stability in Northeast Asia.

## Informal Meeting of Foreign Ministers from States Participants in Six-Party Talks on Korean Peninsula Nuclear Problem

[Press Release by Ministry of Foreign Affairs of the  
Russian Federation, 24 July 2008]

Foreign ministers from the nations participating in six-party talks to

settle the Korean Peninsula nuclear problem met informally on July 23 in Singapore on the margins of the ASEAN events and ASEAN Regional Forum (ARF). Those meeting were: Russian Foreign Minister Sergey Lavrov, PRC Foreign Minister Yang Jiechi, DPRK Foreign Minister Pak Ui-chun, South Korean Foreign and Trade Minister Yu Myung-hwan, US Secretary of State Condoleezza Rice, and Japanese Foreign Minister Masahiko Komura.

The heads of the foreign affairs agencies positively assessed recent progress in the endeavor and reiterated their commitment to the talks' ultimate aim for a verifiable non-nuclear status of the Korean Peninsula. Much attention was paid to the necessity of crafting effective procedures to verify the recently submitted DPRK declaration on its nuclear programs. Overall backing was given to Russia's approach calling for the full use of IAEA potential in the verification process.

Russia, China, the United States and South Korea reiterated their pledges of compensation deliveries of fuel oil and power equipment to the DPRK in parallel with North Korea's measures to disable its Yongbyon nuclear reactor.

The Russian proposal to intensify work as part of the six-party talks on the elaboration of the Draft Guiding Principles on Northeast Asia Peace and Security, with an eye for the subsequent creation of a relevant multilateral mechanism, received an overall positive response.

The ministers pointed to the need to step up the six-party process and expressed readiness to hold in Beijing their official meeting, the date for which will be arranged later on.

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### **U.S.-North Korea Understandings on Verification, Fact Sheet Office of the Spokesman, State Department, Washington, DC**

[11 October 2008]

- The participants in the Six-Party Talks have for some time been discussing the importance of verification measures that will allow the Parties to reliably verify North Korea's denuclearization as the process moves forward.
- The Six-Party Heads of Delegation met in July to discuss verification measures, and draft papers were exchanged among the Parties.
- On July 12, China, the Chair of the Six-Party Talks, released a Press Communiqué stating that verification measures would include visits to facilities, review of documents, and interviews with technical personnel as well as other measures unanimously agreed among the Six Parties.
- Upon the invitation of the North Korean government, a U.S. negotiating team on behalf of the Six Parties visited Pyongyang from October 1 - 3 for intensive talks on verification measures.
- Based upon these discussions, U.S. and North Korean negotiators agreed on a number of important verification measures, including:
  - Agreement that experts from all Six Parties may participate in verification activities, including experts from non-nuclear states;
  - Agreement that the IAEA will have an important consultative and support role in verification
  - Agreement that experts will have access to all declared facilities and, based on mutual consent, to undeclared sites;
  - Agreement on the use of scientific procedures, including sampling and forensic activities; and
  - Agreement that all measures contained in the Verification Protocol will apply to the plutonium-based program and any uranium enrichment and proliferation activities. In addition, the Monitoring Mechanism already agreed by the Six Parties to monitor compliance with Six-Party documents applies to proliferation and uranium

enrichment activities.

- The U.S.-DPRK agreement on these verification measures has been codified in a joint document between the United States and North Korea and certain other understandings, and has been reaffirmed through intensive consultations. The agreement and associated understandings have been conveyed to the other parties.
- These measures will serve as the baseline for a Verification Protocol to be finalized and adopted by the Six Parties in the near future.
- Verification of the North Korea declaration submitted on June 26 has already begun with review of the over 18,000 pages of operating records from Yongbyon that North Korea provided on May 8.

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### **DPRK Grants IAEA Access to Yongbyon Facilities**

[IAEA Press Releases, 13 October 2008]

Following is a statement to the media by IAEA Spokesperson Melissa Fleming on the situation in the DPRK:

The Democratic People's Republic of Korea today granted the Agency access to the 5 Megawatt Experimental Nuclear Power Plant, the Nuclear Fuel Fabrication Plant and the reprocessing facility at Yongbyon. As you will recall, the DPRK informed the IAEA on 9 October that its access to these facilities would no longer be permitted.

The Agency inspectors were also informed today that, as of tomorrow, 14 October, core discharge activities at the reactor would be resumed, monitored by Agency inspectors.

Agency inspectors will also now be permitted to re-apply the containment and surveillance measures at the reprocessing facility.

The Agency has not yet been briefed on the details of the verification measures agreed to by the U.S. and the DPRK as a baseline for a Verification Protocol. We assume that we will be fully briefed once all the Six Parties have met to consider it.

Naturally, any additional verification role envisaged for the Agency under the Verification Protocol that goes beyond the IAEA's present ad hoc monitoring and verification arrangement with the DPRK will require Board authorization.

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### **Russian MFA Information and Press Department Commentary Regarding the DPRK's Resumption of Disablement of the Yongbyon Nuclear Facilities**

[14 October 2008]

We note with satisfaction that positive dynamics have emerged in solving the Korean Peninsula nuclear problem. The United States and the DPRK continued fulfilling their obligations as part of the second stage of the peninsula's denuclearization in accordance with the "action for action" principle – the United States completed the procedure of removing the DPRK from its list of state sponsors of terrorism, and the DPRK resumed work to disable the nuclear facilities at Yongbyon.

Russia as an active and responsible participant in the talks on the Korean Peninsula nuclear problem strictly adheres to the accords reached within the six-party process. Continuing to pursue this line in the future as well, the Russian side calls on the other states participating in the talks to work consistently on the implementation of the provisions of the Joint Declaration of September 19, 2005 and expresses its readiness to closely cooperate with the partners to achieve the verifiable denuclearization of the Korean Peninsula.

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### **Chairman's Statement of the Six-Party Talks**

[11 December 2008]

The Heads of Delegation of the Six-Party Talks held a meeting in Beijing from 8 to 11 December 2008. Mr. Kim Gye Gwan, Vice Minister of Foreign Affairs of the DPRK; Mr. Saiki Akitaka, Director-



General for Asian and Oceanian Affairs, Ministry of Foreign Affairs of Japan; Mr. Kim Sook, Special Representative for Korean Peninsula Peace and Security Affairs of the ROK Ministry of Foreign Affairs and Trade; Mr. Alexei Borodavkin, Deputy Minister of Foreign Affairs of the Russian Federation and Mr. Christopher R. Hill, Assistant Secretary for East Asian and Pacific Affairs of the State Department of the United States attended the talks as heads of their respective delegation. Mr. Wu Dawei, Vice Minister of Foreign Affairs of China, chaired the meeting.

There were three items on the agenda as agreed by the Parties: 1. Full implementation of the second-phase actions. 2. Verification of the denuclearization of the Korean Peninsula. 3. Guiding principles on peace and security in Northeast Asia. The Parties conducted serious, candid, in-depth and constructive discussions on these topics.

The Parties gave full recognition to the positive progress made in implementing the second-phase actions of the September 19 Joint Statement: disablement of the relevant DPRK Yongbyon nuclear facilities; the DPRK's declaration on nuclear facilities and programs; and economic and energy assistance. The Parties spoke highly of the active efforts made by all parties in this regard.

The Parties agreed, as described in the October 3 Second Phase Agreement, to complete in parallel the disablement of the Yongbyon nuclear facilities and the provision of economic and energy assistance equivalent to one million tons of heavy fuel oil by the other parties. The Parties would welcome the participation of the international community in providing assistance to the DPRK. The ROK, as the chair, would convene a meeting of the Working Group on the Economy and Energy Cooperation at an appropriate time to coordinate the relevant issues concerning assistance to the DPRK.

The Parties reaffirmed the September 19 Joint Statement goal of the verifiable denuclearization of the Korean Peninsula. The Parties evaluated the progress made towards agreement on terms for verification. The Parties would welcome assistance and consultancy from the IAEA in the course of verification.

The Russian Federation distributed the revised draft of Guiding Principles on Peace and Security in Northeast Asia. It was discussed by the Parties and received generally positive reaction. Parties agreed that a meeting of relevant Working Group under the Russian Chairmanship will be held in Moscow in February 2009 for further consideration of the above mentioned draft.

The Parties encouraged sincere efforts by the DPRK and the US as well as the DPRK and Japan toward resolving the issues of concern and normalizing their relations.

The Parties unanimously agreed to advance the Six-Party Talks process and make contributions to peace and stability in Northeast Asia and the world.

The Parties agreed to hold the next Six-Party Talks meeting at an early date.

**DPRK Foreign Ministry's Spokesman Dismisses U.S. Wrong Assertion**

[Pyongyang, 13 January 2009, (KCNA)]

Wrong views and assertions were floated in the United States recently to create the impression that the denuclearization of the Korean Peninsula is the issue to be settled only when the DPRK shows nuclear weapons.

A spokesman for the DPRK Ministry of Foreign Affairs Tuesday issued a statement turning down this assertion intended to mislead the public opinion.

The statement recalled that at the six party talks held on September 19, 2005, the six parties agreed to denuclearize not only the northern half of the Korean Peninsula but the whole of it and, to this end, the United States committed itself to terminate its hostile relations with the DPRK, assure it of non-use of nuclear weapons and clear south Korea of nukes, etc.

It continued:

We consented to the September 19 Joint Statement, not prompted by the desire to improve the relations through denuclearization, but

proceeding from the principled stand to realize the denuclearization through the normalization of the relations. Our aim to denuclearize the Korean Peninsula is, above all, to remove the U.S. nuclear threat to the DPRK that has lasted for the past half century.

The nuclear issue surfaced on the Korean Peninsula because of the U.S. hostile policy toward the DPRK and its nuclear threat resulting from it, and the hostile relations are not attributable to the nuclear issue.

It is a twisted logic to assert that the bilateral relations can be improved only when we show nukes before anything else, and this is a distortion of the spirit of the September 19 Joint Statement.

As clarified in the joint statement, the denuclearization of the whole Korean Peninsula should be strictly realized in a verifiable manner.

Free field access should be ensured to verify the introduction and deployment of U.S. nukes in south Korea and details about their withdrawal and there should be verification procedures to inspect on a regular basis the possible reintroduction or passage of nukes.

As proven in practice, the basic way of implementing the September 19 Joint Statement under the situation where there is no mutual confidence is to observe the principle of "action for action".

This principle can never be an exception as far as the issue of verification is concerned.

It is necessary to simultaneously verify the whole Korean Peninsula at the phase where the denuclearization is ultimately realized according to the said principle.

When the U.S. nuclear threat is removed and south Korea is cleared of its nuclear umbrella, we will also feel no need to keep its nuclear weapons.

This precisely means the denuclearization of the Korean Peninsula and it is our invariable stand.

We will never do such a thing as showing our nuclear weapons first even in 100 years unless the U.S. hostile policy and nuclear threat to the DPRK are fundamentally terminated.

If the nuclear issue is to be settled, leaving the hostile relations as they are, all nuclear weapons states should meet and realize the simultaneous nuclear disarmament. This is the only option.

**Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea**

[GC(53)/RES/15, September 2009]

Resolution adopted on 18 September 2009 during the eleventh plenary meeting

**The General Conference.**

(a) Recalling previous reports by the Agency's Director General regarding nuclear activities in the Democratic People's Republic of Korea (DPRK), as well as relevant resolutions of the Agency's Board of Governors and General Conference,

(b) Recalling with grave concern the steps taken by the DPRK which led the Board of Governors to find that the DPRK was in non-compliance with its safeguards agreement and to report the DPRK's non-compliance to the United Nations Security Council,

(c) Further recalling with deep concern the nuclear test conducted by the DPRK on 9 October 2006,

(d) Conscious that a Korean Peninsula free of nuclear weapons would contribute positively to regional and global peace and security,

(e) Recognizing the importance of the Six-Party Talks, in particular the agreements reached by the Six Parties in the September 2005 Joint Statement, and on 13 February and 3 October 2007,

(f) Recalling the important role that the Agency has played in monitoring and verification activities at the Yongbyon nuclear facilities, including as agreed in the Six-Party Talks,

(g) Noting with deep concern the DPRK's decision to cease all cooperation with the Agency, and its demand on 14 April 2009 that

Agency inspectors leave the DPRK and remove all Agency containment and surveillance equipment from its facilities,

(h) Further noting in this context serious concerns regarding the DPRK's announced intentions to reactivate all facilities at Yongbyon, reprocess spent fuel and weaponize the extracted plutonium, and develop uranium enrichment technology, and

(i) Having considered the Director General's report contained in document GC(53)/13,

1. Stresses its desire for a diplomatic resolution of the DPRK nuclear issue so as to achieve the complete, verifiable and irreversible denuclearization of the Korean Peninsula;

2. Condemns the nuclear test conducted by the DPRK on 25 May 2009 in violation of the relevant United Nations Security Council resolutions;

3. Stresses the importance of Member States fully implementing their obligations pursuant to United Nations Security Council resolutions 1718 (2006) and 1874 (2009), including the DPRK's nonproliferation obligations;

4. Strongly urges the DPRK not to conduct any further nuclear test;

5. Stresses the importance of the full implementation of the 19 September 2005 Joint Statement and other Six-Party commitments by all relevant parties, including the commitments made by the DPRK to abandon all nuclear weapons and existing nuclear programmes;

6. Calls upon the DPRK to come into full compliance with the Treaty on the Non-Proliferation of Nuclear Weapons and to cooperate promptly with the Agency in the full and effective implementation of Agency comprehensive safeguards, and to resolve any outstanding issues that may have arisen due to the long absence of Agency safeguards;

7. Deplores the DPRK's actions to cease all cooperation with the Agency, strongly endorses the actions taken by the Board of Governors and commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK;

8. Supports the Six-Party Talks, recognizes that the Six-Party Talks are an effective mechanism for dealing with the DPRK nuclear issue, and calls upon the DPRK to return immediately and without preconditions to the Six-Party Talks;

9. Supports the international community's peaceful efforts in all available and appropriate forums to address the challenge posed by the DPRK; and

10. Decides to remain seized of the matter and to include the item in the agenda for its fifty-fourth (2010) regular session.

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### Annual Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence

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[Statement for the record: February 2, 2010]

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[Eds...]

#### North Korean WMD and Missile Programs

Pyongyang's nuclear weapons and missile programs pose a serious threat to the security environment in East Asia. North Korea's export of ballistic missiles and associated materials to several countries including Iran and Pakistan, and its assistance to Syria in the construction of a nuclear reactor, exposed in 2007, illustrate the reach of the North's proliferation activities.

Despite the Six-Party October 3, 2007 Second Phase Actions agreement in which North Korea reaffirmed its commitment not to transfer nuclear materials, technology, or know-how we remain alert to the possibility North Korea could again export nuclear technology.

The North's October 2006 nuclear test was consistent with our longstanding assessment that it had produced a nuclear device, although we judge the test itself to have been a partial failure based on its less-than-one-kiloton TNT equivalent yield. The North's probable nuclear test in May 2009 supports its claim that it

has been seeking to develop weapons, and with a yield of roughly a few kilotons TNT equivalent, was apparently more successful than the 2006 test. We judge North Korea has tested two nuclear devices, and while we do not know whether the North has produced nuclear weapons, we assess it has the capability to do so. It remains our policy that we will not accept North Korea as a nuclear weapons state, and we assess that other countries in the region remain committed to the denuclearization of North Korea as has been reflected in the Six Party Talks.

After denying a highly enriched uranium program since 2003, North Korea announced in April 2009 that it was developing uranium enrichment capability to produce fuel for a planned light water reactor (such reactors use low enriched uranium); in September it claimed its enrichment research had "entered into the completion phase". The exact intent of these announcements is unclear, and they do not speak definitively to the technical status of the uranium enrichment program. The Intelligence Community continues to assess with high confidence North Korea has pursued a uranium enrichment capability in the past, which we assess was for weapons.

[Eds...]

**Six Party Talks and Denuclearization.** In addition to the TD-2 missile launch of April 2009 and the probable nuclear test of May 2009, Pyongyang's reprocessing of fuel rods removed from its reactor as part of the disablement process appears designed to enhance its nuclear deterrent and reset the terms of any return to the negotiating table. Moreover, Pyongyang knows that its pursuit of a uranium enrichment capability has returned that issue to the agenda for any nuclear negotiations. The North has long been aware of US suspicions of a highly enriched uranium program.

We judge Kim Jong-Il seeks recognition of North Korea as a nuclear weapons power by the US and the international community. Pyongyang's intent in pursuing dialogue at this time is to take advantage of what it perceives as an enhanced negotiating position, having demonstrated its nuclear and missile capabilities.

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### Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea

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[GC(54)/RES/12 September 2010]

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[Editorial note – footnote not included]

#### The General Conference.

(a) Recalling previous reports by the Agency's Director General regarding nuclear activities in the Democratic People's Republic of Korea (DPRK), as well as relevant resolutions of the Agency's Board of Governors and General Conference,

(b) Recalling with grave concern the steps taken by the DPRK which led the Board of Governors to find that the DPRK was in non-compliance with its safeguards agreement and to report the DPRK's non-compliance to the United Nations Security Council,

(c) Further recalling with deep concern the nuclear test conducted by the DPRK on 9 October 2006,

(d) Conscious that a Korean Peninsula free of nuclear weapons would contribute positively to regional and global peace and security,

(e) Recognizing the importance of the Six-Party Talks, in particular the agreements reached by the Six Parties in the September 2005 Joint Statement, and on 13 February and 3 October 2007,

(f) Recalling the important role that the Agency has played in monitoring and verification activities at the Yongbyon nuclear facilities, including as agreed in the Six-Party Talks,

(g) Noting with deep concern the DPRK's decision to cease all cooperation with the Agency, and its demand on 14 April 2009 that Agency inspectors leave the DPRK and remove all Agency containment and surveillance equipment from its facilities,

(h) Further noting in this context serious concerns regarding the DPRK's announced intentions to reactivate all facilities at Yongbyon, reprocess spent fuel and weaponize the extracted plutonium, and develop uranium enrichment technology, and

(i) Having considered the Director General's report contained in document GC(54)/12, 1. Stresses its desire for a diplomatic resolution of the DPRK nuclear issue so as to achieve the complete, verifiable and irreversible denuclearization of the Korean Peninsula;

2. Condemns the nuclear test conducted by the DPRK on 25 May 2009 in violation of the relevant United Nations Security Council resolutions;

3. Stresses the importance of Member States fully implementing their obligations pursuant to United Nations Security Council resolutions 1718 (2006) and 1874 (2009), including the DPRK's nonproliferation obligations;

4. Strongly urges the DPRK not to conduct any further nuclear test and to fully comply with its obligations under relevant United Nations Security Council resolutions;

5. Supports the Six-Party Talks as an effective mechanism for dealing with the DPRK nuclear issue, calls upon all the parties concerned to make joint efforts for the resumption of the talks at an appropriate time in the future, and stresses the importance of the full implementation of the 19 September 2005 Joint Statement;

6. Reaffirms that the DPRK cannot have the status of a nuclear-weapon State in accordance with the NPT as stated in United Nations Security Council resolutions 1718 (2006) and 1874 (2009), and the Final Document of the 2010 NPT Review Conference;

7. Calls upon the DPRK to come into full compliance with the Treaty on the Non-Proliferation of Nuclear Weapons and to cooperate promptly with the Agency in the full and effective implementation of Agency comprehensive safeguards, and to resolve any outstanding issues that may have arisen due to the long absence of Agency safeguards and the lack of Agency access since April 2009;

8. Deplores the DPRK's actions to cease all cooperation with the Agency, strongly endorses the actions taken by the Board of Governors, commends the impartial efforts of the Director General and the Secretariat to apply comprehensive safeguards in the DPRK, and encourages the Secretariat to maintain the capability to re-establish implementation of safeguards-related activities in the DPRK;

9. Supports the international community's peaceful efforts in all available and appropriate forums to address the challenge posed by the DPRK; and

10. Decides to remain seized of the matter and to include the item in the agenda for its fifty-fifth (2011) regular session.

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**Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea**

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[GC(55)/RES/13 September 2011]

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See Section G

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**Application of Safeguards in the Democratic People's Republic of Korea**

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[GOV/2011/53-GC(55)/24 2 September 2011]

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[Eds...]

**F. Summary**

51. The Agency has not been able to verify the correctness and completeness of the DPRK's declarations under its Safeguards Agreement concerning nuclear material and facilities. On 1 April 1993, the DPRK was found to be in non-compliance with its Safeguards Agreement. Since 1994, the Agency has not been able to conduct all necessary safeguards activities provided for in the Safeguards Agreement. From the end of 2002 until July 2007 the Agency was not able, and since April 2009 has not been able, to implement any safeguards measures in the DPRK.

52. The DPRK has not implemented those measures that are binding upon it pursuant to Security Council resolutions 1718 (2006) and 1874 (2009), which, inter alia: demanded that the DPRK return to the NPT and IAEA safeguards; decided that the DPRK shall abandon all nuclear weapons and existing nuclear programmes in a complete, verifiable and irreversible manner, act strictly in accordance with the obligations applicable to parties under the NPT and the terms and conditions of its Safeguards Agreement and provide the Agency with transparency measures extending beyond these requirements, including such access to individuals, documentation, equipment and facilities as may be required and deemed necessary by the Agency.

53. The nuclear programme of the DPRK is a matter of serious concern and reports about the construction of a new uranium enrichment facility and a light water reactor in the DPRK are deeply troubling.

54. The Director General continues to call upon the DPRK to fully comply with its obligations under relevant Security Council resolutions, to come into full compliance with the NPT, to cooperate promptly with the Agency in the full and effective implementation of its Safeguards Agreement, and to resolve any outstanding issues that may have arisen due to the long absence of Agency safeguards. The Agency will continue to maintain its readiness to play an essential role in verifying the DPRK's nuclear programme.

[Eds...]

[Editorial note – Annex not included]



**O – Documents Relating to Iran (Islamic Republic of)**

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.kcl.ac.uk/csss>]

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**Annual Threat Assessment of the US Intelligence Community for the Senate Select Committee on Intelligence**

[Statement for the record: 2 February 2010]

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[Eds...]

**Iranian WMD and Missile Program**

The Iranian regime continues to flout UN Security Council restrictions on its nuclear program. There is a real risk that its nuclear program will prompt other countries in the Middle East to pursue nuclear options.

We continue to assess Iran is keeping open the option to develop nuclear weapons in part by developing various nuclear capabilities that bring it closer to being able to produce such weapons, should it choose to do so. We do not know, however, if Iran will eventually decide to build nuclear weapons.

I would like to draw your attention to two examples over the past year that illustrate some of the capabilities Iran is developing.

First, published information from the International Atomic Energy Agency indicates that the number of centrifuges installed at Iran's enrichment plant at Natanz has grown significantly from about 3,000 centrifuges in late 2007 to over 8,000 currently installed. Iran has also stockpiled in that same time period approximately 1,800 kilograms of low-enriched uranium. However, according to the IAEA information, Iran also appears to be experiencing some problems at Natanz and is only operating about half of the installed centrifuges, constraining its overall ability to produce larger quantities of low-enriched uranium.

Second, Iran has been constructing—in secret until last September—a second uranium enrichment plant deep under a mountain near the city of Qom. It is unclear to us whether Iran's motivations for building this facility go beyond its publicly claimed intent to preserve enrichment know-how if attacked, but the existence of the facility and some of its design features raise our concerns. The facility is too small to produce regular fuel reloads for civilian nuclear power plants, but is large enough for weapons purposes if Iran opts configure it for highly enriched uranium production. It is worth noting that the small size of the facility and the security afforded the site by its construction under a mountain fit nicely with a strategy of keeping the option open to build a nuclear weapon at some future date, if Tehran ever decides to do so.

Iran's technical advancement, particularly in uranium enrichment, strengthens our 2007 NIE assessment that Iran has the scientific, technical and industrial capacity to eventually produce nuclear weapons, making the central issue its political will to do so. These advancements lead us to reaffirm our judgment from the 2007 NIE that Iran is technically capable of producing HEU for a weapon in the next few years, if it chooses to do so.

We judge Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon. Iran already has the largest inventory of ballistic missiles in the Middle East and it continues to expand the scale, reach and sophistication of its ballistic missile forces—many of which are inherently capable of carrying a nuclear payload.

We continue to judge Iran's nuclear decision-making is guided by a cost-benefit approach, which offers the international community opportunities to influence Tehran. Iranian leaders undoubtedly consider Iran's security, prestige and influence, as well as the international political and security environment, when making decisions about its nuclear program.

That is as far as I can go in discussing Iran's nuclear program at the unclassified level. In my classified statement for the record, I have outlined in further detail the Intelligence Community's judgments regarding Iranian nuclear-related activities, as well as its chemical and biological weapons activities and refer you to that assessment.

Iran's growing inventory of ballistic missiles and its acquisition and indigenous production of anti-ship cruise missiles (ASCMs) provide capabilities to enhance its power projection. Tehran views its conventionally armed missiles as an integral part of its strategy to deter—and if necessary retaliate against—forces in the region, including US forces. Its ballistic missiles are inherently capable of delivering WMD, and if so armed, would fit into this same strategy.

[Eds...]

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**Iran plans to produce 20% enriched uranium at Natanz site**

[Salehi, 7 February 2010]

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Speaking to IRNA, [Salehi] said Iran is capable to produce 20 percent enriched uranium with Laser technology but it has no plans to do so.

He said that Iran will not produce 20% enriched uranium with laser technology adding that the news agencies have misquoted Iranian president about a decision to enrich 20 percent uranium with laser which is not right.

Iranian president has explained the capabilities of laser in various fields such as enrichment of uranium which does not mean that the country is to do it.

Iranian president has instructed the AEOI to initiate a plan to enrich uranium 20 percent, he said adding that currently negotiations are underway between Iranian president and some countries on swap deal.

Iranian president has underlined that the main focus has been the swap deal and that Iran never accepts any new precondition to this end.

Iranian president has instructed the AEOI to start production of 20 percent enriched uranium if talks on swap deal fail.

Production of 20 percent enriched uranium will be handled at Natanz nuclear site in due course, he said.

As soon as the Iranian president declares that talks on swap deal is over, and upon direct order from president the operation will start at Natanz site, he added.

The fact is that the president aimed to help western countries get rid of the current stalemate created by themselves through fabricated documentations, Salehi said.

Iranian president has underlined that Iran still remains committed to the fuel swap deal, Salehi said.

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**Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran**

[GOV/2010/10 18 February 2010]

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[Editorial note: Footnotes not included]

*Report by the Director General*

1. On 16 November 2009, the Director General reported to the Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of relevant Security Council resolutions in the Islamic Republic of Iran (Iran) (GOV/2009/74). The Director General issued two additional reports on 8 and 10 February 2010 (GOV/INF/2010/1 and GOV/INF/2010/2, respectively).

**A. Current Enrichment Related Activities**

**A.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant – [Eds...]**

**A.2. Qom: Fordow Fuel Enrichment Plant – [Eds...]**

**B. Reprocessing Activities – [Eds...]****C. Heavy Water Related Projects – [Eds...]**

24. In a letter dated 15 February 2010, the Agency reiterated its requests that Iran make the necessary arrangements to provide the Agency, at the earliest possible date, with access to: the HWPP; the heavy water stored at UCF for the purpose of taking samples for destructive analysis; and any other location in Iran where heavy water related projects are being carried out.

**D. Other Implementation Issues****D.1. Uranium Conversion – [Eds...]****D.2. Design Information – [Eds...]**

32. In a letter to Iran dated 6 November 2009 referring to Iran's decision to build FFEP, the Agency asked Iran, inter alia, to confirm that it had not taken a decision to construct or to authorize construction of any other nuclear facilities, and that there were currently no such facilities in Iran which have not been declared to the Agency. In its reply dated 2 December 2009, Iran stated that, "The Islamic Republic of Iran will inform the Agency, as it has been done before, on the existence of any other nuclear facility in Iran in accordance to the Safeguards Agreement with the Agency (INFCIRC/214)".

33. In a letter dated 2 December 2009, the Agency referred to Iran's public announcement of its intention to build ten new uranium enrichment facilities and to statements reportedly made by Iran that the location of five sites had already been decided and that five other plants would be built throughout the country, and asked Iran whether the information contained in these reports was correct. The Agency further requested that, if a decision to construct new enrichment facilities has been taken by Iran, Iran provide the Agency with further information regarding the design and scheduling of the construction of such facilities. In its reply dated 17 December 2009, in which Iran referred to its letter of 29 March 2007 suspending the implementation of the modified Code 3.1 and reverting to the implementation of the version reflected in the Subsidiary Arrangements dated 12 February 1976, Iran stated that it would "provide the Agency with the required information if necessary".

34. Article 45 of Iran's Safeguards Agreement requires that the Agency be provided with design information in respect of a modification relevant for safeguards purposes sufficiently in advance for the safeguards procedures to be adjusted when necessary. An increase in the maximum declared enrichment level from 5% U-235 to up to 20% U-235 is clearly relevant for safeguards purposes, and, accordingly, should have been notified to the Agency with sufficient time for the Agency to adjust the existing safeguards procedures at PFEP.

35. Iran has not yet resumed implementation of the modified Code 3.1. It remains the only State with significant nuclear activities which has a comprehensive safeguards agreement in force but is not implementing the provisions of the modified Code 3.1. It is important to note that the absence of such early information reduces the time available for the Agency to plan the necessary safeguards arrangements, especially for new facilities, and reduces the level of confidence in the absence of other nuclear facilities.

**D.3. Other Matters – [Eds...]**

39. Since early 2008, the Agency has requested that Iran provide access to additional locations related, inter alia, to the manufacturing of centrifuges, R&D on uranium enrichment and uranium mining and milling (GOV/2008/15, para. 13). Particularly in light of recent developments in, and statements by, Iran regarding the planned construction of new nuclear facilities, the Agency requests Iran to grant the Agency access to these locations as soon as possible.

**E. Possible Military Dimensions – [Eds...]**

43. The Agency would ... like to discuss with Iran: the project and management structure of alleged activities related to nuclear explosives; nuclear related safety arrangements for a number of the alleged projects; details relating to the manufacture of components for high explosives initiation systems; and experiments concerning the generation and detection of neutrons. Addressing these issues is important for clarifying the Agency's

concerns about these activities and those described above, which seem to have continued beyond 2004.

44. Since August 2008, Iran has declined to discuss the above issues with the Agency or to provide any further information and access (to locations and/or people) to address these concerns, asserting that the allegations relating to possible military dimensions to its nuclear programme are baseless and that the information to which the Agency is referring is based on forgeries.

45. With the passage of time and the possible deterioration in the availability of information, it is important that Iran engage with the Agency on these issues, and that the Agency be permitted to visit all relevant sites, have access to all relevant equipment and documentation, and be allowed to interview relevant persons, without further delay. Iran's substantive engagement would enable the Agency to make progress in its work. Through Iran's active cooperation, progress has been made in the past in certain other areas where questions have been raised; this should also be possible in connection with questions about military related dimensions.

**F. Summary**

46. While the Agency continues to verify the non-diversion of declared nuclear material in Iran, Iran has not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in Iran is in peaceful activities.

47. Iran is not implementing the requirements contained in the relevant resolutions of the Board of Governors and the Security Council, including implementation of the Additional Protocol, which are essential to building confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions. In particular, Iran needs to cooperate in clarifying outstanding issue which give rise to concerns about possible military dimensions to Iran's nuclear programme, and to implement the modified text of Code 3.1 of the Subsidiary Arrangements General Part on the early provision of design information.

48. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has continued with the operation of PFEP and FEP at Natanz, and the construction of a new enrichment plant at Fordow. Iran has also announced the intention to build ten new enrichment plants. Iran recently began feeding low enriched UF<sub>6</sub> produced at FEP into one cascade of PFEP with the aim of enriching it up to 20% in U-235. The period of notice provided by Iran regarding related changes made to PFEP was insufficient for the Agency to adjust the existing safeguards procedures before Iran started to feed the material into PFEP. The Agency's work to verify FFEP and to understand the original purpose of the facility and the chronology of its design and construction remain ongoing. Iran is not providing access to information such as the original design documentation for FFEP or access to companies involved in the design and construction of the plant.

49. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has also continued with the construction of the IR-40 reactor and related heavy water activities. The Agency has not been permitted to take samples of the heavy water which is stored at UCF, and has not been provided with access to the Heavy Water Production Plant.

50. The Director General requests Iran to take steps towards the full implementation of its Safeguards Agreement and its other obligations, including the implementation of its Additional Protocol.

51. The Director General will continue to report as appropriate.

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**Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran**

[GOV/2010/28, 31 May 2010]

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[Editorial note: Footnotes not included]

*Report by the Director General*

1. On 18 February 2010, the Director General reported to the

Board of Governors on the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) in the Islamic Republic of Iran (Iran) (GOV/2010/10). This report covers developments since that date.

## A. Current Enrichment Related Activities

### A.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant

#### 2. Fuel Enrichment Plant (FEP): [Eds...]

12. Between 9 February 2010 and 21 May 2010, a total of approximately 172 kg of low enriched UF<sub>6</sub> was fed into the first cascade. On 7 April 2010, Iran withdrew 5.7 kg of UF<sub>6</sub> from the first cascade and stored it in a small (5B) cylinder. According to Iran, this UF<sub>6</sub> was enriched to 19.7% U-235. This material is now under containment and surveillance. Iran has informed the Agency that, following the next withdrawal of UF<sub>6</sub> into the same cylinder, which is planned soon, the material in this cylinder will be homogenized. After the homogenization, the Agency will sample this material for destructive analysis to accurately verify the enrichment level declared by Iran.

13. Since the Director General's last report, Iran has informed the Agency that it intends to continue to transfer UF<sub>6</sub> enriched at FEP into a number of smaller cylinders for later use as LEU feed material at PFEP. The latest transfer took place on 24 May 2010. All transfers have been carried out in the presence of Agency inspectors, who then sealed all of the cylinders involved.

### A.2. Qom: Fordow Fuel Enrichment Plant

14. In September 2009, Iran informed the Agency that it was constructing the Fordow Fuel Enrichment Plant (FFEP), located near the city of Qom. The Agency verified that FFEP is currently being built to contain sixteen cascades, with a total of approximately 3000 centrifuges [Eds...]

16. In a letter dated 22 January 2010, the Agency reiterated its request that Iran submit a complete DIQ for FFEP. In its reply, dated 17 February 2010, Iran said that updates to the DIQ would be provided subsequently. In the Agency's view, some of the required information is already available to Iran and should already have been included in the DIQ.

17. Since October 2009, the Agency has been conducting, on average, one DIV at FFEP per month. The Agency has verified that the construction of the facility is ongoing. As of 26 May 2010, no centrifuges had been introduced into the facility. The results of the environmental samples taken at FFEP up to 16 February 2010 did not indicate the presence of enriched uranium.

### A.3. Other Enrichment Related Activities

18. In light of the announcement made by Iran on 9 April 2010 regarding the development of 'third generation' centrifuges, the Agency, in a letter to Iran dated 23 April 2010, reiterated its previous requests that Iran provide access to additional locations related, inter alia, to the manufacturing of centrifuges, R&D on uranium enrichment, and uranium mining and milling. In a letter dated 8 May 2010, Iran reiterated that it was "continuing to cooperate with the Agency in accordance with its Safeguards Agreement", but it did not provide the Agency with the requested information.

## B. Reprocessing Activities – [Eds...]

19. The Agency has continued to monitor the use and construction of hot cells at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility. The Agency carried out an inspection and a DIV at TRR on 11 May 2010 and carried out a DIV at the MIX Facility on 12 May 2010. There were no indications of ongoing reprocessing related activities at those facilities. While Iran has stated that there have been no reprocessing related activities in Iran, the Agency can confirm this only with respect to these two facilities, as the measures of the Additional Protocol are not currently available to it for Iran.

## C. Heavy Water Related Projects – [Eds]

### D. Uranium Conversion – [Eds...]

25. Between 7 March and 11 March 2010, the Agency carried out a PIV at UCF, during which Iran presented 352 tonnes of uranium in the form of UF<sub>6</sub> for the Agency to verify. The results of this PIV are being evaluated by the Agency.

26. On 18 May 2010, the Agency carried out a DIV at UCF. At that time the plant was still undergoing maintenance. As no UF<sub>6</sub> has been produced at UCF since 10 August 2009, the total amount of uranium in the form of UF<sub>6</sub> produced at UCF since March 2004 remains 371 tonnes (some of which has been transferred to FEP and PFEP), which remains subject to Agency containment and surveillance. During the DIV, inspectors were informed by Iran that the process line for the production of natural UO<sub>2</sub> for the IR-40 reactor fuel is now expected to be completed by September or October 2010.

## E. Other Activities – [Eds...]

### F. Design Information – [Eds...]

32. In December 2009, the Agency asked Iran whether reports that it intended to build ten new uranium enrichment facilities were correct. Iran subsequently stated that it would "provide the Agency with the required information if necessary". In a letter to Iran dated 5 May 2010, the Agency requested clarification of the public statement made in Iran on 19 April 2010 announcing that "the venue of new sites has been located according to atomic energy organization plan and the process of building these centres continues". The Agency informed Iran that, if a decision to construct new nuclear facilities had been taken by Iran, Iran was required to submit information to the Agency regarding the design, and scheduling of the construction, of the facilities. In its reply, dated 11 May 2010, Iran did not provide the requested information and stated only that it would provide the Agency "with the required information in due time ... according to the Safeguards Agreement".

33. The modification of PFEP to produce uranium enriched up to 20% in U-235, which is clearly relevant for safeguards purposes, was not notified to the Agency by Iran with sufficient time for the Agency to adjust its safeguards procedures, as required under Article 45 of Iran's Safeguards Agreement.

## G. Possible Military Dimensions – [Eds...]

35. Based on an overall analysis undertaken by the Agency of all the information available to it, the Agency remains concerned about the possible existence in Iran of past or current undisclosed nuclear related activities, involving military related organizations, including activities related to the development of a nuclear payload for a missile. There are indications that certain of these activities may have continued beyond 2004.

36. With the passage of time and the possible deterioration in the availability of information, it is essential that Iran engage with the Agency on these issues, and that the Agency be permitted to visit all relevant sites, have access to all relevant equipment and documentation, and be allowed to interview all relevant persons, without further delay. Iran's substantive and proactive engagement is essential to enable the Agency to make progress in its verification of the correctness and completeness of Iran's declarations.

## H. Summary

37. While the Agency continues to verify the non-diversion of declared nuclear material in Iran, Iran has not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in Iran is in peaceful activities.

38. More specifically, Iran is not implementing the requirements contained in the relevant resolutions of the Board of Governors and the Security Council, including implementation of the Additional Protocol, which are essential to building confidence in the exclusively peaceful purpose of Iran's nuclear programme and to resolving outstanding questions. In particular, Iran needs to cooperate in clarifying outstanding issues which give rise to concerns about possible military dimensions to its nuclear programme. Iran also needs to implement the modified Code 3.1 on the early provision of design information.

39. In addition, contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended enrichment related activities. Iran has continued with the operation

of FEP and PFEP at Natanz, and the construction of a new enrichment plant at Fordow. Iran's enrichment of uranium up to 20% U-235 at PFEP, and its subsequent plan to use two cascades that will be interconnected, necessitated a new safeguards approach, which is now being implemented. In order to verify the chronology and original purpose of FFEP, Iran still needs to provide the Agency with access to relevant design documents and to companies involved in the design of the plant. Iran also needs to submit a complete DIQ for the facility. Iran has also announced that it has selected the venues for new nuclear sites and that construction of these sites is underway, but has not provided the Agency with the necessary relevant information and access in accordance with Iran's Safeguards Agreement.

40. Similarly, contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has also continued with the construction of the IR-40 reactor and with heavy water related activities. The Agency has not been permitted to take samples of the heavy water which is stored at UCF, and has not been provided with access to the Heavy Water Production Plant.

41. The Director General requests Iran to take steps towards the full implementation of its Safeguards Agreement and its other obligations, including implementation of its Additional Protocol.

42. The Director General will continue to report as appropriate.

### Extracts from UN Security Council Resolution 1929 (2010)

[S/RES/1929 (2010) 9 June 2010]

*The Security Council,*

[Eds...]

*Acting under Article 41 of Chapter VII of the Charter of the United Nations,*

1. *Affirms* that Iran has so far failed to meet the requirements of the IAEA Board of Governors and to comply with resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008);

2. *Affirms* that Iran shall without further delay take the steps required by the IAEA Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme, to resolve outstanding questions and to address the serious concerns raised by the construction of an enrichment facility at Qom in breach of its obligations to suspend all enrichment-related activities, and, in this context, further affirms its decision that Iran shall without delay take the steps required in paragraph 2 of resolution 1737 (2006);

3. *Reaffirms* that Iran shall cooperate fully with the IAEA on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions of the Iranian nuclear programme, including by providing access without delay to all sites, equipment, persons and documents requested by the IAEA, and stresses the importance of ensuring that the IAEA have all necessary resources and authority for the fulfilment of its work in Iran;

4. *Requests* the Director General of the IAEA to communicate to the Security Council all his reports on the application of safeguards in Iran;

5. *Decides* that Iran shall without delay comply fully and without qualification with its IAEA Safeguards Agreement, including through the application of modified Code 3.1 of the Subsidiary Arrangement to its Safeguards Agreement, calls upon Iran to act strictly in accordance with the provisions of the Additional Protocol to its IAEA Safeguards Agreement that it signed on 18 December 2003, calls upon Iran to ratify promptly the Additional Protocol, and reaffirms that, in accordance with Articles 24 and 39 of Iran's Safeguards Agreement, Iran's Safeguards Agreement and its Subsidiary Arrangement, including modified Code 3.1, cannot be amended or changed unilaterally by Iran, and notes that there is no mechanism in the Agreement for the suspension of any of the provisions in the Subsidiary Arrangement;

6. *Reaffirms* that, in accordance with Iran's obligations under previous resolutions to suspend all reprocessing, heavy water-related and enrichment-related activities, Iran shall not begin

construction on any new uranium-enrichment, reprocessing, or heavy water-related facility and shall discontinue any ongoing construction of any uranium-enrichment, reprocessing, or heavy water-related facility;

7. *Decides* that Iran shall not acquire an interest in any commercial activity in another State involving uranium mining, production or use of nuclear materials and technology as listed in INFCIRC/254/Rev.9/Part 1, in particular uranium-enrichment and reprocessing activities, all heavy-water activities or technology-related to ballistic missiles capable of delivering nuclear weapons, and further decides that all States shall prohibit such investment in territories under their jurisdiction by Iran, its nationals, and entities incorporated in Iran or subject to its jurisdiction, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them;

8. *Decides* that all States shall prevent the direct or indirect supply, sale or transfer to Iran, from or through their territories or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, of any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts, or items as determined by the Security Council or the Committee established pursuant to resolution 1737 (2006) ("the Committee"), decides further that all States shall prevent the provision to Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of such arms and related materiel, and, in this context, calls upon all States to exercise vigilance and restraint over the supply, sale, transfer, provision, manufacture and use of all other arms and related materiel;

9. *Decides* that Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take all necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities;

10. *Decides* that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in Annex C, D and E of resolution 1737 (2006), Annex I of resolution 1747 (2007), Annex I of resolution 1803 (2008) and Annexes I and II of this resolution, or by the Security Council or the Committee pursuant to paragraph 10 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the provision to Iran of items in subparagraphs 3(b)(i) and (ii) of resolution 1737 (2006) in accordance with paragraph 3 of resolution 1737 (2006), underlines that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory, and decides that the measures imposed in this paragraph shall not apply when the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of this resolution, including where Article XV of the IAEA Statute is engaged;

11. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the individuals and entities listed in Annex I of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and to any individuals and entities determined by the Council or the Committee to have assisted designated individuals or entities in evading sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;

12. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the Islamic Revolutionary Guard Corps (IRGC, also known as "Army of the Guardians of the Islamic Revolution") individuals and entities specified in Annex II, and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and calls upon all States to exercise vigilance over those transactions involving the IRGC that could contribute to Iran's proliferation-sensitive nuclear activities or



the development of nuclear weapon delivery systems;

13. *Decides* that for the purposes of the measures specified in paragraphs 3, 4, 5, 6 and 7 of resolution 1737 (2006), the list of items in S/2006/814 shall be superseded by the list of items in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2, and any further items if the State determines that they could contribute to enrichment-related, reprocessing or heavy water-related activities or to the development of nuclear weapon delivery systems, and further decides that for the purposes of the measures specified in paragraphs 3, 4, 5, 6 and 7 of resolution 1737 (2006), the list of items contained in S/2006/815 shall be superseded by the list of items contained in S/2010/263;

14. *Calls upon* all States to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from Iran, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, for the purpose of ensuring strict implementation of those provisions;

15. *Notes* that States, consistent with international law, in particular the law of the sea, may request inspections of vessels on the high seas with the consent of the flag State, and calls upon all States to cooperate in such inspections if there is information that provides reasonable grounds to believe the vessel is carrying items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, for the purpose of ensuring strict implementation of those provisions;

16. *Decides* to authorize all States to, and that all States shall, seize and dispose of (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution that are identified in inspections pursuant to paragraphs 14 or 15 of this resolution, in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the NPT, and decides further that all States shall cooperate in such efforts;

17. *Requires* any State, when it undertakes an inspection pursuant to paragraphs 14 or 15 above to submit to the Committee within five working days an initial written report containing, in particular, explanation of the grounds for the inspections, the results of such inspections and whether or not cooperation was provided, and, if items prohibited for transfer are found, further requires such States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

18. *Decides* that all States shall prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to Iranian-owned or -contracted vessels, including chartered vessels, if they have information that provides reasonable grounds to believe they are carrying items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, unless provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and underlines that this paragraph is not intended to affect legal economic activities;

19. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall also apply to the entities of the Islamic Republic of Iran Shipping Lines (IRISL) as specified in Annex III and to any person or entity acting on their behalf or at their direction, and to entities owned or controlled by them,

including through illicit means, or determined by the Council or the Committee to have assisted them in evading the sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;

20. *Requests* all Member States to communicate to the Committee any information available on transfers or activity by Iran Air's cargo division or vessels owned or operated by the Islamic Republic of Iran Shipping Lines (IRISL) to other companies that may have been undertaken in order to evade the sanctions of, or in violation of the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution, including renaming or re-registering of aircraft, vessels or ships, and requests the Committee to make that information widely available;

21. *Calls upon* all States, in addition to implementing their obligations pursuant to resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, to prevent the provision of financial services, including insurance or re-insurance, or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources if they have information that provides reasonable grounds to believe that such services, assets or resources could contribute to Iran's proliferation-sensitive nuclear activities, or the development of nuclear weapon delivery systems, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are related to such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;

22. *Decides* that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in Iran or subject to Iran's jurisdiction, including those of the IRGC and IRISL, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, including through illicit means, if they have information that provides reasonable grounds to believe that such business could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems or to violations of resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;

23. *Calls upon* States to take appropriate measures that prohibit in their territories the opening of new branches, subsidiaries, or representative offices of Iranian banks, and also that prohibit Iranian banks from establishing new joint ventures, taking an ownership interest in or establishing or maintaining correspondent relationships with banks in their jurisdiction to prevent the provision of financial services if they have information that provides reasonable grounds to believe that these activities could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;

24. *Calls upon* States to take appropriate measures that prohibit financial institutions within their territories or under their jurisdiction from opening representative offices or subsidiaries or banking accounts in Iran if they have information that provides reasonable grounds to believe that such financial services could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;

25. *Deplores* the violations of the prohibitions of paragraph 5 of resolution 1747 (2007) that have been reported to the Committee since the adoption of resolution 1747 (2007), and commends States that have taken action to respond to these violations and report them to the Committee;

26. *Directs* the Committee to respond effectively to violations of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, and recalls that the Committee may designate individuals and entities who have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, these resolutions;

27. *Decides* that the Committee shall intensify its efforts to promote the full implementation of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, including through a work programme covering compliance, investigations, outreach,

dialogue, assistance and cooperation, to be submitted to the Council within forty-five days of the adoption of this resolution;

28. *Decides* that the mandate of the Committee as set out in paragraph 18 of resolution 1737 (2006), as amended by paragraph 14 of resolution 1803 (2008), shall also apply to the measures decided in this resolution, including to receive reports from States submitted pursuant to paragraph 17 above;

29. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts ("Panel of Experts"), under the direction of the Committee, to carry out the following tasks: (a) assist the Committee in carrying out its mandate as specified in paragraph 18 of resolution 1737 (2006) and paragraph 28 of this resolution; (b) gather, examine and analyse information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, in particular incidents of non-compliance; (c) make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures; and (d) provide to the Council an interim report on its work no later than 90 days after the Panel's appointment, and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations;

30. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, in particular incidents of non-compliance;

31. *Calls upon* all States to report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 and 24;

32. *Stresses* the willingness of China, France, Germany, the Russian Federation, the United Kingdom and the United States to further enhance diplomatic efforts to promote dialogue and consultations, including to resume dialogue with Iran on the nuclear issue without preconditions, most recently in their meeting with Iran in Geneva on 1 October 2009, with a view to seeking a comprehensive, long-term and proper solution of this issue on the basis of the proposal made by China, France, Germany, the Russian Federation, the United Kingdom and the United States on 14 June 2008, which would allow for the development of relations and wider cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme and, inter alia, starting formal negotiations with Iran on the basis of the June 2008 proposal, and acknowledges with appreciation that the June 2008 proposal, as attached in Annex IV to this resolution, remains on the table;

33. *Encourages* the High Representative of the European Union for Foreign Affairs and Security Policy to continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution, including relevant proposals by China, France, Germany, the Russian Federation, the United Kingdom and the United States with a view to create necessary conditions for resuming talks, and encourages Iran to respond positively to such proposals;

34. *Commends* the Director General of the IAEA for his 21 October 2009 proposal of a draft Agreement between the IAEA and the Governments of the Republic of France, the Islamic Republic of Iran and the Russian Federation for Assistance in Securing Nuclear Fuel for a Research Reactor in Iran for the Supply of Nuclear Fuel to the Tehran Research Reactor, regrets that Iran has not responded constructively to the 21 October 2009 proposal, and encourages the IAEA to continue exploring such measures to build confidence consistent with and in furtherance of the Council's resolutions;

35. *Emphasizes* the importance of all States, including Iran, taking the necessary measures to ensure that no claim shall lie at the instance of the Government of Iran, or of any person or entity in Iran, or of persons or entities designated pursuant to resolution 1737 (2006) and related resolutions, or any person claiming

through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution;

36. *Requests* within 90 days a report from the Director General of the IAEA on whether Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board of Governors and with other provisions of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;

37. *Affirms* that it shall review Iran's actions in light of the report referred to in paragraph 36 above, to be submitted within 90 days, and: (a) that it shall suspend the implementation of measures if and for so long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome; (b) that it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7 and 12 of resolution 1737 (2006), as well as in paragraphs 2, 4, 5, 6 and 7 of resolution 1747 (2007), paragraphs 3, 5, 7, 8, 9, 10 and 11 of resolution 1803 (2008), and in paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 and 24 above, as soon as it determines, following receipt of the report referred to in the paragraph above, that Iran has fully complied with its obligations under the relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors, as confirmed by the IAEA Board of Governors; (c) that it shall, in the event that the report shows that Iran has not complied with resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with these resolutions and the requirements of the IAEA, and underlines that further decisions will be required should such additional measures be necessary;

38. *Decides* to remain seized of the matter.

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**Extracts from Implementation of the NPT  
Safeguards Agreement and relevant provisions  
of Security Council resolutions in the Islamic  
Republic of Iran**

[GOV/2010/46 6 September 2010]

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[Editorial note – footnotes not included]

*Report by the Director General*

[Eds...]

2. On 9 June 2010, the Security Council adopted resolution 1929 (2010), in which the Council, inter alia:

- Affirmed that Iran has failed to meet the requirements of the Board of Governors and to comply with Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008);
- Affirmed that Iran shall, without further delay, take the steps required by the Board in its resolutions GOV/2006/14 and GOV/2009/82;
- Further affirmed that Iran shall, without further delay, take the steps required in paragraph 2 of resolution 1737 (2006) (i.e. to suspend all enrichment related and reprocessing activities as well as work on all heavy water related activities);
- Reaffirmed that Iran shall cooperate fully with the IAEA on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions of the Iranian nuclear programme, including by providing access to all sites, equipment, persons and documents requested by the Agency;
- Decided that Iran shall, without delay, comply fully and without qualification with its Safeguards Agreement, including through the application of modified Code 3.1 of the Subsidiary Arrangements; called upon Iran to act strictly in accordance with the provisions of, and to ratify promptly, the Additional Protocol; and reaffirmed that, in accordance with Articles 24 and 39 of

Iran's Safeguards Agreement, Iran's Safeguards Agreement and its Subsidiary Arrangements, including modified Code 3.1, cannot be amended or changed unilaterally by Iran, and noted that there is no mechanism in the Agreement for the suspension of any of the provisions in the Subsidiary Arrangements;

- Reaffirmed that, in accordance with Iran's obligations under previous resolutions to suspend all reprocessing, heavy water related and enrichment related activities, Iran shall not begin construction on any new uranium enrichment, reprocessing or heavy water related facility and shall discontinue any ongoing construction of any such facility;
- Requested the Director General to communicate to the Security Council all reports from the Director General on the application of safeguards in Iran; and • Requested a report from the Director General, within 90 days, on whether Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the Board and with other provisions of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010).

## A. Enrichment Related Activities

### A.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant

#### 3. Fuel Enrichment Plant (FEP)

[Eds...]

4. On 28 August 2010, Iran was feeding natural UF<sub>6</sub> into 17 cascades of Unit A24, and 6 cascades of Unit A26, at FEP. All 18 cascades of Unit A28, the remaining cascade of Unit A24 and the remaining 12 cascades of Unit A26 (6 cascades of which were under vacuum) were also installed, but were not being fed with UF<sub>6</sub>. To date, all the centrifuges installed are IR-1 machines, of which there are 164 in each cascade. Installation work in Units A21, A22, A23, A25 and A27 was ongoing but no centrifuges had been installed. As of 28 August 2010, there had been no installation work in Production Hall B.

5. On 22 November 2009, the Agency conducted a physical inventory verification (PIV) at FEP. The Agency is continuing its evaluation of the material balance for the period 18 November 2008 to 22 November 2009, taking into account new information provided by Iran. In letters dated 9 August 2010 and 17 August 2010, Iran informed the Agency that it had underestimated the hold-up of nuclear material in the facility and provided a revised estimation. Iran also informed the Agency how it intended to improve the nuclear material accountancy system of the facility. Until its evaluation has been completed, the Agency cannot confirm the nuclear material balance.

6. Iran has estimated that, between 23 November 2009 and 6 August 2010, it produced an additional 995 kg of low enriched UF<sub>6</sub>, which would result in a total production of 2803 kg of low enriched UF<sub>6</sub> since the start of operations in February 2007. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance. The Agency reminded Iran, in a letter dated 19 July 2010, of a number of incidents involving the breaking of seals by the operator at FEP. In a letter dated 9 August 2010, Iran provided more information about these incidents and stated that the breakages were accidental and that "all necessary advice and instructions have been given to the operator to exercise more vigilance and control in this respect". The consequences for safeguards of these seal breakages will be evaluated by the Agency upon completion of the next PIV, which is currently planned for October 2010.

7. Since February 2007, the Agency has taken a large number of environmental samples at FEP, the results of which have indicated a level of enrichment of uranium of less than 5.0% U-235. In one recent result, a small number of particles from samples taken in the cascade area were found with enrichment levels of between 5.0% and 7.1% U-235, i.e. higher than that stated in the Design Information Questionnaire (DIQ). The Agency, in a letter dated 13 August 2010, informed Iran of this matter and requested clarification. In letters dated 17 August 2010 and 1 September 2010, Iran provided a possible explanation for the presence of such particles, along with supporting information. Iran's explanation

is not inconsistent with the Agency's findings.

[Eds...]

9. In the R&D area [of the Pilot Fuel Enrichment Plant], between 22 May 2010 and 20 August 2010, a total of approximately 84 kg of natural UF<sub>6</sub> was fed into a 20-machine IR-4 cascade, a 20-machine IR-2m cascade and single IR-1, IR-2m and IR-4 centrifuges. In this area, no LEU is withdrawn because the product and the tails of this R&D activity are recombined at the end of the process.

10. On 9 February 2010, Iran began feeding low enriched UF<sub>6</sub> into Cascade 1 for the stated purpose of producing UF<sub>6</sub> enriched up to 20% U-235 as fuel for the Tehran Research Reactor (TRR). Iran subsequently informed the Agency that it intended to install a second 164-machine IR-1 cascade (Cascade 6) at PFEP and connect it to Cascade 1 with the aim of reducing the enrichment of tails "from ~2% to ~0.7% U-235". The increase in the enrichment level and the interconnection of the two cascades necessitated a new safeguards approach, which has been implemented since 15 May 2010.

11. In a letter dated 30 June 2010, Iran informed the Agency that it intended to start feeding LEU into the interconnected Cascades 1 and 6 and requested the Agency to rearrange the seals to allow Iran to operate the two cascades as planned. The Agency did so on 3 July 2010. On 17 July 2010, Iran informed the Agency that the feeding of Cascade 6 with the tails from Cascade 1 had started on 13 July 2010.

12. Iran has estimated that, between 9 February 2010 and 20 August 2010, a total of approximately 310 kg of UF<sub>6</sub> enriched at FEP was fed into Cascade 1 and that 22 kg of UF<sub>6</sub> enriched up to 20% U-235 was produced. The UF<sub>6</sub> produced is being periodically withdrawn by Iran from Cascade 1 and loaded into a cylinder with a capacity of about 25 kg of UF<sub>6</sub>. This material is under containment and surveillance. Iran has stated that, once the cylinder is full, it will homogenize the UF<sub>6</sub> contained within, after which the Agency will sample the material for destructive analysis.

13. As of 7 April 2010, the results of the environmental samples taken at PFEP indicate that the maximum enrichment level in the DIQ (i.e. less than 20% U-235 enrichment) had not been exceeded at that plant.

### A.2. Qom: Fordow Fuel Enrichment Plant

[Eds...]

15. The Agency has asked Iran on a number of occasions to provide additional information regarding the chronology of the design and construction of FFEP, as well as its original purpose. In response to these requests, Iran has stated that, "The location [near Qom] originally was considered as a general area for passive defence contingency shelters for various utilizations. Then this location was selected for the construction of [the] Fuel Enrichment Plant in the second half of 2007". The Agency has also reiterated the need for access to companies involved in the design and construction of FFEP. The Agency informed Iran that it had received extensive information from a number of sources alleging that design work on the facility had started in 2006. In a letter to the Director General, dated 4 June 2010, Iran stated that there were "no legal bases" upon which the Agency could request information on the chronology and purpose of FFEP, and that the Agency was "not mandated to raise any question beyond the Safeguards Agreement". The Agency considers that the questions it has raised are within the terms of the Safeguards Agreement, and that the information requested is essential for the Agency to verify the chronology and original purpose of FFEP to ensure that the declarations of Iran are correct and complete.

16. In its response to the Agency's request that Iran submit a complete DIQ for FFEP, Iran said, in a letter to the Director General dated 4 June 2010, that it had "fulfilled its obligation in providing the DIQ of FFEP" according to its Safeguards Agreement. The Agency has informed Iran on a number of occasions that it considers that, based on the current construction status of the facility, additional information must be available to Iran and that this information should be included in the DIQ.

17. Since October 2009, the Agency has been conducting, on average, one design information verification (DIV) at FFEP per

month. The Agency has verified that the construction of the facility is ongoing. As of 18 August 2010, no centrifuges had been introduced into the facility. The results of the environmental samples taken at FFEP up to 16 February 2010 did not indicate the presence of enriched uranium.

### A.3. Other Enrichment Related Activities

18. In light of the announcement made by Iran on 7 February 2010 that it possessed laser uranium enrichment technology, and its announcement on 9 April 2010 regarding the development of 'third generation' centrifuges, the Agency, in a letter to Iran dated 18 August 2010, reiterated its previous request that Iran provide access to additional locations related, inter alia, to the manufacturing of centrifuges, R&D on uranium enrichment (including laser enrichment), and uranium mining and milling activities. In its reply dated 21 August 2010, Iran did not provide the Agency with the requested information but reiterated that it was "continuing to cooperate with the Agency in accordance with its Safeguards Agreement".

### B. Reprocessing Activities

19. ....While Iran has stated that there have been no reprocessing related activities in Iran, the Agency can confirm this only with respect to these two facilities, as Iran's Additional Protocol is not being implemented.

### C. Heavy Water Related Projects

20. As indicated in the Director General's previous reports, the Agency, as mandated by the Security Council, has requested that Iran make the necessary arrangements to provide the Agency, at the earliest possible date, with access to: the Heavy Water Production Plant (HWPP); the heavy water stored at the Uranium Conversion Facility (UCF) for the taking of samples; and any other location in Iran where projects related to heavy water are being carried out. In a letter to the Agency dated 10 June 2010, Iran stated that the Agency's requests had "no legal basis since they are not falling within Iran's Safeguards Agreement" and that the requests also went beyond the relevant Security Council resolutions that "request only verification of suspension". Iran also stated that it had not suspended work on heavy water related projects. To date, Iran has not provided the requested access.

21. On 2 August 2010, the Agency carried out a DIV at the IR-40 reactor at Arak. The Agency verified that construction of the facility was ongoing, with the civil construction of the buildings almost complete and some major equipment having been installed. This equipment includes the main crane in the reactor building and the pressurizer for the reactor cooling system. According to Iran, the operation of the IR-40 reactor is currently planned to commence in 2013. In the radiochemistry building, the concrete structure for the hot cells was ready, but no hot cell windows or manipulators were present.

22. Based on satellite imagery, the HWPP appears to be in operation. However, without access to the HWPP, the Agency is unable to verify Iran's statement that it has not suspended work on heavy water related projects and therefore cannot report fully on this matter.

### D. Uranium Conversion and Fuel Fabrication

23. The Agency has finalized its assessment of the results of the PIV carried out at UCF in March 2010, and has concluded that the inventory of nuclear material at UCF as declared by Iran is consistent with those results, within the measurement uncertainties normally associated with conversion plants of similar throughput.

24. On 4 August 2010, the Agency carried out a DIV at UCF. At that time, the plant was still undergoing maintenance. Iran informed the Agency, in a letter dated 4 July 2010, that UCF would resume full operations on 23 September 2010. As no UF<sub>6</sub> has been produced at UCF since 10 August 2009, the total amount of uranium in the form of UF<sub>6</sub> produced at UCF since March 2004 remains 371 tonnes (some of which has been transferred to FEP and PFEP), which remains subject to Agency containment and surveillance.

25. During the DIV on 4 August 2010, Iran informed the Agency that the installation of equipment at UCF for the conversion of the UF<sub>6</sub> enriched up to 20% U-235 to U<sub>3</sub>O<sub>8</sub>, required for the fabrication of fuel for TRR, would start in November 2010. In a

letter dated 17 August 2010, Iran informed the Agency that experiments on the conversion of UF<sub>6</sub> to U<sub>3</sub>O<sub>8</sub> using depleted UF<sub>6</sub> would start at UCF in September 2011.

26. In a letter dated 28 June 2010, Iran provided an updated DIQ for the Fuel Manufacturing Plant (FMP), in which it stated that fuel fabrication for TRR will take place in part of a building at UCF. In a letter to the Agency dated 17 August 2010, Iran stated that it planned to install equipment for TRR fuel fabrication in November 2010. On 3 August 2010, the Agency carried out a PIV and a DIV at FMP and confirmed that no new fuel assemblies, rods or pellets for the IR-40 reactor had been produced.

### E. Other Activities

[Eds...]

28. The Jabr Ibn Hayan Multipurpose Research Laboratory (JHL) is located at the Tehran Nuclear Research Centre and is a nuclear and non-nuclear chemistry research laboratory. On 31 July 2010, the Agency conducted a DIV and a PIV at JHL, during which Iran reiterated what it had stated during the DIV on 14 April 2010, specifically that the activities at JHL were related to "a research project aiming purely [at] studying the electrochemical behaviour of uranyl ion in ionic liquid", using a uranyl nitrate solution. Iran also stated that these experimental activities had not yet begun. The Agency continues to monitor Iran's electrochemical R&D activities at this facility.

29. Based on satellite imagery, the Agency assesses that activities involving the mining and concentration of uranium are continuing in the area of the Bandar Abbas Uranium Production Plant, and that construction activities are continuing at the Ardakan Yellowcake Production Plant and at the Saghand Uranium Mine.

### F. Design Information

30. As explained in previous reports of the Director General, the modified Code 3.1 of the Subsidiary Arrangements General Part to Iran's Safeguards Agreement, as agreed to by Iran in 2003, remains in force, notwithstanding Iran's decision in 2007 to suspend its implementation. Although the Agency has, on numerous occasions, reminded Iran that it is obliged to provide design information in accordance with the modified Code 3.1, Iran has not resumed implementation of the modified Code 3.1, which is inconsistent with its obligation under the Subsidiary Arrangements.....

31. In the case of both the Darkhovin facility and FFEP, Iran did not notify the Agency in a timely manner of the decision to construct, or to authorize construction of, the facilities, as required in the modified Code 3.1, and has provided only limited design information with respect to those facilities. Iran has also not provided updated design information for the IR-40 reactor.

32. The Agency requested Iran, in a letter dated 18 June 2010, to confirm a statement made by the Vice President of Iran and President of the Atomic Energy Organization of Iran, H.E. Ali Akbar Salehi, to an Iranian news agency to the effect that Iran was designing a reactor similar to TRR, for the production of radioisotopes. In the same letter, the Agency also requested that, if a decision to construct new nuclear facilities had been taken by Iran, Iran provide further information regarding the design and scheduling of the construction of the facilities. In its reply, dated 23 June 2010, Iran reiterated that it was continuing to cooperate with the Agency "in accordance with its Safeguards Agreement".

33. On 16 August 2010, H.E. Ali Akbar Salehi announced that "studies for the location of 10 other uranium enrichment facilities" had ended, and that "the construction of one of these facilities will begin by the end of the (current Iranian) year (March 2011) or start of the next year". In a letter dated 19 August 2010, the Agency requested Iran to provide preliminary design information for the facility. In its reply dated 21 August 2010, Iran did not provide the requested information and stated only that it would provide the Agency with the required information "in due time". .....

34. The modification of PFEP to produce uranium enriched up to 20% in U-235, which is clearly relevant for safeguards purposes, was not notified to the Agency by Iran with sufficient time for the Agency to adjust its safeguards procedures, as required under Article 45 of Iran's Safeguards Agreement.

### G. Designation of Inspectors

35. In a letter to the Director General dated 3 June 2010, Iran stated that, henceforth, if confidential information acquired by the Agency as a result of implementing its Safeguards Agreement “leaks, in any way, and/or [is] conveyed to the media; for the first reaction, the designation of the relevant inspector(s) will be withdrawn”. In a letter to the Director General dated 10 June 2010, referring to the “false and wrong statements in paragraph 28” of the Director General’s previous report (GOV/2010/28), Iran informed the Agency that it objected to the designation of two inspectors who had recently conducted inspections in Iran.

36. While Iran’s Safeguards Agreement does permit it to object to the designation of Agency inspectors, the Agency rejects the basis upon which Iran has sought to justify its objection in this case. The Agency has full confidence in the professionalism and impartiality of the inspectors concerned, as it has in all of its inspectors, and confirms that the Director General’s previous report on the implementation of safeguards in Iran (GOV/2010/28) is fully accurate.

[Eds..]

### H. Possible Military Dimensions

[Eds..]

39. Based on an overall analysis undertaken by the Agency of all the information available to it, the Agency remains concerned about the possible existence in Iran of past or current undisclosed nuclear related activities involving military related organizations, including activities related to the development of a nuclear payload for a missile. There are indications that certain of these activities may have continued beyond 2004.

### I. Summary

41. While the Agency continues to verify the non-diversion of declared nuclear material in Iran, Iran has not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in Iran is in peaceful activities.

42. More specifically, Iran is not implementing the requirements contained in the relevant resolutions of the Board of Governors and the Security Council, including implementation of the Additional Protocol, which are essential to building confidence in the exclusively peaceful purpose of Iran’s nuclear programme and to resolving outstanding questions. In particular, Iran needs to cooperate in clarifying outstanding issues which give rise to concerns about possible military dimensions to its nuclear programme, including by providing access to all sites, equipment, persons and documents requested by the Agency. Iran also needs to implement the modified Code 3.1 on the early provision of design information.

43. In addition, contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended enrichment related activities. Iran has continued with the operation of FEP and PFEP at Natanz, and has started the enrichment of uranium up to 20% U-235 at PFEP, now in two interconnected cascades. Iran has continued the construction of FFEP. In order to verify the chronology and original purpose of FFEP, Iran still needs to provide the Agency with access to relevant design documents and to companies involved in the design and construction of the plant. Iran also needs to submit a complete DIQ for the facility. Iran has also announced that it has selected the venues for new enrichment facilities and that construction of one of these facilities will start around March 2011, but has not provided the Agency with the necessary design information and access in accordance with Iran’s Safeguards Agreement and Subsidiary Arrangements.

44. Similarly, contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has also continued with the construction of the IR-40 reactor and with heavy water related activities. The Agency has not been permitted to take samples of the heavy water which is stored at UCF, and has not been provided with access to the HWPP. While the Agency can report that Iran has made statements to the effect that it has not suspended those activities, without full access to the heavy water at UCF, the HWPP and the other facilities which Iran has announced it has decided to construct, the Agency is unable to verify such statements and therefore to report fully on this matter.

45. Iran objected to the designation of two inspectors who had recently conducted inspections in Iran. The Agency rejects the basis upon which Iran has sought to justify its objection; it is also concerned that the repeated objection to the designation of experienced inspectors hampers the inspection process and detracts from the Agency’s ability to implement safeguards in Iran.

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## Extracts from Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran

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[GOV/2010/62 23 November 2010]

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[Editorial note – footnotes not included]

*Report by the Director General*

[Eds..]

### A. Enrichment Related Activities

2. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities.

#### A.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant

#### 3. Fuel Enrichment Plant (FEP):

[Eds..]

5. Taking into account new information provided by Iran, including a revised estimate of the hold-up of nuclear material, the Agency has now completed its evaluation of the nuclear material balance for the period 18 November 2008 to 22 November 2009, and has concluded that the results are within the measurement uncertainties normally associated with a facility of this type.

6. Between 16 and 27 October 2010, the Agency conducted a physical inventory verification (PIV) at FEP and verified that, as of 17 October 2010, 34 737 kg of natural UF<sub>6</sub> had been fed into the cascades since the start of operations in February 2007, and a total of 3135 kg of low enriched UF<sub>6</sub> had been produced. Based on Iran’s declaration, the Agency has calculated that the average U-235 enrichment level of the UF<sub>6</sub> product is 3.37%. The results of the analysis by the samples taken by the Agency from the low enriched UF<sub>6</sub> product during the PIV are not yet available. The Agency is continuing with its overall assessment of the PIV.

7. Iran has estimated that, between 18 October 2010 and 31 October 2010, it produced an additional 48 kg of low enriched UF<sub>6</sub>, which would result in a total production of 3183 kg of low enriched UF<sub>6</sub> since February 2007. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance.

8. As of 16 June 2010, based on the results of the analysis of environmental samples taken at FEP since February 2007 and other verification activities, the Agency concluded that the facility has operated as declared by Iran in the Design Information Questionnaire (DIQ).

#### 9. Pilot Fuel Enrichment Plant (PFEP):

[Eds..]

10. In the R&D area, between 21 August 2010 and 19 November 2010, a total of approximately 138 kg of natural UF<sub>6</sub> was fed into a 20-centrifuge IR-4 cascade, a 20-centrifuge IR-2m cascade and single IR-1, IR-2m and IR-4 centrifuges. ...

11. In the production area, Iran began feeding low enriched UF<sub>6</sub> into Cascade 1 on 9 February 2010, for the stated purpose of producing UF<sub>6</sub> enriched up to 20% U-235 for use in the manufacture of fuel for the Tehran Research Reactor (TRR). Since 13 July 2010, Iran has been feeding low enriched UF<sub>6</sub> into the two interconnected cascades (Cascades 1 and 6).

12. Between 18 and 29 September 2010, the Agency conducted a PIV at PFEP and verified that, as of 18 September 2010, 352 kg of low enriched UF<sub>6</sub> had been fed into the cascade(s) since 9 February 2010, and that a total of 25.1 kg of UF<sub>6</sub> enriched up to 20% U-235 had been produced. Iran declared that the enrichment

level of the UF6 product was 19.89%. The Agency is continuing with its assessment of the PIV.

13. Iran has estimated that, between 19 September 2010 and 19 November 2010, a total of 62.5 kg of UF6 enriched at FEP was fed into the two interconnected cascades and that approximately 7.8 kg of UF6 enriched up to 20% U-235 was produced. This would result in a total of approximately 33 kg of UF6 enriched up to 20% U-235 having been produced since the process began in February 2010.

14. As of 12 July 2010, based on the results of the analysis of the environmental samples taken at PFEP and other verification activities, the Agency concluded that the facility has operated as declared by Iran in the DIQ.

#### A.2. Qom: Fordow Fuel Enrichment Plant

[Eds...]

16. In a letter dated 26 September 2010, Iran provided the Agency with a revised DIQ in which Iran stated that the purpose of FFEP was now to include R&D as well as the production of UF6 enriched up to 5.0% U-235. The lay-out of the facility is being changed to a new configuration consisting of 12 cascades for production purposes and four cascades for R&D purposes. ...

17. ....The Agency has asked Iran on a number of occasions, most recently in the aforementioned letter of 10 November 2010, to provide additional information regarding the chronology of the design and construction of FFEP, as well as its original purpose. The Agency has, on several occasions, also requested access to companies involved in the design and construction of FFEP. The Agency informed Iran that it had received extensive information from a number of sources alleging that design work on the facility had started in 2006. Iran has stated that there are "no legal bases" upon which the Agency can request information on the chronology and purpose of FFEP, and that the Agency is "not mandated to raise any question beyond the Safeguards Agreement". In a letter of 16 November 2010, Iran said that its statements concerning the chronology and purpose of FFEP should be considered "as a fact" by the Agency, and that the Agency's request to have access to companies involved in the design of the facility and to further design documents was not only not in accordance with the Safeguards Agreement but was also "beyond the Additional Protocol". ...

18. The Agency has verified that the construction of the facility is ongoing. As of 14 November 2010, no centrifuges had been introduced into the facility. The results of the environmental samples taken at FFEP up to February 2010 did not indicate the presence of enriched uranium.

#### A.3. Other Enrichment Related Activities

19. The Agency is still awaiting a substantive response from Iran to Agency requests for further information in relation to announcements made by Iran concerning the construction of ten new uranium enrichment facilities, the sites for five of which, according to Iran, have been decided, and the construction of one of which will begin by the end of the current Iranian year (20 March 2011) or the start of the next year. Iran has not provided further information, as requested by the Agency, in connection with its announcement on 7 February 2010 that it possessed laser enrichment technology, and its announcement on 9 April 2010 regarding the development of third generation centrifuges.

#### B. Reprocessing Activities

20. In a letter to the Agency dated 15 February 2008, Iran stated that it "does not have reprocessing activities". ....With regard to the requirement in Security Council resolutions that Iran suspends its reprocessing activities, the Agency can confirm that there are no ongoing reprocessing related activities in Iran only with respect to the TRR and MIX facilities, and all other facilities to which the Agency has access, as Iran's Additional Protocol is not being implemented.

#### C. Heavy Water Related Projects

21. The Agency has been mandated by the Security Council to report to it on whether Iran has established full and sustained suspension of, inter alia, all heavy water related projects....The Agency, in a letter to Iran dated 2 November 2010, has again

reiterated this request for access. In its reply dated 7 November 2010, Iran repeated its previous assertions that the Agency's requests had "no legal basis since they are not falling within Iran's Safeguards Agreement" and that the Agency's requests went beyond the relevant Security Council resolutions that "request only verification of suspension". Iran also stated that it had not suspended work on heavy water related projects. To date, Iran has not provided the requested access.

22. On 8 November 2010, the Agency carried out a DIV at the IR-40 reactor at Arak and observed no significant change since the Director General's last report. ....

23. Based on satellite imagery, the HWPP appears to be in operation. However, without access to the HWPP, the Agency is unable to verify Iran's statement that it has not suspended work on heavy water related projects, contrary to relevant Security Council resolutions, and therefore cannot report fully on this matter.

#### D. Uranium Conversion and Fuel Fabrication

[Eds...]

25. On 9 November 2010, the Agency carried out an inspection and a DIV at the Fuel Manufacturing Plant and confirmed that Iran has not yet started to install equipment for TRR fuel fabrication.

#### E. Other Activities

[Eds...]

28. The Jabr Ibn Hayan Multipurpose Research Laboratory (JHL) is located at the Tehran Nuclear Research Centre and is a nuclear and non-nuclear chemistry research laboratory. On 7 November 2010, the Agency conducted a DIV at JHL, during which it confirmed that no experimental activities aimed at "studying the electrochemical behaviour of uranyl ion in ionic liquid" were taking place.

29. Based on satellite imagery, the Agency assesses that activities involving the mining and concentration of uranium are continuing in the area of the Bandar Abbas Uranium Production Plant, and that construction activities are continuing at the Ardakan Yellowcake Production Plant and at the Saghand Uranium Mine.

#### F. Design Information

30. ....The Agency is still awaiting receipt from Iran of, inter alia, updated design information for the IR-40 reactor, and further information pursuant to statements it has made concerning the planned construction of new uranium enrichment facilities and the design of a reactor similar to TRR.

#### G. Designation of Inspectors

31. ....the Agency continues to request Iran to withdraw its objection to the designation of inspectors with experience in Iran's nuclear fuel cycle and facilities. In that respect, the Agency reiterates its request that Iran reconsider its decision of 16 January 2007 to request the Agency to withdraw the designation of 38 Agency inspectors and its requests (dating back to 2006) to withdraw the designations of four other inspectors with experience in conducting inspections in Iran.

#### H. Possible Military Dimensions

[Eds...]

34. As Iran has been informed previously, although most of the actions identified in the 2007 work plan agreed between Iran and the Agency (INFCIRC/711) have been completed, there remain issues that still need to be addressed. According to the work plan, Iran was required to provide the Agency with its assessment of the documentation related to the alleged studies to which the Agency had provided Iran access. The Agency acknowledges receipt of Iran's 117-page assessment of May 2008, in which Iran asserted that the documentation was forged and fabricated. However, as the Agency considers this assessment to be focused on form rather than substance, it has on several subsequent occasions requested Iran to provide a substantive response. Iran has not yet done so. ....

35. In a letter dated 29 October 2010, the Agency provided Iran with a list of matters that remain to be addressed, including, inter alia: the project management structure of the alleged studies related to nuclear explosives; nuclear related safety arrangements

for a number of the alleged projects; details of the manufacture of components for high explosives initiation systems; and experiments concerning the generation and detection of neutrons. ....

36. It is essential that Iran engage with the Agency on these issues, and that the Agency be permitted to visit all relevant sites, have access to all relevant equipment and documentation, and be allowed to interview all relevant persons, without further delay. The passage of time and the possible deterioration in the availability of some relevant information increase the urgency of this matter. ....

**I. Summary**

37. While the Agency continues to verify the non-diversion of declared nuclear material in Iran, Iran has not provided the necessary cooperation to permit the Agency to confirm that all nuclear material in Iran is in peaceful activities.

[Eds..]

**Extracts from Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran**

[GOV/2011/7 25 February 2011]

[Editorial note – footnotes not included]

*Report by the Director General*

**A. Introduction**

[Eds...]

4. This report focuses on those areas where Iran has not fully implemented its binding obligations, as the full implementation of these obligations is needed to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme. It addresses developments since the last report, as well as issues of longer standing, and contains an Attachment that provides an overview of the current implementation of Iran's Safeguards Agreement and relevant provisions of Security Council resolutions in Iran.

**B. Facilities Declared under Iran's Safeguards Agreement**

5. Iran has declared to the Agency under its Safeguards Agreement, 16 nuclear facilities and nine locations outside facilities where nuclear material is customarily used (LOFs). The Agency continues to verify the non-diversion of declared nuclear material at these facilities and LOFs. Notwithstanding, certain of the activities being undertaken by Iran at some of the facilities are contrary to relevant resolutions of the Board of Governors and the Security Council, as indicated below.

**C. Enrichment Related Activities**

6. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities in the following declared facilities, which are under Agency safeguards.

**C.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant**

7. Fuel Enrichment Plant (FEP): There are two cascade halls at FEP: Production Hall A and Production Hall B. ....No detailed design information has yet been provided for Production Hall B.

8. On 20 February 2011, 53 cascades were installed in three of the eight units in Production Hall A, 31 of which were being fed with UF6. Initially, each installed cascade comprised 164 centrifuges. Iran has now modified 12 of the cascades to contain 174 centrifuges each. To date, all the centrifuges installed are IR-1 machines. As of 20 February 2011, installation work in the remaining five units was ongoing, but no centrifuges had been installed. There had been no installation work in Production Hall B.

9. As reported previously, the Agency conducted a physical inventory verification (PIV) at FEP and verified that, as of 17 October 2010, 34 737 kg of natural UF6 had been fed into the cascades since the start of operations in February 2007, and a total of 3135 kg of low enriched UF6 had been produced. While the Agency has verified the UF6 throughput of the facility as declared

by Iran, the evaluation of the nuclear material balance remains ongoing.

10. Iran has estimated that, between 18 October 2010 and 5 February 2011, it produced an additional 471 kg of low enriched UF6, which would result in a total production of 3606 kg of low enriched UF6 since February 2007. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance.

11. Based on the results of the analysis of environmental samples taken at FEP since February 2007 and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the Design Information Questionnaire (DIQ).

12. **Pilot Fuel Enrichment Plant (PFEP):** PFEP is a research and development (R&D) facility and a pilot, low enriched uranium (LEU) production facility which was first brought into operation in October 2003. It has a cascade hall that can accommodate six cascades, and is divided between an area designated for the production of LEU enriched up to 20% U-235 and an area designated for R&D.

13. In the production area, Iran first began feeding low enriched UF6 into Cascade 1 on 9 February 2010, for the stated purpose of producing UF6 enriched up to 20% U-235 for use in the manufacture of fuel for the Tehran Research Reactor (TRR). Since 13 July 2010, Iran has been feeding low enriched UF6 into two interconnected cascades (Cascades 1 and 6), each of which comprises 164 centrifuges.

14. As reported previously, the Agency conducted a PIV at PFEP and verified that, as of 18 September 2010, 352 kg of low enriched UF6 had been fed into the cascades in the production area since 9 February 2010, and that a total of 25.1 kg of UF6 enriched up to 20% U-235 had been produced. The enrichment level of the UF6 product, as measured by the Agency, was 19.7%. The Agency has completed its evaluation of the results of the PIV, and can confirm the inventory of total uranium as declared by Iran. The Agency is discussing with Iran further improvements to the operator's measurement system, especially in the determination of the level of U-235 enrichment.

15. Iran has estimated that, between 19 September 2010 and 11 February 2011, a total of 135.2 kg of UF6 enriched at FEP was fed into the two interconnected cascades and that approximately 18.5 kg of UF6 enriched up to 20% U-235 was produced. This would result in a total of approximately 43.6 kg of UF6 enriched up to 20% U-235 having been produced since the process began in February 2010.

16. In the R&D area, between 20 November 2010 and 11 February 2011, a total of approximately 169 kg of natural UF6 was fed into centrifuges, but no LEU was withdrawn as the product and the tails of this R&D activity are recombined at the end of the process.

17. In an updated DIQ for PFEP submitted to the Agency on 19 January 2011, Iran indicated that it would install two new 164-centrifuge cascades (Cascades 4 and 5) in the R&D area. These two cascades, one of which will comprise IR-4 centrifuges and the other IR-2m centrifuges, will be fed with natural UF6.

18. Based on the results of the analysis of the environmental samples taken at PFEP and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the DIQ.

**C.2. Fordow Fuel Enrichment Plant**

19. In September 2009, Iran informed the Agency that it was constructing the Fordow Fuel Enrichment Plant (FFEP), located near the city of Qom. In its DIQ of 10 October 2009, Iran stated that the purpose of the facility was the production of UF6 enriched up to 5.0% U-235, and that the facility was being built to contain 16 cascades, with a total of approximately 3000 centrifuges. In September 2010, Iran provided the Agency with a revised DIQ in which it stated that the purpose of FFEP was now to include R&D as well as the production of UF6 enriched up to 5.0% U-235.

20. The Agency has asked Iran on a number of occasions, most recently in a letter dated 11 February 2011, to provide supporting information regarding the chronology of the design and construction of FFEP, as well as its original purpose, particularly in

light of extensive information from a number of sources alleging that design work on the facility had started in 2006. To date, Iran has not done so. ...

21. The Agency has verified that the construction of FFEP is ongoing. As of 19 February 2011, no centrifuges had been introduced into the facility. The results of the analysis of the environmental samples taken at FFEP up to February 2010 did not indicate the presence of enriched uranium. On 21 February 2011, Iran informed the Agency that it planned to begin feeding nuclear material into cascades “by this summer”.

### C.3. Other Enrichment Related Activities

22. The Agency is still awaiting a substantive response from Iran to Agency requests for further information in relation to announcements made by Iran concerning the construction of ten new uranium enrichment facilities, the sites for five of which, according to Iran, have been decided, and the construction of one of which will begin by the end of the current Iranian year (20 March 2011) or the start of the next year.

23. Iran has not provided further information, as requested by the Agency, in connection with its announcement on 7 February 2010 that it possessed laser enrichment technology, and its announcement on 9 April 2010 regarding the development of third generation centrifuges.

24. Since early 2008, Iran has not responded to Agency requests for access to additional locations related, inter alia, to the manufacturing of centrifuges, and to R&D on uranium enrichment. As a result, the Agency’s knowledge about Iran’s enrichment activities continues to diminish.

### D. Reprocessing Activities

25. Pursuant to the relevant resolutions of the Board of Governors and the Security Council, Iran is obliged to suspend its reprocessing activities, including R&D. In a letter to the Agency dated 15 February 2008, Iran stated that it “does not have reprocessing activities”. In that context, the Agency has continued to monitor the use of hot cells at TRR and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility. The Agency carried out an inspection and design information verification (DIV) at TRR on 5 February 2011 and a DIV at the MIX Facility on 6 February 2011. In light of the above, the Agency can confirm that there are no ongoing reprocessing related activities in Iran only with respect to the TRR and the MIX Facility, and the other facilities to which the Agency has access.

### E. Heavy Water Related Projects

26. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended work on all heavy water related projects, including the construction of the heavy water moderated research reactor, the IR-40 Reactor, which is under Agency safeguards.

27. As indicated in the Director General’s previous reports, in light of the request by the Security Council to report to it on whether Iran has established full and sustained suspension of, inter alia, all heavy water related projects, the Agency has requested that Iran make the necessary arrangements to provide the Agency, at the earliest possible date, with access to: the Heavy Water Production Plant (HWPP); the heavy water stored at the Uranium Conversion Facility (UCF) for the taking of samples; and any other location in Iran where projects related to heavy water are being carried out. Iran has objected to the Agency’s requests on the basis that they go beyond the Safeguards Agreement and because Iran has already stated that it has not suspended its heavy water related projects. In paragraph 8 of Security Council resolution 1737 (2006), the Council decided that “Iran shall provide such access and cooperation as the IAEA requests to be able to verify the suspension outlined in paragraph 2 [of that resolution]...”. To date, Iran has not provided the requested access.

28. While the Agency can report that Iran has made statements to the effect that it has not suspended work on all its heavy water related projects, without full access to the heavy water at UCF and to HWPP, the Agency is unable to verify such statements and therefore to report fully on this matter.

29. On 13 February 2011, the Agency carried out a DIV at the IR-40 Reactor at Arak and observed that, although construction of the

facility was ongoing, no significant changes had occurred since the Director General’s last report. According to Iran, the operation of the IR-40 Reactor is planned to commence by the end of 2013.

### F. Uranium Conversion and Fuel Fabrication

30. As indicated above, Iran is obliged to suspend all enrichment related activities and heavy water related projects. Some of the activities carried out by Iran at UCF and the Fuel Manufacturing Plant (FMP) at Esfahan are in contravention of that obligation, although both facilities are under Agency safeguards.

31. In a letter dated 6 February 2011, Iran informed the Agency that in mid-February 2011 it intended to start conducting cold tests at UCF (not involving the use of nuclear material) for the production of natural UO<sub>2</sub> for IR-40 Reactor fuel.

32. On 8–9 February 2011, the Agency carried out an inspection and a DIV at UCF. At that time, the plant was still undergoing maintenance. As no UF<sub>6</sub> has been produced at UCF since 10 August 2009, the total amount of uranium produced at UCF since March 2004 remains 371 tonnes in the form of UF<sub>6</sub> (some of which has been transferred to FEP and PFEP), and remains subject to Agency containment and surveillance. During the DIV, the Agency observed that Iran had not yet begun the installation of equipment for the conversion of the UF<sub>6</sub> enriched up to 20% U-235 into U<sub>3</sub>O<sub>8</sub> for the fabrication of fuel for TRR. Iran stated that the installation of this equipment will be completed by July 2011. During the DIV, the Agency also observed seven 200-litre drums, which Iran stated contained yellowcake produced at Bandar Abbas.

33. On 12 February 2011, the Agency carried out an inspection and a DIV at FMP and confirmed that Iran had not yet started to install equipment for TRR fuel fabrication. In a letter dated 31 January 2011, Iran provided an updated DIQ for FMP, including more details concerning the manufacture of fuel for TRR, which the Agency is currently reviewing.

### G. Possible Military Dimensions

34. [Eds..]In resolution 1929 (2010), the Security Council reaffirmed Iran’s obligations to take the steps required by the Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, and to cooperate fully with the Agency on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions, including by providing access without delay to all sites, equipment, persons and documents requested by the Agency.

35.... Since August 2008, Iran has declined to discuss these outstanding issues with the Agency, or to provide any further information, or access to locations or persons necessary to address the Agency’s concerns.

36. As Iran has been informed previously, although most of the actions identified in the 2007 work plan agreed between Iran and the Agency (INFCIRC/711) have been completed, there remain issues that still need to be addressed. According to the work plan, Iran was required to provide the Agency with its assessment of the documentation related to the alleged studies to which the Agency had provided Iran access. In May 2008, Iran provided a 117-page assessment in which it asserted that the documentation was forged and fabricated. However, as the Agency considers this assessment to be focused on form rather than substance, it has on several subsequent occasions requested Iran to provide a substantive response. Iran has not yet done so. Moreover, based on the Agency’s analysis of additional information which has come to its attention since August 2008, including new information recently received, there are further concerns which the Agency also needs to clarify with Iran. For these reasons the Agency is unable to consider the issue of the alleged studies as referred to in the work plan as being closed.

37. Based on the Agency’s continued study of information which the Agency has acquired, not only from many Member States but also directly through its own efforts, the Agency remains concerned about the possible existence in Iran of past or current undisclosed nuclear related activities involving military related organizations, including activities related to the development of a nuclear payload for a missile. As previously indicated by the Director General, there are indications that certain of these activities may have continued beyond 2004.



38. The Agency has yet to receive a reply to its letter dated 29 October 2010, in which it again reiterated its concerns to Iran and provided a list of those matters which remain to be addressed. These matters include a number of issues that have come to the Agency's attention since August 2008.

[Eds...]

**H. Design Information**

40. The modified Code 3.1 of the Subsidiary Arrangements General Part to Iran's Safeguards Agreement provides for the submission to the Agency of design information for new facilities as soon as the decision to construct, or to authorize construction of, a new facility has been taken, whichever is the earlier. The modified Code 3.1 also provides for the submission of fuller design information as the design is developed early in the project definition, preliminary design, construction, and commissioning phases. Iran remains the only State with significant nuclear activities in which the Agency is implementing a comprehensive safeguards agreement but which is not implementing the provisions of the modified Code 3.1. The existence of FFEP was only reported to the Agency after the plant had reached an advanced stage of its construction. Furthermore, the Agency is still awaiting receipt from Iran of, inter alia, updated design information for the IR-40 Reactor, and further information pursuant to statements it has made concerning the planned construction of new uranium enrichment facilities and the design of a reactor similar to TRR.

**I. Additional Protocol**

41. Iran is not implementing its Additional Protocol, contrary to the relevant resolutions of the Board of Governors and the Security Council. Unless Iran implements its Additional Protocol, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.

**J. Other Matters**

42. On 15–16 February 2011, the Agency conducted an inspection at the Bushehr Nuclear Power Plant (BNPP) and has verified the nuclear material present in the facility. On 23 February 2011, Iran informed the Agency that it would have to unload fuel assemblies from the core, and the Agency and Iran have agreed on the necessary safeguards measures.

43. Consistent with Iran's declarations of 22 September 2009, the Agency, through satellite imagery, has not observed any indications of construction activities having been initiated at the site of the planned 360 MW Nuclear Power Plant at Darkhovin.

44. Based on satellite imagery, the Agency assesses that activities involving the mining and concentration of uranium are continuing in the area of the Bandar Abbas Uranium Production Plant, and that construction activities are continuing at the Ardakan Yellowcake Production Plant and at the Saghand Uranium Mine.

45. Iran has not agreed to reconsider its decision of 16 January 2007 to request the Agency to withdraw the designation of 38 Agency inspectors and its requests (in 2006, 2007 and 2010) to withdraw the designations of a total of four other inspectors with experience in conducting inspections in Iran. Nevertheless, in a letter dated 12 January 2011, Iran accepted the designation of three additional inspectors, who will now need to familiarize themselves with Iran's nuclear programme and gain experience in implementing safeguards in Iran.

**K. Summary**

46. While the Agency continues to conduct verification activities under Iran's Safeguards Agreement, Iran is not implementing a number of its obligations, including: implementation of the provisions of its Additional Protocol; implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part to its Safeguards Agreement; suspension of enrichment related activities; suspension of heavy water related activities; and clarification of the remaining outstanding issues which give rise to concerns about possible military dimensions to its nuclear programme.

47. While the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its Safeguards Agreement, Iran is not

providing the necessary cooperation to enable the Agency to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities.

48. The Director General requests Iran to take steps towards the full implementation of its Safeguards Agreement and its other obligations, to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme.

[Editorial note – attachment not included]

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**Extracts from Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran**  
[GOV/2011/29 24 May 2011]

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[Editorial note – footnotes not included]

*Report by the Director General*

**A. Introduction**

[Eds...]

4. This report focuses on those areas where Iran has not fully implemented its binding obligations, as the full implementation of these obligations is needed to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme. It addresses developments since the last report (GOV/2011/7, 25 February 2011), as well as issues of longer standing.

**B. Facilities Declared under Iran's Safeguards Agreement**

5. Under its Safeguards Agreement, Iran has declared to the Agency 16 nuclear facilities and nine locations outside facilities where nuclear material is customarily used (LOFs). Notwithstanding that certain of the activities being undertaken by Iran at some of the facilities are contrary to relevant resolutions of the Board of Governors and the Security Council, as indicated below, the Agency continues to verify the non-diversion of declared nuclear material at these facilities and LOFs.

**C. Enrichment Related Activities**

6. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities in the following declared facilities, all of which are nevertheless under Agency safeguards.

**C.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant**

**7. Fuel Enrichment Plant (FEP):**

[Eds...]

11. Based on the results of the analysis of environmental samples taken at FEP since February 2007 and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the Design Information Questionnaire (DIQ).

**12. Pilot Fuel Enrichment Plant (PFEP):**

[Eds...]

15. Iran has estimated that, between 19 September 2010 and 21 May 2011, a total of 222.1 kg of UF6 enriched at FEP was fed into the two interconnected cascades and that approximately 31.6 kg of UF6 enriched up to 20% U-235 was produced. This would result in a total of approximately 56.7 kg of UF6 enriched up to 20% U-235 having been produced since the process began in February 2010.

16. In the R&D area, between 12 February 2011 and 21 May 2011, a total of approximately 331 kg of natural UF6 was fed into centrifuges, but no LEU was withdrawn as the product and the tails of this R&D activity are recombined at the end of the process.

17. [Eds...] Although installation work for Cascades 4 and 5 is ongoing, as of 22 May 2011, no centrifuges had been installed.

18. Based on the results of the analysis of the environmental samples taken at PFEP and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the DIQ.

## C.2. Fordow Fuel Enrichment Plant

19. [Eds...] In September 2010, Iran provided the Agency with a revised DIQ in which it stated that the purpose of FFEP was now to include R&D as well as the production of UF6 enriched up to 5.0% U-235.

20. While the Agency continues to verify that FFEP is being constructed according to the latest DIQ provided by Iran, it is still not in a position to confirm the chronology of the design and construction of FFEP or its original purpose. 21. As stated in the Director General's previous report, on 21 February 2011, Iran informed the Agency that it planned to begin feeding nuclear material into cascades "by this summer". As of 21 May 2011, no centrifuges had been introduced into the facility. The results of the analysis of the environmental samples taken at FFEP up to February 2010 did not indicate the presence of enriched uranium.

## C.3. Other Enrichment Related Activities

22. The Agency is still awaiting a substantive response from Iran to Agency requests for further information in relation to announcements made by Iran concerning the construction of ten new uranium enrichment facilities, the sites for five of which, according to Iran, have been decided, and the construction of one of which was to have begun by the end of the last Iranian year (20 March 2011) or the start of this Iranian year. To date, the Agency has no information as to whether that construction has started.

23. Iran has not provided further information, as requested by the Agency, in connection with its announcement on 7 February 2010 that it possessed laser enrichment technology, and its announcement on 9 April 2010 regarding the development of third generation centrifuges. Since early 2008, Iran has not responded to Agency requests for access to additional locations related, inter alia, to the manufacturing of centrifuges, and to R&D on uranium enrichment. As a result, the Agency's knowledge about Iran's enrichment activities continues to diminish.

## D. Reprocessing Activities

24. Pursuant to the relevant resolutions of the Board of Governors and the Security Council, Iran is obliged to suspend its reprocessing activities, including R&D. In a letter to the Agency dated 15 February 2008, Iran stated that it "does not have reprocessing activities". In that context, the Agency has continued to monitor the use of hot cells at TRR and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility. The Agency carried out an inspection and design information verification (DIV) at TRR on 8 May 2011 and a DIV at the MIX Facility on 9 May 2011. It is only with respect to TRR, the MIX Facility, and the other facilities to which the Agency has access, that the Agency can confirm that there are no ongoing reprocessing related activities in Iran.

## E. Heavy Water Related Projects

25. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended work on all heavy water related projects, including the construction of the heavy water moderated research reactor, the IR-40 Reactor, which is under Agency safeguards. [Eds...]

26. As indicated in the Director General's previous reports, in light of the request by the Security Council to report to it on whether Iran has established full and sustained suspension of, inter alia, all heavy water related projects, the Agency has requested that Iran make the necessary arrangements to provide the Agency, at the earliest possible date, with access to: the Heavy Water Production Plant (HWPP); the heavy water stored at the Uranium Conversion Facility (UCF) in order to take samples; and any other location in Iran where projects related to heavy water are being carried out. Iran has objected to the Agency's requests on the basis that they go beyond the Safeguards Agreement and because Iran has already stated that it has not suspended its heavy water related projects. The Security Council has decided that Iran shall provide such access and cooperation as the Agency requests to be able to verify the suspension of its heavy water related projects. To date, Iran has not provided the requested access.

27. While Iran has made statements to the effect that it has not suspended work on all its heavy water related projects, without full access to the heavy water at UCF, to HWPP, and any other heavy

water related projects there may be in Iran, the Agency is unable to verify such statements and therefore to report fully on this matter.

28. On 10 May 2011, the Agency carried out a DIV at the IR-40 Reactor at Arak and observed that construction of the facility was ongoing and that the moderator heat exchangers had been delivered to the site. According to Iran, the operation of the IR-40 Reactor is planned to commence by the end of 2013.

## F. Uranium Conversion and Fuel Fabrication

[Eds...]

30. Between 5 March and 9 March 2011, the Agency carried out a PIV at UCF, and verified the total amount of uranium in the form of UF6 present at the facility.

31. In a letter dated 16 March 2011, Iran informed the Agency that during the period 4–6 April 2011 it intended to start the production of natural UO2 for IR-40 Reactor fuel. On 18 May 2011, the Agency carried out a DIV at UCF and observed that, although the process to produce such UO2 had started, none had yet been produced. The Agency also confirmed that no UF6 had been produced at UCF since 10 August 2009. The total amount of uranium produced at UCF since March 2004, therefore, remains 371 tonnes in the form of UF6 (some of which has been transferred to FEP and PFEP), and remains subject to Agency containment and surveillance. During the DIV, the Agency observed that Iran had not yet begun the installation of equipment for the conversion of the UF6 enriched up to 20% U-235 into U3O8 for the fabrication of fuel for TRR.

32. On 11 May 2011, the Agency carried out an inspection and a DIV at FMP and confirmed that Iran had not yet started to install equipment for TRR fuel fabrication.

## G. Possible Military Dimensions

[Eds...]

34. Previous reports by the Director General have listed the outstanding issues related to possible military dimensions to Iran's nuclear programme and the actions required of Iran necessary to resolve these. On 6 May 2011, in light of Iran not having engaged with the Agency on the substance of these issues since August 2008, the Director General sent a letter to H.E. Mr Fereydoun Abbasi, Vice President of Iran and Head of the Atomic Energy Organization of Iran (AEOI), reiterating the Agency's concerns about the existence of possible military dimensions to Iran's nuclear programme and expressing the importance of Iran clarifying these issues. In the same letter, the Director General also requested that Iran provide prompt access to relevant locations, equipment, documentation and persons, and noted that, with Iran's substantive and proactive engagement, the Agency would be able to make progress in its verification of the correctness and completeness of Iran's declarations.

35. [Eds...] Since the last report of the Director General on 25 February 2011, the Agency has received further information related to such possible undisclosed nuclear related activities, which is currently being assessed by the Agency. As previously reported by the Director General, there are indications that certain of these activities may have continued beyond 2004. The following points refer to examples of activities for which clarifications remain necessary in seven particular areas of concern:

- Neutron generator and associated diagnostics: experiments involving the explosive compression of uranium deuteride to produce a short burst of neutrons.
- Uranium conversion and metallurgy: producing uranium metal from fluoride compounds and its manufacture into components relevant to a nuclear device.
- High explosives manufacture and testing: developing, manufacturing and testing of explosive components suitable for the initiation of high explosives in a converging spherical geometry.
- Exploding bridge wire (EBW) detonator studies, particularly involving applications necessitating high simultaneity: possible nuclear significance of the use of EBW detonators.
- Multipoint explosive initiation and hemispherical detonation studies involving highly instrumented experiments: integrating EBW detonators in the development of a system to initiate

hemispherical high explosive charges and conducting full scale experiments, work which may have benefitted from the assistance of foreign expertise.

- High voltage firing equipment and instrumentation for explosives testing over long distances and possibly underground: conducting tests to confirm that high voltage firing equipment is suitable for the reliable firing of EBW detonators over long distances.
- Missile re-entry vehicle redesign activities for a new payload assessed as being nuclear in nature: conducting design work and modelling studies involving the removal of the conventional high explosive payload from the warhead of the Shahab-3 missile and replacing it with a spherical nuclear payload.

#### H. Design Information

36. The modified Code 3.1 of the Subsidiary Arrangements General Part to Iran's Safeguards Agreement provides for the submission to the Agency of design information for new facilities as soon as the decision to construct, or to authorize construction of, a new facility has been taken, whichever is the earlier. ....The Agency is still awaiting receipt from Iran of, inter alia, updated design information for the IR-40 Reactor, and further information pursuant to statements it has made concerning the planned construction of new uranium enrichment facilities and the design of a reactor similar to TRR.

37. In a letter dated 26 April 2011, the Agency requested Iran to confirm the statement reportedly made by H.E. Mr Fereydoon Abbasi, to the effect that Iran plans to build four to five new reactors in Iran in the next few years in order to produce radioisotopes and carry out research. In the same letter, the Agency also requested that, if Iran had taken a decision to construct new nuclear facilities, Iran provide further information regarding the design and scheduling of the construction of the facilities. In its reply of 3 May 2011, Iran stated that it would provide the Agency with the required information in "due time" and in accordance with its Safeguards Agreement.

#### I. Additional Protocol

38. Iran is not implementing its Additional Protocol, contrary to the relevant resolutions of the Board of Governors and the Security Council. [Eds...]

#### J. Other Matters

39. On 15–16 April 2011, the Agency conducted a PIV at the Bushehr Nuclear Power Plant (BNPP), during which it verified all nuclear material present and confirmed that the loading of the fuel assemblies into the core had been completed. On 10 May 2011, Iran informed the Agency that the reactor had reached criticality.

#### K. Summary

40. While the Agency continues to conduct verification activities under Iran's Safeguards Agreement, Iran is not implementing a number of its obligations, including: implementation of the provisions of its Additional Protocol; implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part to its Safeguards Agreement; suspension of enrichment related activities; suspension of heavy water related activities; and clarification of the remaining outstanding issues which give rise to concerns about possible military dimensions to its nuclear programme.

41. While the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its Safeguards Agreement, as Iran is not providing the necessary cooperation, including by not implementing its Additional Protocol, the Agency is unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities.

42. The Director General urges Iran to respond positively to his letter of 6 May 2011, and to take steps towards the full implementation of its Safeguards Agreement and its other relevant obligations, in order to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme.

### Communication dated 9 June 2011 received from the Permanent Mission of the Islamic Republic of Iran to the Agency regarding the Report of the Director General on Implementation of Safeguards in Iran

[INFCIRC/823 28 July 2011]

[Editorial note – footnote not included]{

[Eds...]

#### A – General observations:

1. The report (GOV/2011/29) is not balanced and factual since it has not duly reflected the cooperation, letters and explanations of the Islamic Republic of Iran to the questions of or communication made with the Agency.

2. According to paragraph 27 of the Resolutions on the Safeguards adopted by the General Conference GC/53/RES (14) as well as GC/54/RES (11), the Agency should provide objective technically and factually based reports with appropriate reference to relevant provisions of the Safeguards Agreement. This rule requires the Agency not to step beyond its statutory and legal mandate in preparing its reports. Regrettably, this rule is continuously being neglected and has not been respected in this and in the previous reports.

3. Although the report once again reconfirmed that "*While the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its Safeguards Agreement*", it seems that the report has been prepared to use the "*unusual*" language with regard to the safeguards obligations, since the Agency has to simply confirm that it has already verified non-diversion of the declared nuclear material and. Activities, and all declared nuclear material are accounted for and remained in peaceful purposes, as already reported by the Agency's inspectors.

4. The report is expected to reflect the results of the Agency's verification for the period of March to June 2011. It has to report simply whether the inspectors, have been able to conduct verification or not. If so, whether their findings are consistent with the declarations or not.

5. The report consists of unnecessarily extensive details on the ongoing ordinary technical activities of the peaceful nuclear activities in the Islamic Republic of Iran, which contravenes the protection of the sensitive proprietary information of the Member States.

6. Reporting many technical details proves that the Agency has the full access to all nuclear material and facilities in the Islamic Republic of Iran, including the frequent inspections with using, the Agency's containment and surveillances. Therefore claiming. That "*Iran is not providing the necessary cooperation*" is incorrect and misleading. It has to be noted that additional requests are beyond the provisions of the NPT Comprehensive Safeguards Agreement, and that they have been made under the pretext of the illegal UNSU resolutions.

7. Notwithstanding that the Non-Aligned Movement has stated in its several statements to the Board of Governors that "*NAM emphasises the fundamental distinction between the legal obligations of states in accordance with their respective safeguards agreements, as opposed to any confidence building measures undertaken voluntarily and that do not constitute a legal safeguards obligation*" and also "*NAM takes note that the latest report of the Director General includes many references to events that transpired prior to the previous report contained in document GOV/2009/74 dated 16 November 2009, and contrary to the expectation of NAM, does not mention the responses provided by Iran to the Agency on several issues*", and also NAM has stated that "taking into account the recent developments mentioned above as well as previous Director General's reports on the implementation of the Work Plan on "*Understanding of the Islamic Republic of Iran and the Agency on the Modalities of resolution of the Outstanding Issues*" (INFCIRC/722), NAM looks forward to the safeguards implementation in Iran being conducted in a routine manner", not only no attention has been paid to these statements when preparing the report but quite the opposite acted in contradiction.

8. Once again is recalled That the Article VII.F of the Agency's Statute and Article 5 of the Safeguards Agreement between the Islamic Republic of Iran and the IAEA are both emphasizing on the confidentiality. However, despite these clear instructive articles, the report in contradiction to the Agency's statutory mandate and the Safeguards Agreement (INFCIRC/214) contains a tremendous amount of confidential technical details which have no need to be published. Unfortunately, the Agency, so far, has not been able to protect the confidential information gathered from the conduction at inspections at the safeguarded facilities in the Islamic Republic of Iran, which have been revealed to the media. Such events are profoundly in violation of above mentioned articles and also the IAEA Statute.

9. Unfortunately again the DG's report which marked as "*Restricted Distribution*" is disseminated by the ISIS website upon its distribution exactly on the date of its issuance. Regrettably this indicates that the ISIS website like other western media has access to confidential information of the Agency.

10. Since the Agency contrary to its duties and legal and statutory obligations has not been and is not able to protect sensitive information of Member States' nuclear activities, it is not authorized to reflect detailed information on Iran's nuclear activities in its reports or even reveal them in its so-called technical briefing sessions. It should also be emphasized that the current incorrect reporting approach taken by the Agency, which seems to become a common practice, must be stopped and corrected.

#### **B – Legal resolutions of the IAEA Board of Governors regarding Iranian peaceful nuclear program**

1. The Islamic Republic of Iran has already made it clear, that based on the legal provisions such as those of the Agency's Statute and the Safeguards Agreement, the Board of Governors' resolutions against Iran are illegal and unjustified. The Issue of Iran's peaceful nuclear program has unlawfully been conveyed to the UNSC and the Council has taken a wrong approach by adopting the politically-motivated, illegal and unjust UNSC resolutions against Iran. Therefore, any request by the Agency stemming from those resolutions is not legitimate and not acceptable.

2. Since the said Security Council Resolutions have not passed through the pertinent legal proceedings and have been issued in contravention of the UN Charter they are by no means legally-binding. Referring Iran's case to the Council was in violation of Article XII.C of the IAEA Statute, consequently, the UNSC resolutions were also issued in contrast with the Purposes and Principles of the Charter (breach of Article 24 of the UN Charter). Moreover, even if its issuance might be deemed a legal practice in a way, reference cannot be made to Article 41 of chapter VII, and it is not legally-binding either; because international peace and security has not been menaced at all. In fact, the Agency has become more Catholic than the Pope by seeking to implement the provisions of non-legal resolutions, which are portrayed as Iran's legal obligations throughout its reports, as well as frequently mentioning Iran to have refrained from fulfillment of those so-called legal obligations. The Director General of the IAEA had better entrust the task of implementing the UNSC resolutions to the drafter of such resolutions, that is, the possessors of nuclear weapons; rather, he should pursue his own neglected responsibilities incarnated in the Statute related to the peaceful utilization of nuclear energy and reiterated in Article 4 of the NPT, that is-, the peaceful utilization of nuclear energy and the relevant technology transfer, as well as elimination of double standard, and Parallel groups. The Director General ought to ponder upon why he has not yet fulfilled the most primary duty of the DG in order to protect confidential information provided by Member States to the IAEA inspectors, or report on political obstacles to materialize nuclear fuel supply upon request of Member States without discrimination. The Director General should think something about his piled over functions and leave out the tasks of others for themselves.

3. According to the Agency's Agreement with the United Nations (INFCIRC/11), paragraph 2 of Article III "*The Agency shall report to the Security Council and the General Assembly any case of non-compliance within the meaning of Article XII, paragraph C, of its Statute*". The requirements of Article XII, paragraph C have never happened in the case of the implementation of the NPT

Safeguards Agreement in the Islamic Republic of Iran. Therefore involvement of the Security Council in the Iranian peaceful nuclear program is in full contravention with the organizational, statutory and safeguards requirements governing the IAEA practices and procedures.. Indeed, the substantive and procedural legal requirements, that are necessary for engaging the Security Council in the issues raised by the Agency, have been totally ignored in this regard. Referring a country's nuclear issue to the Security Council is only possible under certain conditions as described below:

a) Determination of non-compliance (diversion) according to paragraph C. Article XII of the IAEA Statute is the essential pre-condition for referring an issue to the Security Council which is entrusted to the IAEA inspectors who should report it to the Board of Governors through the IAEA's Director General. There has never been any reference in the Agency's reports to any "*non-compliance*" by Iran or any diversion in its peaceful nuclear activities. More importantly, the IAEA Director General has repeatedly stressed that there has been no diversion of the declared nuclear material and activities in the Islamic Republic of Iran. This conclusion has been reiterated in the every report of the IAEA Director General.

b) Furthermore, according to Article 19 of the Safeguards Agreement between Iran and the IAEA, dated 15 May 1974 (INFCIRC/214) any referral of the issue by the Agency to the Security Council in accordance with Paragraph C Article XII of the Statute of the IAEA, could only be possible "*if the Board upon examination of relevant information reported to it by the Director General, finds that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded under this Agreement, to nuclear weapons or other nuclear explosive devices*". It is worth mentioning in this regard that the IAEA Director General has constantly stated in all his reports that the Agency has been able to verify that the declared nuclear material and activities in Iran have not been diverted towards military purposes, and that they have remained absolutely under peaceful use and therefore the Board. of Governors conveyed Iran's nuclear file to UNSC not based on Article 19, but based on XII.C which is also not justified.

c) Also the nuclear activities of a country may be reported by the IAEA to the Council in cases where a threat against international peace and security is involved and, consequently, according to paragraph b (4), Article III of the IAEA's Statute, the Agency would notify the Security Council in this regard. It is noteworthy that contrary to the baseless allegations made by those few States – allegations that have worked as the basis for conveying the Iranian nuclear program to the Security Council – none of the IAEA Director General's reports have ever described Iran's nuclear activities as "*a threat to international peace and security*". Rather, they have expressly declared that such activities are peaceful, and that there are no diversion of nuclear material and activities in Iran.

Based on the above-mentioned reasons, there is no justification for the involvement of the Security Council in the work of the Agency. The Agency should continue its responsibility in the implementation of the Safeguards Agreement with Iran in strict observance of the provisions foreseen in the Safeguards Agreement with Iran (INFCIRC/214).

#### **C – Contradiction of the UN Security Council & IEA Board of Governors resolutions with the United Nations Charter and the international law**

[Eds...]

#### **D – Comments on technical issues**

##### **Fordow Fuel Enrichment Plant:**

1. It should be recalled that the Agency has provided the standard format of "Design Information Questionnaire (DIQ)," required for the Fordow Fuel Enrichment Plant (FFEP) by the letter MB-IRA-30/OB2/2009-0825 dated 25 September 2009.

2. The Islamic Republic of Iran already provided the information requested in the said format of DIQ for the FFEP and was submitted on 18 October 2009 to the Agency. Consequently, the second revision of the DIQ on 28 October 2009 and the third revision of the DIQ on 22 September 2010 have been submitted to

the Agency.

3. Since November 2009, nineteen “Design Information Verifications (DIV) have been conducted at this facility (FFEP) by the Agency’s inspectors with satisfactory results. It is also worth to recall paragraph 10 of GOV/2009/74 of the DG report in November 2009 that reads “Iran provided access to all areas the facility [FFEP]. The Agency confirmed that the plant corresponded with the design information provided by Iran”.

4. Based on the Safeguards Agreement with respect to provide design information of a facility to the Agency, specifically Articles 42-48, the Islamic Republic of Iran has fulfilled its obligations in providing the required design information of FFEP to the Agency and paragraph 20 of GOV/2011/29 states that “the Agency continues to verify that FFEP is being conducted according to the latest DIQ provided by Iran”.

**Other Enrichment Related Activities:**

5. In response to the Agency’s requests for further information in relation to some interviews of the officials and announcements made regarding the site selection of new facilities, the Islamic Republic of Iran has already replied to all of them to the Agency in accordance with its safeguarded obligations.

**Heavy Water Related Projects (Suspension):**

6. The Islamic Republic of Iran did not suspend its uranium enrichment and heavy water research reactor activities, aiming at producing radioisotopes for medical purposes, since there is no logical and legal justification to suspend such peaceful activities which is its inalienable right according to the Statute and NPT, and all of them are subject to surveillance of the Agency. It should be recalled that Iran implemented suspension for more than 2.5 years voluntarily, as a non-legally binding and confidence building measure.

7. The Agency’s request in paragraph 26 of the report GOV/2011/29: “... Iran make the necessary arrangement to provide the Agency, at the earliest possible date, with access to: the Heavy Water Production Plant (HWPP); the heavy water stored at the Uranium Conversion Facility (UCF) in order to take samples, and any other location in Iran where projects relate to heavy water are being carried out.” is not justified and there is no legal basis since they are not falling within Iran’s Safeguards Agreement (INFCIRC/214) and are even beyond Additional Protocol.

8. Requesting such information under the pretext of the illegal UNSC resolutions is technically and legally unjustified and shall establish illegal precedence. It should be noted heavy water plants are not covered by the Comprehensive Safeguards Agreement (CSA). They are also beyond the illegal relevant UNSC resolutions that request only verification of suspension. Therefore, when Iran clearly and loudly states in accordance with its inalienable rights under the IAEA statute and NPT, that work on heavy water related projects have not been suspended, there is no need of such baseless requests by the Agency. Thus, the request to check whether or not Iran has suspended its activities is ridiculous.

**Possible Military Dimensions:**

9- The detailed history of the agreed Work Plan (INFCIRC/711) between the Agency and the Islamic Republic of Iran has been explained in the previous Iran’s explanatory notes to the DG reports with the latest one being INFCIRC/817. It is regrettable that the agreed work plan has been totally ignored by the Director General since he took the DG office, except, under the strong request by the Non-Aligned Movement Member States, he has recognized it in his February 2011 report but disappointedly, he again has completely ignored the agreed work plan in his recent report GOV/2011/29 dated 14 May 2011. This is a clear indication that unfortunately, the Director General not only does not believe in the legal framework and Agreements but also he has damaged the impartiality and credibility of the Agency.

10. On the basis of the Work Plan, there were only six outstanding issues that all have been resolved as the former Director General in his reports of November 2007 and February 2008 has explicitly, stated: all six outstanding issues had been resolved and the Islamic Republic of Iran had responded to all questions about the outstanding issues in accordance with the Work Plan.

11. The so called “Alleged Studies” have never been considered as an outstanding issue in the Work Plan.

12. Following the successful implementation of the Work Plan which led to the resolution of all six outstanding issues, the Government of the United States, being dissatisfied about the results, began a political campaign on a part of the Work Plan entitled the Alleged Studies. Therefore, by interfering in the work of the IAEA and exerting various political pressures, the Government of the United States attempted to spoil the spirit of cooperation between the Islamic Republic of Iran and the IAEA.

13. In spite of the fact that the so called Alleged Studies documents had not been delivered to Iran, the Islamic Republic of Iran carefully examined all the material which had been prepared by the US Government as power point presentations for the Agency, and informed the Agency of its assessment. In this context, the following important points should be recalled:

a. The Agency has not delivered to Iran any official and authenticated document which contained documentary evidence related to Iran with regard to the Alleged Studies.

b. The government of the United States has not handed over original documents to the Agency since it does not in fact have any authenticated document and all it has are forged documents. The Agency didn’t deliver any original documents to Iran and none of the documents and material shown to Iran has authenticity and all proved to be fabricated, baseless allegations and false attributions to Iran.

c. How can one make allegations against a country without provision of original documents with authenticity and ask the country concerned to prove its innocence or ask it to provide substantial explanations?

d. The Agency has explicitly expressed in a written document dated 04 May 2008 that: “...no document establishing the administrative interconnections between ‘Green Salt’ and the other remaining subjects on Alleged Studies, namely ‘Highly Explosive Testing’ and ‘Re-entry Vehicle’, have been delivered or presented to Iran by the Agency”.

e. This written document proves that in fact the documents related to the Alleged Studies lack any internal consistency and coherence in this regard. It is regrettable that this explicit fact expressed by the Agency has never been reflected in the DG reports.

14. Taking into account the above mentioned facts, and that no original document exists on the Alleged Studies, and that is no valid and documentary evidence purporting to show any linkage between such fabricated allegations and Iran, and that the Director General reported in paragraph 28 of GOV/2008/15 no use of any nuclear material in connection with the Alleged Studies (because they do not exist in reality), also being in mind the fact that Iran has fulfilled its obligation to provide information to the Agency, and its assessment, and the fact that the former Director General has already indicated in his reports in June, September and November 2008 that the Agency has no information on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of certain other key components, such as initiators, or on related nuclear physics studies, therefore this subject must be closed.

15. If it was intended to raise other issues in addition to the Alleged Studies (Green Salt, Re-entry Missile, High Explosive Test) such as possible military dimension, since all outstanding issues have been incorporated in the exhausted list prepared by the IAEA during the negotiations, then it should have been raised by the Agency in the course of the negotiations on the Work Plan. One can clearly notice that no issue and item entitled “possible military dimension” exists in the modalities. It is recalled that the first paragraph of chapter IV of the Work Plan says: “These modalities cover all remaining issues and the Agency confirmed that there are no other remaining issues and ambiguities regarding Iran’s past nuclear program and activities”, therefore, introducing a new issue under the title of “possible military dimension” contradicts the Work Plan.

16. According to the DG report in GOV/2009/55, the Agency expressed that the authenticity of the documentation that forms the basis of the Alleged Studies cannot be confirmed. This proved the

assessment of the Islamic Republic of Iran that the Alleged Studies are politically motivated and baseless allegations.

[Eds...]

21. The Islamic Republic of Iran and the Agency have fully implemented the task agreed upon in the Work Plan: in doing so, Iran has taken voluntary steps beyond its legal obligation under the Comprehensive Safeguards Agreement

22. Considering the above and the former DG report in GOV/2009/55, that confirmed that Iran has completed its obligation on the Alleged Studies by informing the Agency of its assessment, and very positive developments and the joint constructive cooperation between Iran and the Agency, the Agency is hereby highly expected to announce that the safeguards implementation in Iran shall be conducted in a routine manner in accordance with the last paragraph: of the Work Plan (INFCIRC/711).

[Eds...]

25. According to the Work Plan the Agency was required to submit all documentation to Iran and then Iran was only expected to “inform the Agency of its assessment”. No visit, meeting, personal interview, swipe sampling were foreseen for addressing this matter. The Government of the United States has not handed over original documents to the Agency since it does not in fact have any authenticated document as the former Director General declared. Meanwhile, by refusing to submit all documentation to Iran concerning the so-called Alleged Studies, the IAEA did not fulfill its obligation under part III of INFCIRC/711. Notwithstanding the above and based on good faith and in a spirit of cooperation, Iran went beyond the above understanding by agreeing to hold discussions with the IAEA to provide necessary supporting documents, and informed the Agency of its assessment in a 117-page document proving that the allegations have been all fabricated and forged. This is in fact reviewing the substance and also the forms.

26. Considering the above, the Agency's request in paragraph 34 of GOV/2011/29 “Iran provide prompt access to relevant locations, equipment, documentation and persons” is not justifiable and consequently not acceptable. The Agency is highly expected to observe the utmost professionalism, impartiality and justice in its evaluation.

27. Finally, as the Work Plan has fully been implemented, thus the implementation of safeguards in Iran has to be conducted in a routine manner.

#### **Design Information (Modified code 3.1 of Subsidiary Arrangement):**

28. Iran was implementing voluntarily the modified code 3.1 of the Subsidiary Arrangement since 2003, but it suspended its implementation pursuant to the illegal UNSC resolutions against Iran's peaceful nuclear activities. However, Iran currently is implementing code 3.1 of the Subsidiary Arrangement,

[Eds...]

#### **Additional Protocol;**

32. The Additional Protocol is not a legally binding instrument and is voluntary in nature. Hence, many Member States including Iran are not implementing this voluntary protocol. However, it should be reminded that Iran implemented the AP for more than 2.5 years voluntarily as a confidence building measure.

[Eds...]

#### **Paragraph 41 of the report GOV2011/29 (Summary)**

36. The Islamic Republic of Iran has fully cooperated with the Agency in safeguards application on nuclear material and facilities. Therefore, a statement such as “...Iran is not providing the necessary cooperation, including by not implementing its Additional Protocol, the agency is unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities”, is absolutely wrong, has no legal basis and is another example of losing impartiality.

37. The fact that all declared nuclear material in Iran is accounted for and remained in peaceful activities and under the Agencies full

scope surveillance, is not reflected and is missed essential element of this report.

38. Mixing the notions of “declared nuclear material” and “all nuclear material” in the context of the CSA and Additional Protocol, respectively, in a non-professional manner is not legally justified and also misleads the public at large. Thus the derived conclusion on this base is absolutely wrong. The I.R. of Iran has repeatedly declared that there is no undeclared nuclear activity and material in Iran.

39. It is worth mentioning that the Safeguards Implementation Report for 2010 reads: “Safeguards Activities were implemented for 68 States [including I.R. of Iran] with comprehensive safeguard agreements in force, but without additional protocols in force. For these States, the Secretariat found no indication of the diversion of declared nuclear material from peaceful nuclear activities. On this basis, the Secretariat concluded that, for these States declared nuclear material remained in peaceful activities.”

#### **Paragraph 42 of the report GOV/2011/29 (Summary):**

In a letter dated 26 May 2011, the Vice President of the Islamic Republic of Iran and Head of the Atomic Energy Organization of Iran (AEOI), H.E. Dr. Fereydoun Abbasi, replied to the 6 May 2011 letter of the Director General and expressed “In light of the facts and the objective analysis of the presently valid and in force Work Plan between the Islamic Republic of Iran and the IAEA (INFCIRC/711) as mentioned above, the IAEA is obliged to officially declare that the Work Plan is fully implemented, hence the implementation of safeguards in Iran shall be conducted in a routine manner. After such declaration by the Agency, the Islamic Republic of Iran would be prepared, like any other Member States, to receive relevant questions on its nuclear activities and to remove ambiguities, if any.”

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### **Extracts from Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran**

[GOV/2011/54 2 September 2011]

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[Editorial note: Footnotes not included]

Report by the Director General

#### **A. Introduction**

[Eds..]

4. In meetings held in Vienna on 21 June 2011 and on 12 July 2011, the Director General discussed issues related to the implementation of Iran's Safeguards Agreement and other relevant obligations with H.E. Dr Fereydoun Abbasi, Vice President of Iran and Head of the Atomic Energy Organization of Iran (AEOI), and H.E. Dr Ali Akbar Salehi, the Iranian Minister for Foreign Affairs, respectively.

5. In response to an invitation from Iran, the Deputy Director General for Safeguards visited Iran from 14 to 19 August 2011. During his visit, the Deputy Director General visited the Bushehr Nuclear Power Plant, the enrichment plants at Natanz and Fordow, the IR-40 Reactor and Heavy Water Production Plant (HWPP) at Arak, and the conversion and fuel fabrication facilities at Esfahan. Iran also provided access to an installation where research and development (R&D) on advanced centrifuges was taking place. During his visit, the Deputy Director General also held meetings with Dr Abbasi.

#### **B. Facilities Declared under Iran's Safeguards Agreement**

7. [Eds...] Notwithstanding that certain of the activities being undertaken by Iran at some of the facilities are contrary to relevant resolutions of the Board of Governors and the Security Council, as indicated below, the Agency continues to verify the non-diversion of declared nuclear material at these facilities and LOFs.

#### **C. Enrichment Related Activities**

8. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities in the following declared facilities, all of which are nevertheless under Agency safeguards.

### C.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant

#### 9. Fuel Enrichment Plant (FEP):

[Eds...]

10. On 28 August 2011, 53 cascades were installed in three of the eight units in Production Hall A, 35 of which were declared by Iran as being fed with UF<sub>6</sub>. Whereas initially each installed cascade comprised 164 centrifuges, Iran has subsequently modified 12 of the cascades to contain 174 centrifuges each. To date, all the centrifuges installed are IR-1 machines. As of 28 August 2011, installation work in the remaining five units was ongoing, but no centrifuges had been installed, and there had been no installation work in Production Hall B.

11. Iran has estimated that, between 18 October 2010 and 13 August 2011, it produced 1408 kg of low enriched UF<sub>6</sub>, which would result in a total production of 4543 kg of low enriched UF<sub>6</sub> since February 2007. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance. The consequences for safeguards of the seal breakage in the feed and withdrawal area, referred to in the previous report, will be evaluated by the Agency upon completion of the next Physical Inventory Verification (PIV), currently envisaged for October 2011.

12. Based on the results of the analysis of environmental samples taken at FEP since February 2007 and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the Design Information Questionnaire (DIQ).

#### 13. Pilot Fuel Enrichment Plant (PFEP):

[Eds...]

14. In the production area, Iran first began feeding low enriched UF<sub>6</sub> into Cascade 1 on 9 February 2010, for the stated purpose of producing UF<sub>6</sub> enriched up to 20% U-235 for use in the manufacture of fuel for the Tehran Research Reactor (TRR). Since 13 July 2010, Iran has been feeding low enriched UF<sub>6</sub> into two interconnected cascades (Cascades 1 and 6), each of which consists of 164 IR-1 centrifuges.

[Eds...]

16. Iran has estimated that, between 19 September 2010 and 20 August 2011, a total of 320.5 kg of UF<sub>6</sub> enriched at FEP was fed into the two interconnected cascades and that approximately 45.7 kg of UF<sub>6</sub> enriched up to 20% U-235 was produced. This would result in a total of approximately 70.8 kg of UF<sub>6</sub> enriched up to 20% U-235 having been produced since the process began in February 2010.

17. In the R&D area, between 22 May 2011 and 20 August 2011, a total of approximately 170.1 kg of natural UF<sub>6</sub> was fed into centrifuges, but no LEU was withdrawn as the product and the tails are recombined at the end of the process.

18. As of 28 August 2011, Iran had installed 136 IR-2m centrifuges in Cascade 5. As the Agency had been informed by Iran in a letter dated 22 June 2011, Iran started feeding 54 of the IR-2m centrifuges with natural UF<sub>6</sub>. Since the last report, Iran has installed 27 IR-4 centrifuges in Cascade 4, none of which, as of 28 August 2011, had been fed with natural UF<sub>6</sub>.

19. Based on the results of the analysis of the environmental samples taken at PFEP and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the DIQ.

### C.2. Fordow Fuel Enrichment Plant

[Eds...]

22. On 8 June 2011, it was reported that Iran had decided to "transfer the 20-percent-uranium enrichment...to the Fordow plant" and would "triple its (production) capacity", after which Iran would stop the "20% fuel production" at Natanz. On 9 June 2011, the Agency received a letter from Iran informing the Agency of Iran's decision to produce UF<sub>6</sub> enriched up to 20% U-235 at FFEP.

23. On 25 June 2011, Iran provided the Agency with another revised DIQ in which the stated purpose of FFEP, as well as R&D,

was the production of UF<sub>6</sub> enriched up to 20% U-235, and that initially this production would take place within two sets of two interconnected cascades. Each of these cascades will consist of 174 centrifuges.

24. In a letter dated 27 July 2011, Iran provided answers to a number of technical questions from the Agency relating to this revised DIQ, and provided another revised DIQ.

25. On 7 August 2011, the Agency and Iran agreed on a safeguards approach for FFEP. As of 20 August 2011, Iran had installed one of the cascades designated in the DIQ for the production of UF<sub>6</sub> enriched up to 20% U-235.

26. The Agency continues to verify that FFEP is being constructed according to the latest DIQ provided by Iran. Since the last report, Iran has provided some clarification regarding the initial timing of, and circumstances relating to, its decision to build FFEP at an existing defence establishment. Additional information from Iran is still needed in connection with this facility.

27. The results of the analysis of the environmental samples taken at FFEP up to 29 December 2010 did not indicate the presence of enriched uranium.

### C.3. Other Enrichment Related Activities

28. The Agency is still awaiting a substantive response from Iran to Agency requests for further information in relation to announcements made by Iran concerning the construction of ten new uranium enrichment facilities, the sites for five of which, according to Iran, have been decided, and the construction of one of which was to have begun by the end of the last Iranian year (20 March 2011) or the start of this Iranian year. To date, the Agency has no information as to whether that construction has started. Iran has not provided information, as requested by the Agency in its letter of 18 August 2010, in connection with its announcement on 7 February 2010 that it possessed laser enrichment technology. As a result of Iran's lack of cooperation on those issues, the Agency is unable to verify and to report fully on these matters.

29. On 18 August 2011, in response to Agency requests, Iran provided the Agency access to an installation where R&D on advanced centrifuges was taking place. During the Agency's visit, Iran provided extensive information on its current and future R&D work on advanced centrifuges.

### D. Reprocessing Activities

30. [Eds...]It is only with respect to TRR, the MIX Facility and the other facilities to which the Agency has access, that the Agency can confirm that there are no ongoing reprocessing related activities in Iran.

### E. Heavy Water Related Projects

31. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended work on all heavy water related projects, including the construction of the heavy water moderated research reactor, the IR-40 Reactor, which is subject to Agency safeguards.

32. On 9 August 2011, the Agency carried out a DIV at the IR-40 Reactor and observed that construction of the facility was ongoing, the moderator heat exchangers had been installed and the coolant heat exchangers had been delivered to the site. According to Iran, the operation of the IR-40 Reactor is planned to commence by the end of 2013.

33. On 17 August 2011, during its first visit to the HWPP since 2005, the Agency observed that the HWPP was operating. During the visit, Iran told the Agency that it had produced approximately 60 tons of heavy water at HWPP. To date, Iran has not provided the Agency access to the heavy water stored at the Uranium Conversion Facility (UCF) in order to take samples.

### F. Uranium Conversion and Fuel Fabrication

34. Although it is obliged to suspend all enrichment related activities and heavy water related projects, Iran is conducting a number of activities at UCF and the Fuel Manufacturing Plant (FMP) at Esfahan, as described below, that are in contravention of those obligations, notwithstanding that both facilities are under Agency safeguards.

35. The Agency has finalized its assessment of the results of the PIV carried out at UCF in March 2011 (GOV/2011/29, para. 30), and has concluded that the inventory of nuclear material at UCF as declared by Iran is consistent with those results, within the measurement uncertainties normally associated with conversion plants of similar throughput.

36. In a letter dated 15 June 2011, Iran provided the Agency with an updated schedule for the operation of UCF. According to the schedule, the production of natural UO<sub>2</sub> would commence on 23 July 2011 and the tests for the conversion of UF<sub>6</sub> enriched up to 20% U-235 into U<sub>3</sub>O<sub>8</sub> on 23 August 2011. In a letter dated 20 July 2011, Iran informed the Agency that on 23 October 2011 it would restart the production of natural UF<sub>6</sub>, involving the use of uranium ore concentrate (UOC) produced at the Bandar Abbas Uranium Production Plant. In a letter dated 24 August 2011, Iran informed the Agency that tests for the conversion of UF<sub>6</sub> enriched up to 20% U-235 into U<sub>3</sub>O<sub>8</sub> would start on 6 September 2011. Iran has indicated that the initial tests of this conversion line will not involve the use of nuclear material.

37. In a letter dated 28 July 2011, Iran informed the Agency that it would start R&D activities at UCF for the conversion of UF<sub>6</sub> enriched up to 5% U-235 into UO<sub>2</sub>.

38. On 8 August 2011, Iran and the Agency agreed to an updated safeguards approach for UCF that takes into account the production of natural UO<sub>2</sub>, natural UF<sub>6</sub>, and 20% U-235 as U<sub>3</sub>O<sub>8</sub>.

39. On 27 August 2011, the Agency carried out an inspection and a DIV at UCF, during which Iran declared that it had fed into the process 652.2 kg of uranium in the form of UOC and produced about 96 kg of uranium in the form of UO<sub>2</sub>, and further indicated that some of the product was fed back into the process. Iran has also started R&D activities using depleted uranium for the conversion of UF<sub>6</sub> into UO<sub>2</sub>.

40. On 31 May 2011, in a DIQ for FMP, Iran informed the Agency that a fresh fuel rod of natural UO<sub>2</sub> manufactured at FMP would be shipped to TRR for irradiation and post-irradiation analysis.

41. On 10 August 2011, the Agency carried out a PIV and a DIV at FMP and confirmed that Iran had not yet started to install equipment for the fabrication of fuel for TRR.

42. In a letter dated 28 August 2011, Iran provided an updated DIQ for FMP, which the Agency is currently reviewing.

#### G. Possible Military Dimensions

[Eds...]

44. The Board of Governors has called on Iran on a number of occasions to engage with the Agency on the resolution of all outstanding issues in order to exclude the existence of possible military dimensions to Iran's nuclear programme. In resolution 1929 (2010), the Security Council reaffirmed Iran's obligations to take the steps required by the Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, including by providing access without delay to all sites, equipment, persons and documents requested by the Agency. In his letter to the Director General dated 26 May 2011, Dr Abbasi explained Iran's position on this issue. The Director General, in his letter of 3 June 2011 to Dr Abbasi, reminded Iran that it should fully implement all of its obligations in order to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme. In the course of the meetings referred to in paragraphs 4 and 5 of this report, the question of the possible military dimensions of Iran's nuclear programme was discussed.

#### H. Design Information

45. [Eds...]

The Agency is still awaiting receipt from Iran of, inter alia, updated design information for the IR-40 Reactor, and further information pursuant to statements it has made concerning the planned construction of new uranium enrichment facilities and the design of a reactor similar to TRR.

[Eds..]

#### I. Additional Protocol

[Eds...]

#### J. Other Matters

48. In a letter dated 19 June 2011, Iran informed the Agency of its intention to "transfer some of spent fuel assemblies (HEU Control Fuel Element (CFE) and Standard Fuel Element (SFE)) from spent fuel pool (KMPE) to reactor core (KMPB) in order to conduct a research project".

[Eds...]

#### K. Summary

50. While the Agency continues to conduct verification activities under Iran's Safeguards Agreement, Iran is not implementing a number of its obligations, including: implementation of the provisions of its Additional Protocol; implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part to its Safeguards Agreement; suspension of enrichment related activities; suspension of heavy water related activities; and addressing the Agency's concerns about possible military dimensions to Iran's nuclear programme.

51. While the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its Safeguards Agreement, as Iran is not providing the necessary cooperation, including by not implementing its Additional Protocol, the Agency is unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities.

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### Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran

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[GOV/2011/65 8 November 2011]

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[Editorial note: Footnotes not included]

*Report by the Director General*

#### A. Introduction

[Eds...]

4. In a letter dated 26 May 2011, H.E. Dr Fereydoun Abbasi, Vice President of Iran and Head of the Atomic Energy Organization of Iran (AEOI), informed the Director General that Iran would be prepared to receive relevant questions from the Agency on its nuclear activities after a declaration by the Agency that the work plan (INFCIRC/711) had been fully implemented and that the Agency would thereafter implement safeguards in Iran in a routine manner. In his reply of 3 June 2011, the Director General informed Dr Abbasi that the Agency was neither in a position to make such a declaration, nor to conduct safeguards in Iran in a routine manner, in light of concerns about the existence in Iran of possible military dimensions to Iran's nuclear programme. On 19 September 2011, the Director General met Dr Abbasi in Vienna, and discussed issues related to the implementation of Iran's Safeguards Agreement and other relevant obligations. In a letter dated 30 September 2011, the Agency reiterated its invitation to Iran to reengage with the Agency on the outstanding issues related to possible military dimensions to Iran's nuclear programme and the actions required of Iran to resolve those issues. In a letter dated 30 October 2011, Dr Abbasi referred to his previous discussions with the Director General and expressed the will of Iran "to remove ambiguities, if any", suggesting that the Deputy Director General for Safeguards (DDG-SG), should visit Iran for discussions. In his reply, dated 2 November 2011, the Director General indicated his preparedness to send the DDG-SG to "discuss the issues identified" in his forthcoming report to the Board of Governors.

5. This report addresses developments since the last report (GOV/2011/54, 2 September 2011), as well as issues of longer standing, and, in line with the Director General's opening remarks to the Board of Governors on 12 September 2011, contains an Annex setting out in more detail the basis for the Agency's concerns about possible military dimensions to Iran's nuclear programme. The report focuses on those areas where Iran has not fully implemented its binding obligations, as the full implementation of these obligations is needed to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme.



## B. Facilities Declared under Iran's Safeguards Agreement

6. Under its Safeguards Agreement, Iran has declared to the Agency 15 nuclear facilities and nine locations outside facilities where nuclear material is customarily used (LOFs). Notwithstanding that certain of the activities being undertaken by Iran at some of the facilities are contrary to the relevant resolutions of the Board of Governors and the Security Council, as indicated below, the Agency continues to implement safeguards at these facilities and LOFs.

### C. Enrichment Related Activities

7. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities in the following declared facilities, all of which are nevertheless under Agency safeguards.

#### C.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant

8. **Fuel Enrichment Plant (FEP):** There are two cascade halls at FEP: Production Hall A and Production Hall B. According to the design information submitted by Iran, eight units are planned for Production Hall A, with 18 cascades in each unit. No detailed design information has yet been provided for Production Hall B.

9. As of 2 November 2011, 54 cascades were installed in three of the eight units in Production Hall A, 37 of which were declared by Iran as being fed with UF<sub>6</sub>. Whereas initially each installed cascade comprised 164 centrifuges, Iran has subsequently modified 15 of the cascades to contain 174 centrifuges each. To date, all the centrifuges installed are IR-1 machines. As of 2 November 2011, installation work in the remaining five units was ongoing, but no centrifuges had been installed, and there had been no installation work in Production Hall B.

10. Between 15 October and 8 November 2011, the Agency conducted a physical inventory verification (PIV) at FEP, the results of which the Agency is currently evaluating.

11. Iran has estimated that, between 18 October 2010 and 1 November 2011, it produced 1787 kg of low enriched UF<sub>6</sub>, which would result in a total production of 4922 kg of low enriched UF<sub>6</sub> since production began in February 2007. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance. The consequences for safeguards of the seal breakage in the feed and withdrawal area will be evaluated by the Agency upon completion of its assessment of the PIV.

12. Based on the results of the analysis of environmental samples taken at FEP since February 2007 and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the Design Information Questionnaire (DIQ).

13. **Pilot Fuel Enrichment Plant (PFEP):** PFEP is a research and development (R&D) facility, and a pilot low enriched uranium (LEU) production facility, which was first brought into operation in October 2003. It has a cascade hall that can accommodate six cascades, and is divided between an area designated for the production of LEU enriched up to 20% U-235 (Cascades 1 and 6) and an area designated for R&D (Cascades 2, 3, 4 and 5).

14. In the production area, Iran first began feeding low enriched UF<sub>6</sub> into Cascade 1 on 9 February 2010, for the stated purpose of producing UF<sub>6</sub> enriched up to 20% U-235 for use in the manufacture of fuel for the Tehran Research Reactor (TRR). Since 13 July 2010, Iran has been feeding low enriched UF<sub>6</sub> into two interconnected cascades (Cascades 1 and 6), each of which consists of 164 IR-1 centrifuges.

15. Between 13 and 29 September 2011, the Agency conducted a PIV at PFEP and verified that, as of 13 September 2011, 720.8 kg of low enriched UF<sub>6</sub> had been fed into the cascade(s) in the production area since the process began on 9 February 2010, and that a total of 73.7 kg of UF<sub>6</sub> enriched up to 20% U-235 had been produced. The Agency is continuing with its assessment of the results of the PIV. Iran has estimated that, between 14 September 2011 and 28 October 2011, a total of 44.7 kg of UF<sub>6</sub> enriched at FEP was fed into the two interconnected cascades and that approximately 6 kg of UF<sub>6</sub> enriched up to 20% U-235 were produced.

16. The preliminary results of the PIV show an improvement to the operator's weighing system. Once the assessment of the PIV has been completed, the Agency will be able to determine whether the operator's better sampling procedures have resulted in a more accurate determination of the level of U-235 enrichment.

17. In the R&D area, as of 22 October 2011, Iran had installed 164 IR-2m centrifuges in Cascade 5, all of which were under vacuum, and 66 IR-4 centrifuges in Cascade 4, none of which had been fed with UF<sub>6</sub>. In Cascades 2 and 3, Iran has been feeding natural UF<sub>6</sub> into single machines, 10-machine cascades and 20-machine cascades of IR-1, IR-2m and IR-4 centrifuges.

18. Between 21 August 2011 and 28 October 2011, a total of approximately 59.8 kg of natural UF<sub>6</sub> was fed into centrifuges in the R&D area, but no LEU was withdrawn as the product and the tails are recombined at the end of the process.

19. Based on the results of the analysis of the environmental samples taken at PFEP and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the DIQ.

#### C.2. Fordow Fuel Enrichment Plant

20. In September 2009, Iran informed the Agency that it was constructing the Fordow Fuel Enrichment Plant (FFEP), located near the city of Qom. In its DIQ of 10 October 2009, Iran stated that the purpose of the facility was the production of UF<sub>6</sub> enriched up to 5% U-235, and that the facility was being built to contain 16 cascades, with a total of approximately 3000 centrifuges.

21. In September 2010, Iran provided the Agency with a revised DIQ in which it stated that the purpose of FFEP was to include R&D as well as the production of UF<sub>6</sub> enriched up to 5% U-235.

22. As previously reported, Iran provided the Agency with another revised DIQ in June 2011 in which the stated purpose of FFEP was the production of UF<sub>6</sub> enriched up to 20% U-235, as well as R&D. Iran informed the Agency that initially this production would take place within two sets of two interconnected cascades, and that each of these cascades would consist of 174 centrifuges. Iran was reported to have decided to "triple its (production) capacity", after which Iran would stop the "20% fuel production" at Natanz.

23. On 17 October 2011, as anticipated in its letter to the Agency dated 11 October 2011, Iran transferred from FEP to FFEP one large cylinder containing LEU in the form of UF<sub>6</sub> and one small cylinder containing depleted uranium (DU) in the form of UF<sub>6</sub>. According to Iran, the LEU will be used for feeding and the DU will be used for line passivation. On 24 October 2011, the Agency detached the seal on the cylinder containing the DU, and the cylinder was immobilized at the feeding station. At the request of Iran, the Agency will detach the seal on the cylinder containing the LEU on 8 November 2011, and the cylinder will be immobilized at the feeding station.

24. During an inspection on 23 and 24 October 2011, the Agency verified that Iran had installed all 174 centrifuges in each of two cascades, neither of which had been connected to the cooling and electrical

lines, and had installed 64 centrifuges in a third cascade. To date, all the centrifuges installed are IR-1 machines. Iran informed the Agency that the main power supply had been connected to the facility. No centrifuges had been installed in the area designated for R&D purposes.

25. The Agency continues to verify that FFEP is being constructed according to the latest DIQ provided by Iran. As previously reported, although Iran has provided some clarification regarding the initial timing of, and circumstances relating to, its decision to build FFEP at an existing defence establishment, additional information from Iran is still needed in connection with this facility.

26. The results of the analysis of the environmental samples taken at FFEP up to 27 April 2011 did not indicate the presence of enriched uranium.

#### C.3. Other Enrichment Related Activities

27. The Agency is still awaiting a substantive response from Iran to Agency requests for further information in relation to announcements made by Iran concerning the construction of ten

new uranium enrichment facilities, the sites for five of which, according to Iran, have been decided, and the construction of one of which was to have begun by the end of the last Iranian year (20 March 2011) or the start of this Iranian year. In August 2011, Dr Abbasi was reported as having said that Iran did not need to build new enrichment facilities during the next two years. Iran has not provided information, as requested by the Agency in its letter of 18 August 2010, in connection with its announcement on 7 February 2010 that it possessed laser enrichment technology. As a result of Iran's lack of cooperation on those issues, the Agency is unable to verify and report fully on these matters.

#### D. Reprocessing Activities

28. Pursuant to the relevant resolutions of the Board of Governors and the Security Council, Iran is obliged to suspend its reprocessing activities, including R&D. In a letter to the Agency dated 15 February 2008, Iran stated that it “does not have reprocessing activities”. In that context, the Agency has continued to monitor the use of hot cells at TRR and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility. The Agency carried out an inspection and design information verification (DIV) at TRR on 15 October 2011, and a DIV at the MIX Facility on 16 October 2011. It is only with respect to TRR, the MIX Facility and the other facilities to which the Agency has access that the Agency can confirm that there are no ongoing reprocessing related activities in Iran.

#### E. Heavy Water Related Projects

29. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended work on all heavy water related projects, including the construction of the heavy water moderated research reactor, the Iran Nuclear Research Reactor (IR-40 Reactor), which is subject to Agency safeguards.

30. On 17 October 2011, the Agency carried out a DIV at the IR-40 Reactor at Arak and observed that construction of the facility was ongoing and the coolant heat exchangers had been installed. According to Iran, the operation of the IR-40 Reactor is planned to commence by the end of 2013.

31. Since its visit to the Heavy Water Production Plant (HWPP) on 17 August 2011, the Agency, in a letter to Iran dated 20 October 2011, requested further access to HWPP. The Agency has yet to receive a reply to that letter, and is again relying on satellite imagery to monitor the status of HWPP. Based on recent images, the HWPP appears to be in operation. To date, Iran has not provided the Agency access to the heavy water stored at the Uranium Conversion Facility (UCF) in order to take samples.

#### F. Uranium Conversion and Fuel Fabrication

32. Although it is obliged to suspend all enrichment related activities and heavy water related projects, Iran is conducting a number of activities at UCF and the Fuel Manufacturing Plant (FMP) at Esfahan which, as described below, are in contravention of those obligations, although both facilities are under Agency safeguards.

33. **Uranium Conversion Facility:** On 18 October 2011, the Agency carried out a DIV at UCF during which the Agency observed the ongoing installation of the process equipment for the conversion of UF<sub>6</sub> enriched up to 20% U-235 into U<sub>3</sub>O<sub>8</sub>. During the DIV, Iran informed the Agency that the initial tests of this conversion line, originally scheduled to start on 6 September 2011, had been postponed and would not involve the use of nuclear material.

34. As previously reported, Iran informed the Agency in July 2011 that it would start R&D activities at UCF for the conversion of UF<sub>6</sub> enriched up to 5% U-235 into UO<sub>2</sub>. During the aforementioned DIV, Iran informed the Agency that 6.8 kg of DU in the form of UF<sub>6</sub> had been processed and that Iran had produced 113 g of uranium in the form of UO<sub>2</sub> that met its specifications. According to Iran, this UO<sub>2</sub> has been sent to FMP to produce test pellets. Iran has also started using UF<sub>6</sub> enriched to 3.34% U-235 to produce UO<sub>2</sub>. During the DIV, Iran further informed the Agency that this UO<sub>2</sub> would also be sent to FMP to produce fuel pellets, which would then be sent to TRR for “performance test studies”.

35. In a letter dated 4 October 2011, Iran informed the Agency of the postponement of the production of natural UF<sub>6</sub>, involving the use of uranium ore concentrate (UOC) produced at the Bandar Abbas Uranium Production Plant, originally scheduled to restart on 23 October 2011. In a letter dated 11 October 2011, Iran informed the Agency that, from 11 November 2011, it intended to use UOC produced at the Bandar Abbas Uranium Production Plant for the production of natural uranium in the form of UO<sub>2</sub>. During the DIV on 18 October 2011, the Agency took a sample of this UOC. During the same DIV, Iran informed the Agency that, since 23 July 2011, it had fed into the process 958.7 kg of uranium in the form of UOC and produced about 185.6 kg of natural uranium in the form of UO<sub>2</sub>, and further indicated that some of the product had been fed back into the process. In a letter dated 8 October 2011, Iran informed the Agency that it had transferred about 1 kg of this UO<sub>2</sub> to the R&D section of FMP in order to “conduct research activities and pellet fabrication”.

36. **Fuel Manufacturing Plant:** As previously reported, in a DIQ for FMP dated 31 May 2011, Iran informed the Agency that a fresh fuel rod of natural UO<sub>2</sub> manufactured at FMP would be shipped to TRR for irradiation and post-irradiation analysis. On 15 October 2011, the Agency carried out an inspection and a DIV at TRR and confirmed that, on 23 August 2011, Iran had started to irradiate a prototype fuel rod containing natural UO<sub>2</sub> that had been manufactured at FMP. In a letter dated 30 August 2011, Iran informed the Agency that “for the time being” it had no plans to conduct any destructive testing on the rod and that only non-destructive testing would be conducted at TRR.

37. On 22 October 2011, the Agency carried out an inspection and a DIV at FMP and confirmed that Iran had started to install some equipment for the fabrication of fuel for TRR. During the inspection, the Agency verified five fuel plates containing natural U<sub>3</sub>O<sub>8</sub> that had been produced at the R&D laboratory at FMP for testing purposes.

#### G. Possible Military Dimensions

38. Previous reports by the Director General have identified outstanding issues related to possible military dimensions to Iran's nuclear programme and actions required of Iran to resolve these. Since 2002, the Agency has become increasingly concerned about the possible existence in Iran of undisclosed nuclear related activities involving military related organizations, including activities related to the development of a nuclear payload for a missile, about which the Agency has regularly received new information.

39. The Board of Governors has called on Iran on a number of occasions to engage with the Agency on the resolution of all outstanding issues in order to exclude the existence of possible military dimensions to Iran's nuclear programme. In resolution 1929 (2010), the Security Council reaffirmed Iran's obligations to take the steps required by the Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, and to cooperate fully with the Agency on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions to Iran's nuclear programme, including by providing access without delay to all sites, equipment, persons and documents requested by the Agency. Since August 2008, Iran has not engaged with the Agency in any substantive way on this matter.

40. The Director General, in his opening remarks to the Board of Governors on 12 September 2011, stated that in the near future he hoped to set out in greater detail the basis for the Agency's concerns so that all Member States would be kept fully informed. In line with that statement, the Annex to this report provides a detailed analysis of the information available to the Agency to date which has given rise to concerns about possible military dimensions to Iran's nuclear programme.

41. The analysis itself is based on a structured and systematic approach to information analysis which the Agency uses in its evaluation of safeguards implementation in all States with comprehensive safeguards agreements in force. This approach involves, inter alia, the identification of indicators of the existence or development of the processes associated with nuclear-related activities, including weaponization.

42. The information which serves as the basis for the Agency's analysis and concerns, as identified in the Annex, is assessed by the Agency to be, overall, credible. The information comes from a

wide variety of independent sources, including from a number of Member States, from the Agency's own efforts and from information provided by Iran itself. It is consistent in terms of technical content, individuals and organizations involved, and time frames.

43. The information indicates that Iran has carried out the following activities that are relevant to the development of a nuclear explosive device:

- Efforts, some successful, to procure nuclear related and dual use equipment and materials by military related individuals and entities (Annex, Sections C.1 and C.2);
- Efforts to develop undeclared pathways for the production of nuclear material (Annex, Section C.3);
- The acquisition of nuclear weapons development information and documentation from a clandestine nuclear supply network (Annex, Section C.4); and
- Work on the development of an indigenous design of a nuclear weapon including the testing of components (Annex, Sections C.5–C.12).

44. While some of the activities identified in the Annex have civilian as well as military applications, others are specific to nuclear weapons.

45. The information indicates that prior to the end of 2003 the above activities took place under a structured programme. There are also indications that some activities relevant to the development of a nuclear explosive device continued after 2003, and that some may still be ongoing.

#### H. Design Information

46. The modified Code 3.1 of the Subsidiary Arrangements General Part to Iran's Safeguards Agreement provides for the submission to the Agency of design information for new facilities as soon as the decision to construct, or to authorize construction of, a new facility has been taken, whichever is the earlier. The modified Code 3.1 also provides for the submission of fuller design information as the design is developed early in the project definition, preliminary design, construction and commissioning phases. Iran remains the only State with significant nuclear activities in which the Agency is implementing a comprehensive safeguards agreement but which is not implementing the provisions of the modified Code 3.1. The Agency is still awaiting receipt from Iran of updated design information for the IR-40 Reactor, and further information pursuant to statements it has made concerning the planned construction of new uranium enrichment facilities and the design of a reactor similar to TRR.

47. As reported previously, Iran's response to Agency requests for Iran to confirm or provide further information regarding its statements concerning its intention to construct new nuclear facilities is that it would provide the Agency with the required information in "due time" rather than as required by the modified Code 3.1 of the Subsidiary Arrangements General Part to its Safeguards Agreement.

#### I. Additional Protocol

48. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran is not implementing its Additional Protocol. The Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran unless and until Iran provides the necessary cooperation with the Agency, including by implementing its Additional Protocol.

#### J. Other Matters

49. In August 2011, the Agency carried out a PIV at the Jabr Ibn Hayan Multipurpose Research Laboratory (JHL) to verify, inter alia, nuclear material, in the form of natural uranium metal and process waste, related to the conversion experiments carried out by Iran between 1995 and 2002. The Agency's measurement of this material was 19.8 kg less than the operator's declaration of 270.7 kg. In a letter dated 2 November 2011, Iran provided additional information on this matter. The Agency is working with Iran to try to resolve this discrepancy.

50. As previously reported, in a letter dated 19 June 2011, Iran informed the Agency of its intention to "transfer some of spent fuel assemblies (HEU [high enriched uranium] Control Fuel Element (CFE) and Standard Fuel Element (SFE)) from spent fuel pool (KMPE) to reactor core (KMPPB) in order to conduct a research project". As of 15 October 2011, this activity had yet to begin.

51. On 2 and 3 October 2011, the Agency carried out an inspection at the Bushehr Nuclear Power Plant, during which the Agency noted that the reactor was in operation. Iran subsequently informed the Agency that the reactor has since been shut down for routine maintenance.

#### K. Summary

52. While the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its Safeguards Agreement, as Iran is not providing the necessary cooperation, including by not implementing its Additional Protocol, the Agency is unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear material in Iran is in peaceful activities.

53. The Agency has serious concerns regarding possible military dimensions to Iran's nuclear programme. After assessing carefully and critically the extensive information available to it, the Agency finds the information to be, overall, credible. The information indicates that Iran has carried out activities relevant to the development of a nuclear explosive device. The information also indicates that prior to the end of 2003, these activities took place under a structured programme, and that some activities may still be ongoing.

54. Given the concerns identified above, Iran is requested to engage substantively with the Agency without delay for the purpose of providing clarifications regarding possible military dimensions to Iran's nuclear programme as identified in the Annex to this report.

55. The Agency is working with Iran with a view to resolving the discrepancy identified during the recent PIV at JHL.

56. The Director General urges Iran, as required in the binding resolutions of the Board of Governors and mandatory Security Council resolutions, to take steps towards the full implementation of its Safeguards Agreement and its other obligations, including: implementation of the provisions of its Additional Protocol; implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part to its Safeguards Agreement; suspension of enrichment related activities; suspension of heavy water related activities; and, as referred to above, addressing the Agency's serious concerns about possible military dimensions to Iran's nuclear programme, in order to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme.

57. The Director General will continue to report as appropriate.

### ANNEX

#### Possible Military Dimensions to Iran's Nuclear Programme

1. This Annex consists of three Sections: Section A, which provides an historical overview of the Agency's efforts to resolve questions about the scope and nature of Iran's nuclear programme, in particular regarding concerns about possible military dimensions; Section B, which provides a general description of the sources of information available to the Agency and its assessment of the credibility of that information; and Section C, which reflects the Agency's analysis of the information available to it in the context of relevant indicators of the existence or development of processes associated with nuclear-related activities, including weaponization.

#### A. Historical Overview

2. Since late 2002, the Director General has reported to the Board of Governors on the Agency's concerns about the nature of Iran's nuclear programme. Such concerns coincided with the appearance in open sources of information which indicated that Iran was building a large underground nuclear related facility at Natanz and a heavy water production plant at Arak.

3. Between 2003 and 2004, the Agency confirmed a number of significant failures on the part of Iran to meet its obligations under its Safeguards Agreement with respect to the reporting of nuclear material, the processing and use of undeclared nuclear material and the failure to declare facilities where the nuclear material had been received, stored and processed. Specifically, it was discovered that, as early as the late 1970s and early 1980s, and continuing into the 1990s and 2000s, Iran had used undeclared nuclear material for testing and experimentation in several uranium conversion, enrichment, fabrication and irradiation activities, including the separation of plutonium, at undeclared locations and facilities.

4. In October 2003, Iran informed the Director General that it had adopted a policy of full disclosure and had decided to provide the Agency with a full picture of its nuclear activities. Following that announcement, Iran granted the Agency access to locations the Agency requested to visit, provided information and clarifications in relation to the origin of imported equipment and components and made individuals available for interviews. It also continued to implement the modified Code 3.1 of the Subsidiary Arrangements General Part, to which it agreed in February 2003, which provides for the submission of design information on new nuclear facilities as soon as the decision to construct or to authorize construction of such a facility is taken. In November 2003, Iran announced its intention to sign an Additional Protocol to its Safeguards Agreement (which it did in December 2003 following Board approval of the text), and that, prior to its entry into force, Iran would act in accordance with the provisions of that Protocol.

5. Between 2003 and early 2006, Iran submitted inventory change reports, provided design information with respect to facilities where the undeclared activities had taken place and made nuclear material available for Agency verification. Iran also acknowledged that it had utilized entities with links to the Ministry of Defence in some of its previously undeclared activities. Iran acknowledged that it had had contacts with intermediaries of a clandestine nuclear supply network in 1987 and the early 1990s, and that, in 1987, it had received a handwritten one page document offering assistance with the development of uranium centrifuge enrichment technology, in which reference was also made to a reconversion unit with casting equipment. Iran further acknowledged that it had received a package of information related to centrifuge enrichment technology that also included a 15 page document (hereafter referred to as the “uranium metal document”) which Iran said it did not ask for and which describes, inter alia, processes for the conversion of uranium fluoride compounds into uranium metal and the production of hemispherical enriched uranium metallic components.

6. The Agency continued to seek clarification of issues with respect to the scope and nature of Iran’s nuclear programme, particularly in light of Iran’s admissions concerning its contacts with the clandestine nuclear supply network, information provided by participants in that network and information which had been provided to the Agency by a Member State. This last information, collectively referred to as the “alleged studies documentation”, which was made known to the Agency in 2005, indicated that Iran had been engaged in activities involving studies on a so-called green salt project, high explosives testing and the re-engineering of a missile re-entry vehicle to accommodate a new payload. All of this information, taken together, gave rise to concerns about possible military dimensions to Iran’s nuclear programme.

7. In August 2007, Iran and the Agency agreed on “Understandings of the Islamic Republic of Iran and the IAEA on the Modalities of Resolution of the Outstanding Issues” (generally referred to as the “work plan”) (INFCIRC/711). By February 2008, the four items identified in the work plan as “past outstanding issues”, and the two items identified as “other outstanding issues”, had been determined by the Agency to be either closed, completed or no longer outstanding. The remaining issues which needed to be clarified by Iran related to the alleged studies, together with other matters which had arisen in the course of resolving the six other issues and which needed to be addressed in connection with the alleged studies, specifically: the circumstances of Iran’s acquisition of the uranium metal document, procurement and research and development (R&D) activities of military related institutes and companies that could be nuclear related; and the

production of nuclear equipment and components by companies belonging to defence industries.

8. Between February and May 2008, pursuant to the work plan, the Agency shared with Iran information (including documentation) on the alleged studies, and sought clarifications from Iran. In May 2008, Iran submitted to the Agency a 117 page assessment of that information. While Iran confirmed the veracity of some of the information which the Agency had shared with it (such as acknowledgement of names of people, places and organizations), Iran’s assessment was focused on deficiencies in form and format, and dismissed the allegations as having been based on “forged” documents and “fabricated” data.

9. The Agency continued to receive additional information from Member States and acquired new information as a result of its own efforts. The Agency tried without success to engage Iran in discussions about the information, and finally wrote to Iran in October 2010 to inform it about this additional information.

10. Between 2007 and 2010, Iran continued to conceal nuclear activities, by not informing the Agency in a timely manner of the decision to construct or to authorize construction of a new nuclear power plant at Darkhovin and a third enrichment facility near Qom (the Fordow Fuel Enrichment Plant). The Agency is still awaiting substantive responses from Iran to Agency requests for further information about its announcements, in 2009 and 2010 respectively, that it had decided to construct ten additional enrichment facilities (the locations for five of which had already been identified) and that it possessed laser enrichment technology.

11. The Agency has continued to receive, collect and evaluate information relevant to possible military dimensions to Iran’s nuclear programme. As additional information has become available to the Agency, the Agency has been able, notwithstanding Iran’s lack of engagement, to refine its analysis of possible military dimensions to Iran’s nuclear programme.

## **B. Credibility of Information**

12. As indicated in paragraph 6 above, among the information available to the Agency is the alleged studies documentation: a large volume of documentation (including correspondence, reports, view graphs from presentations, videos and engineering drawings), amounting to over a thousand pages. The information reflected in that documentation is of a technically complex and interconnected nature, showing research, development and testing activities over time. It also contains working level correspondence consistent with the day to day implementation of a formal programme. Consistent with the Agency’s practice, that information has been carefully and critically examined. The Agency has also had several meetings with the Member State to clarify the information it had provided, to question the Member State about the forensics it had carried out on the documentation and the information reflected in it, and to obtain more information on the underlying sources.

13. In addition to the alleged studies documentation, the Agency has received information from more than ten Member States. This has included procurement information, information on international travel by individuals said to have been involved in the alleged activities, financial records, documents reflecting health and safety arrangements, and other documents demonstrating manufacturing techniques for certain high explosive components. This information reinforces and tends to corroborate the information reflected in the alleged studies documentation, and relates to activities substantially beyond those identified in that documentation.

14. In addition to the information referred to in paragraphs 12 and 13 above, the Agency has acquired information as a result of its own efforts, including publications and articles acquired through open source research, satellite imagery, the results of Agency verification activities and information provided by Iran in the context of those verification activities. Importantly, the Agency has also had direct discussions with a number of individuals who were involved in relevant activities in Iran, including, for example, an interview with a leading figure in the clandestine nuclear supply network (see paragraph 35 below). The information obtained by the Agency from the discussions with these individuals is consistent with the information provided by Member States, and that acquired through its own efforts, in terms of time frames and technical content.

15. As indicated in paragraph 8 above, Iran has acknowledged certain information reflected in the alleged studies documentation. However, many of the answers given by Iran to questions posed by the Agency in connection with efforts to resolve the Agency's concerns have been imprecise and/or incomplete, and the information has been slow in coming and sometimes contradictory. This, combined with events such as the dismantling of the Lavisan-Shian site in late 2003/early 2004 (see paragraph 19 below), and a pattern of late or after the fact acknowledgement of the existence of previously undeclared parts of Iran's nuclear programme, have tended to increase the Agency's concerns, rather than dispel them.

16. As indicated above, the information consolidated and presented in this Annex comes from a wide variety of independent sources, including from a number of Member States, from the Agency's own efforts and from information provided by Iran itself. It is overall consistent in terms of technical content, individuals and organizations involved and time frames. Based on these considerations, and in light of the Agency's general knowledge of the Iranian nuclear programme and its historical evolution, the Agency finds the information upon which Part C of this Annex is based to be, overall, credible.

### C. Nuclear Explosive Development Indicators

17. Within its nuclear programme, Iran has developed the capability to enrich uranium to a level of up to 20% U-235, declared to be for use as fuel in research reactors. In the absence of any indicators that Iran is currently considering reprocessing irradiated nuclear fuel to extract plutonium, the Agency has, to date, focused its analysis of Iran's nuclear programme on an acquisition path involving high enriched uranium (HEU). Based on indicators observed by the Agency in connection with Iran's nuclear activities, the Agency's work has concentrated on an analysis pertinent to the development of an HEU implosion device.

#### C.1. Programme management structure

18. The Agency has been provided with information by Member States which indicates that the activities referred to in Sections C.2 to C.12 were, at least for some significant period of time, managed through a programme structure, assisted by advisory bodies, and that, owing to the importance of these efforts, senior Iranian figures featured within this command structure. From analysis of this information and information provided by Iran, and through its own endeavours, the Agency has been able to construct what it believes to be a good understanding of activities undertaken by Iran prior to the end of 2003. The Agency's ability to construct an equally good understanding of activities in Iran after the end of 2003 is reduced, due to the more limited information available to the Agency. For ease of reference, the figure below depicts, in summary form, what the Agency understands of the programme structure, and administrative changes in that structure over the years. Attachment 1 to this Annex provides further details, derived from that information, about the organizational arrangements and projects within that programme structure.

[Eds – organisation chart not included]

19. The Agency received information from Member States which indicates that, sometime after the commencement by Iran in the late 1980s of covert procurement activities, organizational structures and administrative arrangements for an undeclared nuclear programme were established and managed through the Physics Research Centre (PHRC), and were overseen, through a Scientific Committee, by the Defence Industries Education Research Institute (ERI), established to coordinate defence R&D for the Ministry of Defence Armed Forces Logistics (MODAFL). Iran has confirmed that the PHRC was established in 1989 at Lavisan-Shian, in Tehran. Iran has stated that the PHRC was created with the purpose of "preparedness to combat and neutralization of casualties due to nuclear attacks and accidents (nuclear defence) and also support and provide scientific advice and services to the Ministry of Defence". Iran has stated further that those activities were stopped in 1998. In late 2003/early 2004, Iran completely cleared the site.

20. According to information provided by Member States, by the late 1990s or early 2000s, the PHRC activities were consolidated under the "AMAD Plan". Mohsen Fakhri-zadeh (Mahabadi) was the Executive Officer of the AMAD Plan, the executive affairs of which were performed by the "Orchid Office". Most of the activities carried

out under the AMAD Plan appear to have been conducted during 2002 and 2003.

21. The majority of the details of the work said to have been conducted under the AMAD Plan come from the alleged studies documentation which, as indicated in paragraph 6 above, refer to studies conducted in three technical areas: the green salt project; high explosives (including the development of exploding bridgewire detonators); and re-engineering of the payload chamber of the Shahab 3 missile re-entry vehicle.

22. According to the Agency's assessment of the information contained in that documentation, the green salt project (identified as Project 5.13) was part of a larger project (identified as Project 5) to provide a source of uranium suitable for use in an undisclosed enrichment programme. The product of this programme would be converted into metal for use in the new warhead which was the subject of the missile re-entry vehicle studies (identified as Project 111). As of May 2008, the Agency was not in a position to demonstrate to Iran the connection between Project 5 and Project 111. However, subsequently, the Agency was shown documents which established a connection between Project 5 and Project 111, and hence a link between nuclear material and a new payload development programme.

23. Information the Agency has received from Member States indicates that, owing to growing concerns about the international security situation in Iraq and neighbouring countries at that time, work on the AMAD Plan was stopped rather abruptly pursuant to a "halt order" instruction issued in late 2003 by senior Iranian officials. According to that information, however, staff remained in place to record and document the achievements of their respective projects. Subsequently, equipment and work places were either cleaned or disposed of so that there would be little to identify the sensitive nature of the work which had been undertaken.

24. The Agency has other information from Member States which indicates that some activities previously carried out under the AMAD Plan were resumed later, and that Mr Fakhri-zadeh retained the principal organizational role, first under a new organization known as the Section for Advanced Development Applications and Technologies (SADAT), which continued to report to MODAFL, and later, in mid-2008, as the head of the Malek Ashtar University of Technology (MUT) in Tehran. The Agency has been advised by a Member State that, in February 2011, Mr Fakhri-zadeh moved his seat of operations from MUT to an adjacent location known as the Modjeh Site, and that he now leads the Organization of Defensive Innovation and Research. The Agency is concerned because some of the activities undertaken after 2003 would be highly relevant to a nuclear weapon programme.

#### C.2. Procurement activities

25. Under the AMAD Plan, Iran's efforts to procure goods and services allegedly involved a number of ostensibly private companies which were able to provide cover for the real purpose of the procurements. The Agency has been informed by several Member States that, for instance, Kimia Maadan was a cover company for chemical engineering operations under the AMAD Plan while also being used to help with procurement for the Atomic Energy Organization of Iran (AEOI).

26. In addition, throughout the entire timeline, instances of procurement and attempted procurement by individuals associated with the AMAD Plan of equipment, materials and services which, although having other civilian applications, would be useful in the development of a nuclear explosive device, have either been uncovered by the Agency itself or been made known to it. Among such equipment, materials and services are: high speed electronic switches and spark gaps (useful for triggering and firing detonators); high speed cameras (useful in experimental diagnostics); neutron sources (useful for calibrating neutron measuring equipment); radiation detection and measuring equipment (useful in a nuclear material production environment); and training courses on topics relevant to nuclear explosives development (such as neutron cross section calculations and shock wave interactions/hydrodynamics).

#### C.3. Nuclear material acquisition

27. In 2008, the Director General informed the Board that: it had no information at that time — apart from the uranium metal

document — on the actual design or manufacture by Iran of nuclear material components of a nuclear weapon or of certain other key components, such as initiators, or on related nuclear physics studies, and that it had not detected the actual use of nuclear material in connection with the alleged studies.

28. However, as indicated in paragraph 22 above, information contained in the alleged studies documentation suggests that Iran was working on a project to secure a source of uranium suitable for use in an undisclosed enrichment programme, the product of which would be converted into metal for use in the new warhead which was the subject of the missile re-entry vehicle studies. Additional information provided by Member States indicates that, although uranium was not used, kilogram quantities of natural uranium metal were available to the AMAD Plan.

29. Information made available to the Agency by a Member State, which the Agency has been able to examine directly, indicates that Iran made progress with experimentation aimed at the recovery of uranium from fluoride compounds (using lead oxide as a surrogate material to avoid the possibility of uncontrolled contamination occurring in the workplace).

30. In addition, although now declared and currently under safeguards, a number of facilities dedicated to uranium enrichment (the Fuel Enrichment Plant and Pilot Fuel Enrichment Plant at Natanz and the Fordow Fuel Enrichment Plant near Qom) were covertly built by Iran and only declared once the Agency was made aware of their existence by sources other than Iran. This, taken together with the past efforts by Iran to conceal activities involving nuclear material, create more concern about the possible existence of undeclared nuclear facilities and material in Iran.

#### C.4. Nuclear components for an explosive device

31. For use in a nuclear device, HEU retrieved from the enrichment process is first converted to metal. The metal is then cast and machined into suitable components for a nuclear core.

32. As indicated in paragraph 5 above, Iran has acknowledged that, along with the handwritten one page document offering assistance with the development of uranium centrifuge enrichment technology, in which reference is also made to a reconversion unit with casting equipment, Iran also received the uranium metal document which describes, inter alia, processes for the conversion of uranium compounds into uranium metal and the production of hemispherical enriched uranium metallic components.

33. The uranium metal document is known to have been available to the clandestine nuclear supply network that provided Iran with assistance in developing its centrifuge enrichment capability, and is also known to be part of a larger package of information which includes elements of a nuclear explosive design. A similar package of information, which surfaced in 2003, was provided by the same network to Libya. The information in the Libyan package, which was first reviewed by Agency experts in January 2004, included details on the design and construction of, and the manufacture of components for, a nuclear explosive device.

34. In addition, a Member State provided the Agency experts with access to a collection of electronic files from seized computers belonging to key members of the network at different locations. That collection included documents seen in Libya, along with more recent versions of those documents, including an up-dated electronic version of the uranium metal document.

35. In an interview in 2007 with a member of the clandestine nuclear supply network, the Agency was told that Iran had been provided with nuclear explosive design information. From information provided to the Agency during that interview, the Agency is concerned that Iran may have obtained more advanced design information than the information identified in 2004 as having been provided to Libya by the nuclear supply network.

36. Additionally, a Member State provided information indicating that, during the AMAD Plan, preparatory work, not involving nuclear material, for the fabrication of natural and high enriched uranium metal components for a nuclear explosive device was carried out.

37. As the conversion of HEU compounds into metal and the fabrication of HEU metal components suitable in size and quality

are steps in the development of an HEU nuclear explosive device, clarification by Iran is needed in connection with the above.

#### C.5. Detonator development

38. The development of safe, fast-acting detonators, and equipment suitable for firing the detonators, is an integral part of a programme to develop an implosion type nuclear device. Included among the alleged studies documentation are a number of documents relating to the development by Iran, during the period 2002–2003, of fast functioning detonators, known as “exploding bridge wire detonators” or “EBWs” as safe alternatives to the type of detonator described for use in the nuclear device design referred to in paragraph 33 above.

39. In 2008, Iran told the Agency that it had developed EBWs for civil and conventional military applications and had achieved a simultaneity of about one microsecond when firing two to three detonators together, and provided the Agency with a copy of a paper relating to EBW development work presented by two Iranian researchers at a conference held in Iran in 2005. A similar paper was published by the two researchers at an international conference later in 2005. Both papers indicate that suitable high voltage firing equipment had been acquired or developed by Iran. Also in 2008, Iran told the Agency that, before the period 2002–2004, it had already achieved EBW technology. Iran also provided the Agency with a short undated document in Farsi, understood to be the specifications for a detonator development programme, and a document from a foreign source showing an example of a civilian application in which detonators are fired simultaneously. However, Iran has not explained to the Agency its own need or application for such detonators.

40. The Agency recognizes that there exist non-nuclear applications, albeit few, for detonators like EBWs, and of equipment suitable for firing multiple detonators with a high level of simultaneity. Notwithstanding, given their possible application in a nuclear explosive device, and the fact that there are limited civilian and conventional military applications for such technology, Iran’s development of such detonators and equipment is a matter of concern, particularly in connection with the possible use of the multipoint initiation system referred to below.

#### C.6. Initiation of high explosives and associated experiments

41. Detonators provide point source initiation of explosives, generating a naturally diverging detonation wave. In an implosion type nuclear explosive device, an additional component, known as a multipoint initiation system, can be used to reshape the detonation wave into a converging smooth implosion to ensure uniform compression of the core fissile material to supercritical density.

42. The Agency has shared with Iran information provided by a Member State which indicates that Iran has had access to information on the design concept of a multipoint initiation system that can be used to initiate effectively and simultaneously a high explosive charge over its surface. The Agency has been able to confirm independently that such a design concept exists and the country of origin of that design concept. Furthermore, the Agency has been informed by nuclear-weapon States that the specific multipoint initiation concept is used in some known nuclear explosive devices. In its 117 page submission to the Agency in May 2008, Iran stated that the subject was not understandable to Iran and that Iran had not conducted any activities of the type referred to in the document.

43. Information provided to the Agency by the same Member State referred to in the previous paragraph describes the multipoint initiation concept referred to above as being used by Iran in at least one large scale experiment in 2003 to initiate a high explosive charge in the form of a hemispherical shell. According to that information, during that experiment, the internal hemispherical curved surface of the high explosive charge was monitored using a large number of optical fibre cables, and the light output of the explosive upon detonation was recorded with a high speed streak camera. It should be noted that the dimensions of the initiation system and the explosives used with it were consistent with the dimensions for the new payload which, according to the alleged studies documentation, were given to the engineers who were studying how to integrate the new payload into the chamber of the

Shahab 3 missile re-entry vehicle (Project 111) (see Section C.11 below). Further information provided to the Agency by the same Member State indicates that the large scale high explosive experiments were conducted by Iran in the region of Marivan.

44. The Agency has strong indications that the development by Iran of the high explosives initiation system, and its development of the high speed diagnostic configuration used to monitor related experiments, were assisted by the work of a foreign expert who was not only knowledgeable in these technologies, but who, a Member State has informed the Agency, worked for much of his career with this technology in the nuclear weapon programme of the country of his origin. The Agency has reviewed publications by this foreign expert and has met with him. The Agency has been able to verify through three separate routes, including the expert himself, that this person was in Iran from about 1996 to about 2002, ostensibly to assist Iran in the development of a facility and techniques for making ultra-dispersed diamonds (“UDDs” or “nanodiamonds”), where he also lectured on explosion physics and its applications.

45. Furthermore, the Agency has received information from two Member States that, after 2003, Iran engaged in experimental research involving a scaled down version of the hemispherical initiation system and high explosive charge referred to in paragraph 43 above, albeit in connection with non-nuclear applications. This work, together with other studies made known to the Agency in which the same initiation system is used in cylindrical geometry, could also be relevant to improving and optimizing the multipoint initiation design concept relevant to nuclear applications.

46. The Agency’s concern about the activities described in this Section derives from the fact that a multipoint initiation system, such as that described above, can be used in a nuclear explosive device. However, Iran has not been willing to engage in discussion of this topic with the Agency.

#### C.7. Hydrodynamic experiments

47. One necessary step in a nuclear weapon development programme is determining whether a theoretical design of an implosion device, the behaviour of which can be studied through computer simulations, will work in practice. To that end, high explosive tests referred to as “hydrodynamic experiments” are conducted in which fissile and nuclear components may be replaced with surrogate materials.

48. Information which the Agency has been provided by Member States, some of which the Agency has been able to examine directly, indicates that Iran has manufactured simulated nuclear explosive components using high density materials such as tungsten. These components were said to have incorporated small central cavities suitable for the insertion of capsules such as those described in Section C.9 below. The end use of such components remains unclear, although they can be linked to other information received by the Agency concerning experiments involving the use of high speed diagnostic equipment, including flash X ray, to monitor the symmetry of the compressive shock of the simulated core of a nuclear device.

49. Other information which the Agency has been provided by Member States indicates that Iran constructed a large explosives containment vessel in which to conduct hydrodynamic experiments. The explosives vessel, or chamber, is said to have been put in place at Parchin in 2000. A building was constructed at that time around a large cylindrical object at a location at the Parchin military complex. A large earth berm was subsequently constructed between the building containing the cylinder and a neighbouring building, indicating the probable use of high explosives in the chamber. The Agency has obtained commercial satellite images that are consistent with this information. From independent evidence, including a publication by the foreign expert referred to in paragraph 44 above, the Agency has been able to confirm the date of construction of the cylinder and some of its design features (such as its dimensions), and that it was designed to contain the detonation of up to 70 kilograms of high explosives, which would be suitable for carrying out the type of experiments described in paragraph 43 above.

50. As a result of information the Agency obtained from a Member State in the early 2000s alleging that Iran was conducting high explosive testing, possibly in association with nuclear materials, at

the Parchin military complex, the Agency was permitted by Iran to visit the site twice in 2005. From satellite imagery available at that time, the Agency identified a number of areas of interest, none of which, however, included the location now believed to contain the building which houses the explosives chamber mentioned above; consequently, the Agency’s visits did not uncover anything of relevance.

51. Hydrodynamic experiments such as those described above, which involve high explosives in conjunction with nuclear material or nuclear material surrogates, are strong indicators of possible weapon development. In addition, the use of surrogate material, and/or confinement provided by a chamber of the type indicated above, could be used to prevent contamination of the site with nuclear material. It remains for Iran to explain the rationale behind these activities.

#### C.8. Modelling and calculations

52. Information provided to the Agency by two Member States relating to modelling studies alleged to have been conducted in 2008 and 2009 by Iran is of particular concern to the Agency. According to that information, the studies involved the modelling of spherical geometries, consisting of components of the core of an HEU nuclear device subjected to shock compression, for their neutronic behaviour at high density, and a determination of the subsequent nuclear explosive yield. The information also identifies models said to have been used in those studies and the results of these calculations, which the Agency has seen. The application of such studies to anything other than a nuclear explosive is unclear to the Agency. It is therefore essential that Iran engage with the Agency and provide an explanation.

53. The Agency obtained information in 2005 from a Member State indicating that, in 1997, representatives from Iran had met with officials from an institute in a nuclear-weapon State to request training courses in the fields of neutron cross section calculations using computer codes employing Monte Carlo methodology, and shock wave interactions with metals. In a letter dated 14 May 2008, Iran advised the Agency that there was nothing to support this information. The Agency has also been provided with information by a Member State indicating that, in 2005, arrangements were made in Iran for setting up projects within SADAT centres (see Section C.1 and Attachment 1), inter alia, to establish a databank for “equation of state” information and a hydrodynamics calculation centre. The Agency has also been provided with information from a different Member State that, in 2005, a senior official in SADAT solicited assistance from Shahid Beheshti University in connection with complex calculations relating to the state of criticality of a solid sphere of uranium being compressed by high explosives.

54. Research by the Agency into scientific literature published over the past decade has revealed that Iranian workers, in particular groups of researchers at Shahid Beheshti University and Amir Kabir University, have published papers relating to the generation, measurement and modelling of neutron transport. The Agency has also found, through open source research, other Iranian publications which relate to the application of detonation shock dynamics to the modelling of detonation in high explosives, and the use of hydrodynamic codes in the modelling of jet formation with shaped (hollow) charges. Such studies are commonly used in reactor physics or conventional ordnance research, but also have applications in the development of nuclear explosives.

#### C.9. Neutron initiator

55. The Agency has information from a Member State that Iran has undertaken work to manufacture small capsules suitable for use as containers of a component containing nuclear material. The Agency was also informed by a different Member State that Iran may also have experimented with such components in order to assess their performance in generating neutrons. Such components, if placed in the centre of a nuclear core of an implosion type nuclear device and compressed, could produce a burst of neutrons suitable for initiating a fission chain reaction. The location where the experiments were conducted was said to have been cleaned of contamination after the experiments had taken place. The design of the capsule, and the material associated with it, are consistent with the device design information which the clandestine nuclear supply network allegedly provided to Iran.

56. The Agency also has information from a Member State that work in this technical area may have continued in Iran after 2004, and that Iran embarked on a four year programme, from around 2006 onwards, on the further validation of the design of this neutron source, including through the use of a nonnuclear material to avoid contamination.

57. Given the importance of neutron generation and transport, and their effect on geometries containing fissile materials in the context of an implosion device, Iran needs to explain to the Agency its objectives and capabilities in this field.

#### C.10. Conducting a test

58. The Agency has information provided by a Member State that Iran may have planned and undertaken preparatory experimentation which would be useful were Iran to carry out a test of a nuclear explosive device. In particular, the Agency has information that Iran has conducted a number of practical tests to see whether its EBW firing equipment would function satisfactorily over long distances between a firing point and a test device located down a deep shaft. Additionally, among the alleged studies documentation provided by that Member State, is a document, in Farsi, which relates directly to the logistics and safety arrangements that would be necessary for conducting a nuclear test. The Agency has been informed by a different Member State that these arrangements directly reflect those which have been used in nuclear tests conducted by nuclear-weapon States.

#### C.11. Integration into a missile delivery vehicle

59. The alleged studies documentation contains extensive information regarding work which is alleged to have been conducted by Iran during the period 2002 to 2003 under what was known as Project 111. From that information, the project appears to have consisted of a structured and comprehensive programme of engineering studies to examine how to integrate a new spherical payload into the existing payload chamber which would be mounted in the re-entry vehicle of the Shahab 3 missile.

60. According to that documentation, using a number of commercially available computer codes, Iran conducted computer modelling studies of at least 14 progressive design iterations of the payload chamber and its contents to examine how they would stand up to the various stresses that would be encountered on being launched and travelling on a ballistic trajectory to a target. It should be noted that the masses and dimensions of components identified in information provided to the Agency by Member States that Iran is alleged to have been developing (see paragraphs 43 and 48 above) correspond to those assessed to have been used in Project 111 engineering studies on the new payload chamber.

61. During these studies, prototype components were allegedly manufactured at workshops known to exist in Iran but which Iran refused the Agency permission to visit. The six engineering groups said to have worked under Project 111 produced many technical reports, which comprise a substantial part of the alleged studies documentation. The Agency has studied these reports extensively and finds that they are both internally consistent and consistent with other supporting information related to Project 111.

62. The alleged studies documentation also shows that, as part of the activities undertaken within Project 111, consideration was being given to subjecting the prototype payload and its chamber to engineering stress tests to see how well they would stand up in practice to simulated launch and flight stresses (so-called "environmental testing"). This work would have complemented the engineering modelling simulation studies referred to in paragraph 60 above. According to the information reflected in the alleged studies documentation, within Project 111, some, albeit limited, preparations were also being undertaken to enable the assembly of manufactured components.

63. Iran has denied conducting the engineering studies, claiming that the documentation which the Agency has is in electronic format and so could have been manipulated, and that it would have been easy to fabricate. However, the quantity of the documentation, and the scope and contents of the work covered in the documentation, are sufficiently comprehensive and complex that, in the Agency's view, it is not likely to have been the result of forgery or fabrication. While the activities described as those of

Project 111 may be relevant to the development of a non-nuclear payload, they are highly relevant to a nuclear weapon programme.

#### C.12. Fuzing, arming and firing system

64. The alleged studies documentation indicates that, as part of the studies carried out by the engineering groups under Project 111 to integrate the new payload into the re-entry vehicle of the Shahab 3 missile, additional work was conducted on the development of a prototype firing system that would enable the payload to explode both in the air above a target, or upon impact of the re-entry vehicle with the ground. Iran was shown this information, which, in its 117 page submission (referred to above in paragraph 8), it dismissed as being "an animation game".

65. The Agency, in conjunction with experts from Member States other than those which had provided the information in question, carried out an assessment of the possible nature of the new payload. As a result of that assessment, it was concluded that any payload option other than nuclear which could also be expected to have an airburst option (such as chemical weapons) could be ruled out. Iran was asked to comment on this assessment and agreed in the course of a meeting with the Agency which took place in Tehran in May 2008 that, if the information upon which it was based were true, it would constitute a programme for the development of a nuclear weapon. Attachment 2 to this Annex reproduces the results of the Agency's assessment as it was presented by the Secretariat to the Member States in the technical briefing which took place in February 2008.

[Eds – attachments not included]

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### Extracts from Implementation of the NPT safeguards agreement and relevant provisions of United Nations Security Council resolutions in the Islamic Republic of Iran

[GOV/2011/69 18 November 2011]

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[Editorial note – footnote not included]

*Resolution adopted by the Board of Governors*

[Eds...]

The Board of Governors.

(a) Noting the Director General's November 8 report (GOV/2011/65) entitled "Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the Islamic Republic of Iran";

(b) Recalling the Board's previous request in GOV/2009/82 for the Director General "to continue his efforts to implement the Safeguards Agreement in Iran, resolve the outstanding issues which give rise to concerns, and which need to be clarified," including those addressed in the November 8 report, and to implement the relevant provision of UN Security Council resolutions;

(c) Recalling the relevant Resolutions adopted by the Board and the United Nations Security Council;

(d) Recalling the 21 September 2011 Statement by High Representative Ashton on behalf of China, France, Germany, Russia, the United Kingdom, and the United States that their overall goal remains a comprehensive negotiated, long-term solution, on the basis of reciprocity and a step-by-step approach, which restores international confidence in the exclusively peaceful nature of Iran's nuclear program consistent with the NPT;

(e) Reaffirming the inalienable right of all the parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes in accordance with Article IV of the Treaty;

(f) Stressing once again its serious concern that Iran continues to defy the requirements and obligations contained in the relevant IAEA Board of Governors and UN Security Council Resolutions;

(g) Recalling that the Director General has stated that, unless and until Iran provides the necessary cooperation with the Agency, the Agency will not be in a position to provide credible assurances about the absence of undeclared nuclear material and activities in Iran and therefore to conclude that all material in Iran is in peaceful



activities; and

(h) Noting also the letters by the Iranian side to the Director General dated 30 October 2011 and 3 November 2011 where Iran expressed its readiness to cooperate with the Agency, and reiterating the Board's view that such cooperation is essential and urgent;

1. Expresses deep and increasing concern about the unresolved issues regarding the Iranian nuclear program, including those which need to be clarified to exclude the existence of possible military dimensions;

2. Stresses that it is essential for Iran and the Agency to intensify their dialogue aiming at the urgent resolution of all outstanding substantive issues for the purpose of providing clarifications regarding those issues, including access to all relevant information, documentation, sites, material, and personnel in Iran;

3. Urges Iran once again to comply fully and without delay with its obligations under relevant resolutions of the UN Security Council, and to meet the requirements of the IAEA Board of Governors, including the application of the modified Code 3.1 and the implementation and prompt ratification of the Additional Protocol;

4. Expresses its continuing support for a diplomatic solution, and calls on Iran to engage seriously and without preconditions in talks aimed at restoring international confidence in the exclusively peaceful nature of Iran's nuclear program, while respecting the legitimate right to the peaceful uses of nuclear energy consistent with the NPT;

5. Commends the Secretariat for its efforts to implement the NPT Safeguards Agreement in Iran, and requests the Director General to include in his progress report to the March 2012 meeting of the Board of Governors an assessment of the implementation of this resolution; and

6. Decides to remain seized of the matter.

**Explanatory Note/Communication dated 8 December 2011 received from the Permanent Mission of the Islamic Republic of Iran to the Agency regarding the Report of the Director General on the Implementation of Safeguards in Iran (GOV/2011/65 8 November 2011)**

[INFCIRC/833 12 December 2011]

[Editorial note – footnote not included]

**A – General Observations**

1. Paragraph 27 of the Safeguards Resolution adopted by the General Conference GC/53/ RES (14) as well as GC/54/RES (11), mandate the Agency to prepare technically objective and factually correct reports with appropriate references to relevant provisions of the Safeguards Agreement. Regrettably, this statutory requirement has continuously been ignored and has not been observed in this and in the previous reports. The Agency should not arbitrary step beyond its statutory and legal mandate in preparing its reports by failing to base its assessments and comments on concrete obligations of a State.

2. More importantly, the IAEA is an independent inter-governmental organization, not a United Nations programme or fund. Therefore, the Agency's mandate is to carry out its activities in accordance with its rights and obligations under the Statute and the Safeguards Agreements. The Agency should therefore refrain from taking instructions from anonymous States and sources with vested interests or allow unauthorized parties to interfere with its mandates. There are no provisions in the Safeguards Agreements and IAEA Statute which may authorize the United Nations Security Council (UNSC) to take over the role of the IAEA in implementing the Safeguards Agreements, impose new requirements, or modify the obligations of the parties to the Safeguards Agreements; Nor does the Agency have the right or authority to impose ultra vires demands on Iran by relying upon the UNSC resolutions.

3. The Islamic Republic of Iran has already made it clear, based on the legal provisions such as those of the Agency's Statute and the Safeguards Agreement as to why the UNSC resolutions against Iran are illegal and unjustified. Iran's peaceful nuclear activities have unlawfully been put on the agenda of the UNSC and the

Council has taken a wrong approach by adopting, its politically-motivated, illegal and unacceptable resolutions against Iran. Therefore, any request by the Agency stemming from those resolutions is not legitimate and not acceptable. The unlawfulness of the UNSC and the Board of Governors (BOG)'s resolutions against Iran are discussed in sections E and F below.

4. In the light of the above, we consider the DG report (GOV/2011/65 dated 8 November 2011) as unprofessional and absolutely unfair, illegal and politicized.

5. Although the report once again reconfirmed that *"the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its Safeguards Agreement"*, it keeps using *"unusual language with regard to the Safeguards conclusions, since the Agency has to simply confirm that all declared nuclear material is accounted for and therefore "declared nuclear material in Iran remained in peaceful activities"*, as already has been reported by the Agency such as in 2010 Safeguards Implementation Report (SIR).

6. The Non-Aligned Movement in its several statements to the Board of Governors has stated that *"NAM emphasises the fundamental distinction between the legal obligations of states in accordance with their respective Safeguards Agreements, as opposed to any confidence building measures undertaken voluntarily and that do not .constitute a legal safeguards obligation."* and also *"NAM takes note that the latest report of the Director General includes many references to events that transpired prior to the previous report contained in document GOV/2009/74 dated 16 November 2009, and contrary to the expectation of NAM does not mention the responses provided by Iran to the Agency on several issues."* NAM has also stated that *"taking into account the recent developments mentioned above as well as previous Director General's reports on the implementation of the Work Plan on "Understanding of the Islamic Republic of Iran and the .Agency on the Modalities of resolution of the Outstanding Issues" (INFCIRC/711), NAM still looks forward to the safeguards implementation in Iran being conducted in a routine manner"*.; However, the Director General in preparing his report has unfortunately not heeded these important statements which reflect the concerns of a large number of the United Nations Member States.

7. The Agency should strictly observe its obligations under Article VII.F of the Agency's Statute and Article 5 of the Safeguards Agreement between the I.R.. of Iran and the Agency, both emphasizing on the confidentiality requirements. As was emphasized in previous Iran's Explanatory Notes, the information collected during inspections of nuclear facilities should be considered as confidential information. However, once again, the report in contradiction to the Agency's statutory mandate and the Safeguards Agreement (INFCIRC/214) contains a lot of confidential technical details that should not have been published.. The DG by including detailed information in its reports such as the number of installed and/or operating centrifuges, amount of nuclear material fed and/or produced, etc., has demonstrated its inability to fulfill its commitments on confidentiality measures. It comes as no surprise that almost at the same time that the DG report is released, the ISIS website publishes the report as well. as sort of fictitious calculations as its evaluation on the detailed information of the report. This fact leaves no doubt that ISIS has real time access to the safeguards confidential information thanks to DG generosity in disclosing confidential information to unauthorized circles before even its less privileged Member States have a chance to examine such reports. We strongly object to this unprofessional and wrong pattern of non-compliance with the legal framework of the IAEA. This violation must be stopped.

8. Regrettably the DG, relying on the forged, fabricated and false information provided by western intelligence services and without any authenticity verification reported them as credible information paving the way to put pressure on Iran as a party to the Safeguards Agreement.

**B – Implementation of the Safeguards Agreement in Iran's Nuclear Facilities**

[Eds..]

### C – Design Information (Modified Code 3.1 of Subsidiary Arrangements)

10. Iran was voluntarily implementing the modified code of the Subsidiary Arrangements since 2003, but it suspended its implementation pursuant to the illegal UNSC resolutions against Iran's peaceful nuclear activities. However, Iran is currently implementing code 3.1 of its Subsidiary Arrangements.

11. In respect of IR-40 reactor at Arak Iran voluntarily provided access to the facility for the Agency to carry out Design Information Verifications (paragraph 30).

12. With regard to the design of a reactor similar to TRR as well as any new facility (paragraph 46), Iran will act in accordance with its Safeguards Agreement and will inform and provide the relevant Design Information Questionnaire (DIQ) under the provision foreseen in its code 3.1.

### D – Additional. Protocol

13. The Additional Protocol is not a legally binding instrument and is voluntary in nature. .../

14. Therefore, Iran, as sovereign State, has no obligation to implement the Additional Protocol. The statement reflected in paragraph 52 of the DG report to the effect that "*Iran is not providing necessary cooperation, including by not implementing its Additional Protocol*" has no legal basis and is beyond the DG's statutory mandate. The Agency is obliged to verify the compliance of Member States on the basis of the Statute and the Safeguards Agreements.

15. Heavy water product is a non-nuclear material that is not covered by the Comprehensive Safeguards Agreements (CSA).. The Agency's statement as reflected in paragraph 31 of the report. "*Iran has not provided the Agency access to the heavy water stored at the Uranium Conversion Facility (UCF) in order to take samples*" is not a justifiable demand and beyond Iran's Safeguards Agreement (INFCIRC/214).

16. Basically, it is not acceptable that a voluntary instrument be turned into a legal obligation. This basic concept regarding Additional Protocol has been affirmed in the 2010 NPT Review Conference (NPT/CONF.2010/50 (Vol. 1) as well as the Agency General Conference (GC(54)/RES/11).

17. The misrepresentation of Iran's commitments with respect to the Additional Protocol or extracting legally binding obligations from the illegal resolutions of the UNSC, apart from unauthorized interference in the application of Iran's Safeguards Agreement are all unrealistic and non-binding to the I.R. of Iran; and any action requested by the Board of Governors in this regard would be unconstitutional, politically motivated and illegal. It should be emphasized that Iran has already fulfilled its safeguards obligations completely and continues to do so.

### E – Illegal resolutions of the IEA Board of Governors regarding Iranian peaceful nuclear program

18. The Islamic Republic of Iran has already made it clear, that based on the legal provisions such as those contained in the Agency's Statute and the Safeguards Agreement the Board of Governors' resolutions against Iran are *ultra vires*, illegal and unjustified. The Issue of Iran's peaceful nuclear program has unlawfully been conveyed to the UNSC and the Council has taken a wrong approach by adopting some politically motivated, illegal and unjust resolutions against Iran. Therefore, any request by the Agency stemming from those resolutions is not legitimate and not acceptably and has no legal standing.

19. Since the said Security Council Resolutions are not the results of sound legal proceedings and have been issued in contravention of the UN Charter, they are by no means legally-binding. ... The Director General should focus on his own functions and priorities and not be distracted by decisions of other fora.

20. According to the Agency's Agreement with the United Nations (INFCIRC/11), paragraph 2 of Article III "*The Agency shall report to the Security Council and the General Assembly any case of noncompliance within the meaning of Article XII, paragraph C. of its Statute.*" The requirements of Article XII, paragraph C. of the Statute have never been met in the case of the implementation of the NPT Safeguards Agreement in the Islamic Republic of Iran.

Therefore, the involvement of the Security Council in the Iranian peaceful nuclear program is in full contravention with the organizational, statutory and safeguards requirements governing the IAEA practices and procedures. Indeed, the substantive and procedural legal requirements that should be met before putting a nuclear file on the agenda of the Security Council have completely been skipped.

[Eds...]

Based on the above-mentioned reasons, there is no justification for the involvement of the Security Council in the work of the Agency. The Agency should continue its responsibility in the implementation of the Safeguards Agreement with Iran in strict observance of the provisions foreseen in the Safeguards Agreement with Iran (INFCIRC/214).

### F – Contradiction of the UN Security Council & IAEA Board of Governors resolutions with the United Nations Charter and the international law

21. Besides the illegal non-compliance reporting by the IAEA Board of Governors and conveyance of Iran's peaceful nuclear program to the United Nations Security Council, the adoption of all UNSC resolutions against Iran's peaceful nuclear program has been in contradiction with the "Charter of the United Nations" and in violation of international law.

22 The Security Council, as a UN organ entrusted with the maintenance of international peace and security, is bound by the UN Charter and other legal principles. The Council shall observe all international norms, in particular the UN Charter and the peremptory norms of international law, in the process of its decision making and in its taking actions. Needless to say that any measure adopted in contradiction to such rules and principles will be void of any legally binding effects.

[Eds...]

### G – Possible Military Dimensions

26. Detailed history of the agreed Work Plan (INFCIRC/711) between the Agency and the Islamic Republic of Iran has been explained in the previous Iran's explanatory notes to the DG reports with the latest one being INFCIRC/827.

27. On the basis of the Work Plan, there were only six outstanding issues that all have been resolved as the former Director General reported (GOV/2007/58 and GOV/2008/4). Based on the Work Plan, while the so called "*Alleged Studies*" was never considered as an outstanding issue, but it was planned that "*The Agency will however provide Iran with access to the documentation it has*", and then "*upon receiving all related documents, Iran will review and inform the Agency of its assessment*". While the required "*documentation*" has never been delivered to Iran, the Islamic Republic of Iran carefully examined all the informal, nonobjective, and unauthentic material which has been shown, and informed the Agency of its assessment. [Eds...]

28. Taking into account the above mentioned facts, and that no original document exists on the Alleged Studies, and there is no valid and documentary evidence purporting to show any linkage between such fabricated allegations and Iran's activities, and that the DG reported in paragraph 28 of GOV/2008/15 no use of any nuclear material in connection with the Alleged Studies (because they do not exist in reality); also bearing in mind the fact that Iran has fulfilled its obligation to provide information and its assessment to the Agency, and the fact that the former DG has already indicated in his reports in June, September and November 2008 that the Agency has no information on the actual design or manufacture by Iran of nuclear material components for a nuclear weapon or of certain other key components, such as initiators, or on related nuclear physics studies; therefore this subject must be closed.

29. If it was intended to raise other issues in addition to the Alleged Studies (Green Salt, Re-entry Missile, High Explosive Test) such as possible military dimension, since all outstanding issues had been incorporated in the exhausted list prepared by the IAEA during the negotiations, then it should have been raised by the Agency in the course of the negotiations on the Work Plan,... [Eds...]

30. According to paragraph 14 of the DG report in GOV/2009/55,

the Agency expressed that the authenticity of the documentation that forms the basis of the Alleged Studies cannot be confirmed. This proved the assessment of the Islamic Republic of Iran that the Alleged Studies are politically-motivated and baseless allegations.

31. [Eds...] It is obvious that all I.R. of Iran's nuclear activities in the past and present have been for peaceful purposes and will continuously subject to full scope comprehensive safeguards. Therefore, any information contrary to this is a forged., fabricated, false and baseless allegation.

[Eds...]

33. The Islamic Republic of Iran and the Agency have fully implemented the tasks agreed upon in the Work Plan; in doing so. Iran has taken voluntary steps beyond its legal obligation under its Comprehensive Safeguards Agreement.

34. Considering the above, and the former DG report in GOV/2009/55 which confirms that Iran has completed its obligation on the Alleged Studies by informing the Agency of its assessment, and also very positive developments and the joint constructive cooperation between Iran and the Agency, the Agency is highly expected to announce that the Safeguards implementation in Iran shall be conducted in a routine manner in accordance with the last paragraph of the Work Plan (INFCIRC/711).

35. [Eds...] The facts that the documents of the Alleged Studies lack authenticity, that no nuclear material was used and that no key components were made as declared by the former Director General, are also missing in this report.

36. According to the Work Plan, the Alleged Studies have been fully dealt with by Iran, thus this item, in the Work Plan, is also being concluded. Any request for another round of substantive discussion, provision of information and access is absolutely in contravention with both spirit and letter of the negotiated and agreed Work Plan which both parties undertook to comply with. It should be recalled that the agreed Work Plan is the outcome of fruitful and intensive negotiations by three top officials in charge of Safeguards, Legal and Policymaking Organs of the Agency with Iran and the eventually acknowledged by the Board of Governors. Therefore, it is highly expected that the Agency respect its agreement with Member States, otherwise, the mutual trust and confidence which is essential for the sustainable cooperation would be jeopardized.

37. According to the Work Plan, the Agency was required to submit all documentation to Iran, and then Iran was only expected to "inform the Agency of its assessment". No visit, meeting, personal interview, and swipe sampling, were foreseen for addressing this matter. The Government of the United States has not handed over any original document to the Agency, because in fact it has no authenticated documents as the former DG declared. Meanwhile, by refusing to submit all documentation to Iran, concerning the so-called Alleged Studies, the IAEA did not fulfill its obligation under part III of INFCIRC/711. Despite the above, and based on good faith and in a spirit of cooperation, Iran went beyond the above understanding by agreeing to hold discussions with the IAEA, providing necessary supporting documents and informing the Agency of its assessment in a 11 page document which all proved that the allegations have been all fabricated and forged. This is, in fact, reviewing the substance as well as the forms.

38. Following are related reports from the Agency's team visiting Iran's military sites including Parchin which clearly shows that Iran has thoroughly cooperated and that the issue has been completed which the DG has intentionally opened again!

- >GOV/2005/67 dated 2. September 2005, paragraph 41.....
- >GOV/2005/67, dated 2 September 2005. paragraph 49.....
- >GOV/2005/87, dated 18 November 2005. paragraph 16.....
- >GOV/2003/87. dated 18 November 2005 paragraph 21....
- >GOV/2006/15 dated 27 February 2006 paragraph 32....
- >GOV/2006/15 dated 27 February 2006 paragraph52 ....

**H – Other Remarks**

39. It is very unfortunate that the present DG's approach in its unprofessional reporting on Iran not only has stepped beyond his

mandate to the bilateral Safeguards Agreement, but also has deeply ruined the worldwide reputation of the Agency as a technical competent authority. Recently, some media, as general observers, have revealed part of the false information used by the Agency and criticized ironically its immature assessment on allegations against Iran.

40. The DG's report has focused on some alleged military activities that are not involved in any nuclear material which is obviously out of the purview of Safeguards Agreement, it reads as: "...safeguards is applied on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices".

[Eds...]

43. This illegal, partial, unjustified and politicized report of the IAEA DG (GOV/2011/65) to the November 2011 Board of Governors demonstrates that it contains all the information provided by intelligence services of US and Israel regime and some other western countries which are false, baseless and fabricated. All of this information came out in 12 pages of the DG report's annex that prevails to any open minded reader that it is biased without any value.

44. The DG report which is prepared based on intelligence services information and their supervision, contains internal contradictions that shows that they are fabricated allegations. These intelligence services have resorted to unprofessional fabrication due to rush which have resulted in low level conventional information that does not show any relation with the Islamic Republic of Iran's peaceful nuclear activities.

45. Paragraphs 23 and 24 of the annex of the DG's report have been taken directly from the U.S. Intelligence Community. The report was not factual, but it stated that Iran's nuclear weapon activities had been stopped in 2003. Later, the US found out that by this conclusion there is no justification for further application of pressure on Iran such as illegal resolutions and sanctions. In order to escape from such a contradiction, they produced another report stating that maybe some of these activities have been continued after 2003. This is a clear indication that the allegations are baseless because in order to make a weapon all the activities need to be continuous and consistent; while in fact there have not been any related activities before and after 2003.

[Eds...]

47. These documents the Agency has referred to in paragraph 54 are scientific literature that does not have any relation to unconventional activities as the paragraph itself reads as: "...such studies are commonly used in reactor physics or conventional ordnance research." which is a correct statement. In the same documents, which have been published in the media, the research relating to the generation, measurement and modeling of neutron transport does not have any relation to unconventional activities or nuclear weapons. However, the report continues with a wrong conclusion that "but also have applications in the development of nuclear explosives". Such a conclusion is a hypothetical creation by an irresponsible person. It is ridiculous that someone who wishes to perform highly secret activities on nuclear weapons would make it openly published and also provide it to the Agency.. These researches clearly show that there was no intention on concealment neither by the researchers nor institutes because they were purely conventional and peaceful.

48. Paragraph 63 of the report related to the so called project 111 which reads as "... the activities described as those of project 111 may be relevant to the development of a non-nuclear payload", although there is no such project called 11 in Iran, but the Agency states that it is in possession of documents of project 111 relating to non-nuclear payload but although it does not have any documents related to nuclear payload, while without providing any substantial evidence, strangely concludes in the last part of paragraph 63 as: "they are highly relevant to a nuclear weapon programme." This is also one of indications that the report is intentionally prepared by an ill mind.

49. None of the shown documents to Iran as well as in the Agency's technical briefing on 11 November 2011, have the

confidential classification stamp. This point was brought to the Agency's inspectors' attention during the meetings in Tehran and it was even a surprise to them. How is it possible that written communications take place between high ranking staff of the Defense Ministry, missiles industries and a project manager of a secret project such as a nuclear weapon project and they are not protected at least by a confidential classification stamp? How is it possible for a state to conduct a secret nuclear weapon project with an open routine and unclassified communications?

50. During the meetings in Tehran with the Agency's inspectors, the Agency showed a slide of a questionnaire of the Ministry of Defense project related to nuclear weapons that had written on the top of the page "highly secret nuclear weapon project" and also containing on the bottom of the page a distribution order saying that one of the places this document should be sent to is the library. It is ridiculous that a highly secret project document should be sent to the library being available to all. Several of such lousy mistakes were made by the fabricators that have been shown to the Agency's inspectors. It is obvious that CIA and other intelligence services had made an unprofessional forgery job. They have even overlooked to stamp these fabricated documents with classification sealing.

51. The DG has stated wrongly and unfair that Iran did not engage in substance of these fabricated and forged shown materials while hours and hours have been spent with the Agency's inspectors to discuss it scientifically and substantially.

[Eds...]

52. The DG has stated that besides other sources, Iran has also acknowledged some of the information. It is very regrettable that if we honestly answer to questions such as the name of the Defense Ministry and its address, it should be considered as Iran's acknowledgment of the forged documents. What sort of conclusion is this?

53. The approach of the DG in its reporting to the Board of Governors is not fair and honest. Regarding the Parchin military site, the Agency inspectors were granted access to the site and they selected four points for verification based on their imagery satellite pictures. They even after verification requested to go the roof of one of the buildings that they thought, based on their imagery satellite pictures, was a place for missiles. Mr. Claud, the Agency inspector, climbed up and found out that it is actually a chimney. Aren't these accusations of intelligence services shameful and has it not damaged the Agency's credibility? Even more; the Agency has taken several environmental swipe samples and found no evidence of presence of nuclear material in the Parchin complex. It is worth mentioning that after two visits by the Agency's team, Mr. Heinonen, former DDG for safeguards, has stated that all ambiguities related to Parchin are removed and, the Parchin is part of the history. What has happened that the DG has reopened a closed issue?

54. It has to be noted that the slides shown on high explosives and missiles are all of conventional nature. It is very simple for a nuclear weapon state like the USA to produce such slides and provide them to the Agency. How can it be proved that these slides belong to Iran? This matter also has been discussed thoroughly with the Agency nuclear weapon expert, Mr. Hutchinson, in depth and substantially. Former DG and former DDG for Safeguards have requested that this expert be granted entry to Iran and to participate in the meetings related to the EBW issue. This was also accepted by Iran and Mr. Hutchinson participated very actively in the meetings. He had provided several technical scientific questions that had been replied to also in written form. After several back and forth questions were answered, Mr. Hutchinson was convinced that the activities conducted by Iran were conventional. However, we don't know why the DG has reopened this old issue? We have to put an end to this endless and tedious debate.

55. Another issue is about commercial software named MATLAB which the Agency believes is used for modeling of nuclear payload. It has to be recalled that during the meeting in Tehran it was stated that this is a commercially available software and even one of the Agency's inspectors confirmed that his son is also using this software. The Agency believes that by showing the commercial name of this software the cycle of required evidence completes the allegation on Iran's nuclear weapon program. What a funny conclusion driven by the highly specialized Agency!

56. In respect of neutron it should be noted that today neutron has various applications such as neutron activation analysis in exploring and mining. It is awkward for the specialized International Agency that correlates any neutron source to the nuclear weapon.

57. According to the false information provided by intelligence services to the Agency and the DG's report, prepared by copying them; it is claimed that only two activities (mentioned in paragraph 45 and 52) have been continued after 2003 and there has not been anything else. It is ridiculous that one can make a nuclear weapon just by these two activities.

58. These facts clearly indicate that the DG's conclusions in his report (GOV/2011/65) are wrong and baseless because hydrodynamic experiments and neutron cross section calculations have not been conducted for a nuclear weapon and the so called project 111 has not been for non-conventional activities as the Agency stated.

59. The report is a clear deviation from the Agency's functions and responsibilities where the Agency, in accordance to article IX of the Statute, should carry out its activities in order to "verify the quantities of materials" or "the accounting" of nuclear materials. The Agency is not permitted to enter into cooperation with intelligence services of Member States to act upon the information provided by them, in particular from the US that has a long history of forging documents and manipulating information in order to achieve its narrowly-minded political objectives. The clear example of such a forged document is the so-called "Niger Document" against Iraq which was quoted by the US president and created the scandal of Colin Powell's discredited claims in the Security Council.

60. Article VII.F of the Statute stipulates that "each member undertakes to respect the international character of the responsibilities of the Director General and the staff and shall not seek to influence them in the discharge of their duties". Regrettably, the US officials at the highest level by calling the DG to Washington and explicitly announcing their intention to use the Agency against Iran have violated the Statute.

61. The DG's official meetings in Washington prior to the issuance of his report (GOV/2011/65) and insisting on the annexation of allegations fabricated by the US and Israeli regime intelligence services to the report despite of the warning by the vast majority of Member States has raised serious questions on the neutrality and credibility of the Agency and compliance with article VII of the Statute.

62. Propaganda launched by the US and the Israeli regime immediately after the issuance of the DG report in some cases even before that, are all in dear breach of the Statute. Member States are expected to take preventing measure on such serious violations.

63. How the Secretariat could be trusted? There has to be some rules and regulation governing our affairs, otherwise we are in a jungle.

64. Finally, as the Work Plan (INFCIRC/711) has been fully implemented, thus the implementation of Safeguards in Iran has to be conducted in a routine manner.

## P – Documents Related to the Syrian Arab Republic

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.kcl.ac.uk/csss>]

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### Extract from Introductory Statement to the Board of Governors by IAEA Director General Dr Mohamed ElBaradei

[2 June 2008, Vienna]

#### *Implementation of Safeguards in the Syrian Arab Republic*

In April of this year, the Agency was provided with information claiming that an installation destroyed by Israel in Syria last September was a nuclear reactor. According to this information, the reactor was not yet operational and no nuclear material had been introduced into it.

It is deeply regrettable that information concerning this installation was not provided to the Agency in a timely manner and that force was resorted to unilaterally before the Agency was given an opportunity to establish the facts, in accordance with its responsibilities under the NPT and Syria's Safeguards Agreement. I should like to remind everybody that NPT States Parties have unanimously reaffirmed that the Agency is the competent authority responsible for verifying and assuring, in accordance with its Statute and the Agency's safeguards system, compliance by States with their safeguards agreements.

Nonetheless, I should emphasize that Syria, like all States with comprehensive safeguards agreements, has an obligation to report the planning and construction of any nuclear facility to the Agency. We are therefore treating this information with the seriousness it deserves and have been in discussions with the Syrian authorities since this information was provided to the Agency with a view to arranging a visit to Syria at an early date to verify, to the extent possible at this stage, the veracity of the information available to the Agency. It has now been agreed that an Agency team will visit Syria during the period 22-24 June. I look forward to Syria's full cooperation in this matter.

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### Extract from Introductory Statement to the Board of Governors by IAEA Director General Dr Mohamed ElBaradei

[22 September 2008, Vienna]

#### *Implementation of Safeguards in the Syrian Arab Republic*

In April this year, the Agency received information claiming that an installation destroyed by Israel in September 2007 at Al Kibar in Syria was a nuclear reactor. The Syrian authorities have repeatedly stated that the alleged site was not involved in any nuclear activities.

With Syria's cooperation, the Agency was able to visit Al Kibar in June 2008. Samples taken from the site are still being analysed and evaluated by the Agency, but so far we have found no indication of any nuclear material.

In order to assess the veracity of information available to the Agency, we asked the Syrian authorities in July to provide access to additional information and locations. Syria has not yet responded to this request but has indicated that any further developments would depend on the results of the samples taken during the first visit.

I trust that Syria will show maximum cooperation and transparency and provide all the information needed by the Agency to complete its assessment.

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### Extract from Statement of the Syrian Arab Republic to the 52<sup>nd</sup> Session of the General Conference of the IAEA

[29 September – 4 October 2008]

[Eds...]

We regrettably listened to the statements of some states requesting more transparency and cooperation with the Agency

from our side. I would like here to recall that the Director General and the Deputy Director General for Safeguards have indicated in the September meeting of the Board of Governors that Syria was cooperative and complied with the procedures agreed upon with the agency.

We confirm that the government of my country is and will continue to be totally cooperative and transparent with the agency. However, this cooperation will under no circumstances be on the account of exposing our military positions and threatening our national security.

[Eds...]

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### Extract from Introductory Statement to the Board of Governors by IAEA Director General Dr. Mohamed ElBaradei

[27 November 2008, Vienna]

#### *Implementation of Safeguards in the Syrian Arab Republic*

In June this year, I informed the Board that the Agency had been provided with information alleging that an installation destroyed by Israel in Syria in September 2007 was a nuclear reactor. Syria has stated that the Dair Alzour site was a military site and was not involved in any nuclear activities.

The Agency has, in accordance with its responsibility under comprehensive safeguards agreements, conducted a thorough analysis of all information available to it. As I mentioned in my report, the Agency was severely hampered in its assessment by the unilateral use of force and by the late provision of information about the destroyed building. The destruction of the building and the subsequent removal of the debris made the Agency's verification work quite difficult and complex, rendering the results so far inconclusive.

For its assessment of the site immediately after the bombing, the Agency was unable to obtain commercial satellite imagery. It is regrettable, and indeed baffling, that imagery for this critical period, which would have been most valuable in helping to clarify the nature of the building that was destroyed, was not available. The Agency has recently been able to secure agreement to show Syria imagery from Member State satellites of the site shortly after the bombing, and will do so at the earliest opportunity.

Analysis of environmental samples from the Dair Alzour site revealed a significant number of natural uranium particles, which had been produced as a result of chemical processing. Syria stated that the only explanation for these particles was that they were contained in the missiles used to destroy the building. The Agency is assessing Syria's claim. We have asked Syria to permit the Agency to visit the locations of debris and equipment removed from the site in order to take samples that would help us to assess the origin of the uranium and also to ascertain the possible existence of any nuclear grade graphite that is normally associated with the type of alleged reactor. The Agency has also asked Israel to provide detailed information concerning Syria's claims regarding the origin of the uranium particles.

As stated in the report, while it cannot be excluded that the building in question was intended for non-nuclear use, the features of the building, along with the availability of adequate pumping capacity of cooling water, are similar to what may be found in connection with a reactor site. In light of this, it is important that Syria provide the Agency with documentation in support of its statements concerning the nature and function of the destroyed building.

Syria should also agree, as a transparency measure, to let the Agency visit other locations. As I mentioned in the case of Iran, I am confident that modalities can be developed which will protect the confidentiality of military information while enabling the Agency to continue with its assessment.

For the Agency to complete its assessment, maximum transparency by Syria and the full sharing with the Agency of all

relevant information which other States may have are essential.

### Extract from Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2009/9 19 February 2009]

Report by the Director General

[Eds...]

#### A. Chronology of Events

2. As indicated in the Director General's previous report, analysis of the environmental samples taken from the Dair Alzour site revealed a significant number of anthropogenic natural uranium particles (i.e. produced as a result of chemical processing). Syria has stated that the origin of the uranium particles was the missiles used to destroy the building (GOV/2008/60, para. 8).

3. In order to confirm Syria's assertion about the possible source of uranium particles found at Dair Alzour, the Agency requested Syria, in a letter dated 26 November 2008, to provide access to the site (including the water treatment plant at the site), and any other locations where the debris from the building and equipment, and any salvaged equipment removed from Dair Alzour, had been and/or was currently located, so that the Agency could take samples of, and environmental samples from, these items and materials. In that letter, the Agency also:

requested that Syria share the results of any assessments that it may have performed regarding the materials used during, or resulting from, the bombing;

requested, as a transparency measure, that the Agency be permitted to visit additional locations;

reminded Syria that the requests for information and documentation referred to in the Agency's letter of 3 July 2008, which related, inter alia, to information concerning the destroyed building, remained unanswered; and

stated that it stood ready to discuss these matters and to conduct the activities referred to above as soon as possible.

4. In a letter dated 17 February 2009, Syria reiterated its statement that the destroyed facility, and the current facility, on the Dair Alzour site were military installations. Syria provided information in response to some of the questions raised in the Agency's letter of 3 July 2008 concerning the purpose of the water pumping station and the water purification station found on the site and procurement efforts in connection with certain equipment and material. However, the responses Syria provided were only partial and included information already provided to the Agency, and did not address most of the questions raised in the Agency's communications. The Agency is now assessing the information provided by Syria.

5. In a letter to Israel dated 26 November 2008, referring to the claims made by Syria about the origin of the uranium particles found at Dair Alzour, the Agency requested Israel to provide information which would enable the Agency to determine whether munitions alleged to have been used by it could have been the source of the uranium particles (GOV/2008/60, paras 8 and 18). With respect to the Agency's request, Israel, in a letter dated 24 December 2008, stated only that "it rejects Syrian claims on the matter" and that "Israel could not have been the source of the uranium particles found on the site of the nuclear reactor".

#### B. Agency Verification

6. The Agency has continued its analysis of all information available to it as a result of the 23 June 2008 visit to the Dair Alzour site, as well as information from other sources. Additional analyses of the environmental samples taken from the Dair Alzour site have also been carried out by a

number of laboratories participating in the Agency's Network of Analytical Laboratories. These analyses have revealed additional particles of anthropogenic uranium. These uranium particles, and those identified as a result of the previous analyses, are of a type not included in Syria's declared inventory of nuclear material.

7. The Agency's current assessment is that there is a low probability that the uranium was introduced by the use of missiles as the isotopic and chemical composition and the morphology of the particles are all inconsistent with what would be expected from the use of uranium based munitions.

8. As indicated in the Director General's previous report (GOV/2008/60, paras 5-7), the Agency has requested from Syria clarification of efforts by Syrian entities to procure materials and equipment which could support the construction and operation of a nuclear reactor. The Agency is continuing to assess the information related to these procurement efforts, including that provided by Syria in its letter of 17 February 2009.

#### C. Summary

9. The presence of the uranium particles at the Dair Alzour site, the imagery of the site available to the Agency and information about certain procurement activities need to be fully understood. Syria therefore needs to provide additional information and supporting documentation about the past use and nature of the building at the Dair Alzour site, and information about the procurement activities. Syria needs to be transparent by providing additional access to other locations alleged to be related to Dair Alzour. These measures, together with the sampling of destroyed and salvaged equipment and debris, are essential for the Agency to complete its assessment.

10. The Director General calls upon Syria to take the above measures as soon as possible. The Director General also calls on Israel and other States that may possess relevant information to make the information available to the Agency, including satellite imagery, and to agree to the Agency's sharing of such information with Syria.

11. The Director General will continue to report as appropriate.

### Extract from Introductory Statement to the Board of Governors by IAEA Director General Dr Mohamed ElBaradei

[2 March 2009, Vienna]

#### *Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic*

The Agency has continued its analysis of all information available to it, including from the 23 June 2008 visit to the Dair Alzour site. Further analysis of the environmental samples taken from the Dair Alzour site has been carried out, revealing additional particles of uranium which had been produced as a result of chemical processing. These particles, and those identified as a result of the previous analyses, are of a type not included in Syria's declared inventory of nuclear material. Syria has stated that the origin of the uranium particles was the missiles used to destroy the building. In response to a letter from the Agency, Israel denied that the uranium particles originated in Israel. The Agency's current assessment is that there is a low probability that the uranium was introduced by the use of missiles.

In a letter dated 15 February 2009, Syria reiterated that the destroyed facility, and the current facility, on the Dair Alzour site were military installations and not involved in any nuclear activities. The letter did not address many of the questions raised by the Agency. Syria's responses to some of the Agency's questions were only partial and included information already provided to the Agency.

The Agency expects Syria to provide additional information and supporting documentation about the past use and nature of the building at the Dair Alzour site, and information about procurement activities. Providing additional access to other locations alleged to be related to Dair Alzour would be a welcome sign of Syria's transparency. Such access, together with the sampling of destroyed and salvaged equipment and debris, is essential for the Agency to complete its assessment. I urge Syria to take these measures at the earliest possible date. I also urge Israel and other States that may possess relevant information - including satellite imagery - to make it available to the Agency and to agree to the Agency's sharing of such information with Syria.

## Extract from Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2009/36 5 June 2009]

### Report by the Director General

[Eds...]

#### A. Chronology of Events

[Eds...]

4. As part of its efforts to confirm Syria's assertions about the possible source of uranium particles found at Dair Alzour, the Agency, in a letter dated 13 March 2009, provided Syria with the results of additional analyses of the environmental samples. The Agency also reiterated its request that Syria provide further access to the Dair Alzour site (including the water treatment plant at the site), and any other locations where the debris from the building and equipment, and any salvaged equipment removed from Dair Alzour, had been and/or was currently located, so that the Agency could take samples of, and environmental samples from, these items and materials. The Agency also reiterated its earlier request that Syria share the results of any assessments that it may have performed regarding the materials used during, or resulting from, the bombing.

5. In a letter dated 21 April 2009, the Agency provided comments to Syria on the statements made by Syria in its letter of 15 February 2009 regarding alleged efforts by Syrian entities to procure materials and equipment which could support the construction of a nuclear reactor. While expressing appreciation for Syria's efforts to answer some of the issues raised in earlier correspondence, the Agency informed Syria that its responses were only partial and did not address most of the questions. The Agency requested further clarification and supporting documentation in relation to the functions of the destroyed and currently existing installations at the Dair Alzour site, as well as the other locations alleged to be related to Dair Alzour, and in relation to procurement activities. The Agency reiterated its 13 March 2009 request for information related to Syria's assertion about the origin of the uranium particles found at Dair Alzour.

6. In a letter dated 18 May 2009, the Agency informed Syria that anthropogenic natural uranium particles had been found in environmental samples taken in 2008 from the hot cells of the Miniature Neutron Source Reactor (MNSR) facility in Damascus. In a letter dated 1 June 2009, Syria responded to the Agency's request for an explanation concerning the presence and origin of the anthropogenic natural uranium particles found at the MNSR. In a letter to Syria dated 5 June 2009, the Agency followed up on Syria's explanation.

7. In a letter to Israel dated 20 May 2009, following up on Israel's letter of 24 December 2008, the Agency requested that Israel provide specific information concerning its statements about whether the munitions used in the destruction of the building at Dair Alzour could have been the source of the uranium particles found on the site.

8. In letters to the Agency, one dated 12 May 2009 and one dated 17 April 2009, received on 19 and 20 May 2009, respectively, Syria, *inter alia*, questioned the correctness of certain statements contained in reports, technical briefings and communications of the Agency.

9. In a letter dated 24 May 2009, Syria responded to the Agency's letter of 21 April 2009. Syria, *inter alia*, reiterated its earlier statements concerning the nature of the Dair Alzour installations, the water pumping infrastructure and procurement activities, and its statements regarding cooperation with entities from the Democratic People's Republic of Korea (DPRK). The letter did not include any of the supporting documentation requested by the Agency.

10. In a letter dated 4 June 2009, the Agency responded to the concerns expressed by Syria in the three letters received by the Agency in May 2009. The Agency also reaffirmed the correctness of its statements and communications and provided comments on the points raised by Syria. The Agency reiterated its request that Syria provide, as a matter of transparency, information and

supporting documentation about the past use and nature of the building at the Dair Alzour site, and information about the procurement activities, as well as access to other locations alleged to be related to Dair Alzour.

#### B. Agency Verification

11. The Agency has continued to investigate the allegations concerning the destroyed building on the Dair Alzour site. The information provided by Syria to date does not enable the Agency to determine the nature of the facility.

12. Since May 2008, the Agency has requested to have substantive discussions with Syria on this matter and has offered to share all of its satellite imagery, and imagery provided by other Member States. Syria has thus far declined to accept this offer.

13. As indicated in the Director General's last report (GOV/2009/9, para. 7), the Agency has assessed that there is a low probability that the uranium particles found at the Dair Alzour site were introduced by use of the missiles used to destroy the building on that site. Since that report, no progress has been made in substantiating Syria's explanation. The Agency is continuing with its assessment of the origin of the uranium.

14. In a letter dated 15 February 2009 responding to the Agency's letter of 3 July 2008, Syria provided information regarding the procurement of certain equipment and materials, specifically the water pumping equipment observed at the Dair Alzour site, a large quantity of graphite and large quantities of barium sulphate (GOV/2009/9, para. 4). Syria indicated that the procurement efforts were civilian and non-nuclear in nature and related, respectively, to civil water purification, the domestic Syrian steel industry and shielding material for radiation therapy centres. Syria provided further clarifications in its letter dated 24 May 2009. Based on the information currently available to the Agency, it is not in a position to confirm these explanations and, in its letter of 4 June 2009, requested further clarification from Syria.

15. In its letters dated 3 July 2008 and 21 April 2009, the Agency had requested information and clarification regarding allegations of activities of an import/export company from the DPRK with an office in Syria, and regarding cooperation between nuclear scientists from Syria and the DPRK. Syria provided explanations in its letters of 15 February 2009 and 24 May 2009 and denied the allegations. The Agency is assessing Syria's response.

16. The Agency has reiterated its request for information concerning three other locations allegedly functionally related to the Dair Alzour site (GOV/2008/60, para. 7). Syria has not yet responded to the Agency's requests for access to these sites as a transparency measure.

17. In May 2009, the Agency received the results of the analysis of routine environmental samples taken in August 2008 at the MNSR in Damascus. The results showed the presence of particles of anthropogenic natural uranium, of a type not declared at the facility, inside the hot cells and from associated equipment. On 1 June 2009, Syria provided a response to the Agency's request for an explanation concerning the presence and origin of these particles. In its response, Syria provided information about the use of the hot cells and the presence of natural uranium, but did not address the presence and origin of the anthropogenic uranium. In its letter of 5 June 2009, the Agency wrote to Syria following up on its response. The existence of a possible connection between these particles and those found at the Dair Alzour site requires further analysis by the Agency.

#### C. Summary

18. The presence of the uranium particles at the Dair Alzour site, the imagery of the site available to the Agency and certain procurement activities remain to be clarified. The information provided by Syria to date does not adequately support its assertions about the nature of the site. In order for the Agency to complete its assessment, Syria needs to be more cooperative and transparent.

19. The anthropogenic natural uranium particles found at the MNSR facility are of a type not included in Syria's declared inventory of nuclear material. The presence and origin of such particles, as well as those found at the Dair Alzour site, needs to be understood by the Agency. [Eds...]

## Extract from Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2009/56 28 August 2009]

### Report by the Director General

[Eds...]

8. In its letter dated 13 August 2009, Syria also stated that the destroyed building had been under construction at the time of the bombing and, hence, could not have been the source of the anthropogenic natural uranium particles collected in the environmental samples. Syria also added that due to the disposal of the debris from the site, it was impossible to meet the Agency's request for access to the debris as the Agency's request had been made more than a year after the destruction of the building by Israel.

9. In that same letter, Syria stated that it had provided all the information it had regarding the questions raised by the Agency concerning the Dair Alzour site and that it did not accept that the anthropogenic natural uranium particles found in the environmental samples could be considered undeclared nuclear material. Syria also reiterated that, due to the military and non-nuclear nature of the Dair Alzour site and the three other locations, it had no obligation to provide more information under its Safeguards Agreement with the Agency. Syria emphasised its resolve to continue its cooperation with the Agency in accordance with its Safeguards Agreement and the Agency's Statute, provided that "this cooperation never infringes on the confidentiality of its defence capabilities, its sovereignty and its national security". The Agency is continuing its assessment of the information provided by Syria.

10. In relation to the presence of anthropogenic natural uranium particles at the Miniature Neutron Source Reactor (MNSR) in Damascus (GOV/2009/36, para. 17), Syria provided additional explanations about the possible origin of the particles in a letter dated 8 June 2009. In that letter, Syria stated its view that the natural uranium particles had resulted from the accumulation of sample and reference materials used in neutron activation analysis. In support of its statement, Syria provided a list of standard reference materials used in those activities and some information on a related shielded transport container.

11. On 8 July 2009, the Agency performed a physical inventory verification (PIV) at the MNSR during which environmental samples were taken, as well as samples from the materials which Syria stated were the source of the anthropogenic natural uranium particles. The Agency is awaiting the results of the analyses of the samples.

### Summary

12. Syria has cooperated with the Agency in its verification activities at the MNSR. The Agency is currently analysing samples taken at the MNSR.

13. Syria has not yet provided the necessary cooperation to permit the Agency to determine the origin of the anthropogenic natural uranium particles found in samples taken at the Dair Alzour site. Syria also did not cooperate with the Agency to confirm Syria's statements regarding the non-nuclear nature of the destroyed building on the Dair Alzour site and to determine what, if any, functional relationship existed between the Dair Alzour site and three other locations, or to substantiate Syria's claims regarding certain procurement efforts and its alleged foreign nuclear cooperation.

14. Syria has asserted that, in accordance with its Safeguards Agreement, it is under no obligation to provide further information concerning the Dair Alzour site or the other locations because of their military nature not related to any nuclear activities. However, as the Agency has previously explained to Syria, there is no limitation in comprehensive Safeguards Agreements on Agency access to information, activities or locations simply because they may be military related. The fact that the Agency has found particles of nuclear material of a type which is not in the declared inventory of Syria underscores the need to pursue this matter. [Eds...]

## Extract from Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2009/75 16 November 2009]

[Editorial note – Footnote not included]

### Report by the Director General

1. [Eds...]

4. [Eds...] The Agency has assessed, based on the isotopic and chemical composition and the morphology of the particles, that there is a low probability that the source of the anthropogenic natural uranium particles was the use of missiles (GOV/2009/9, para. 7). In its 23 October 2009 letter, the Agency once more reiterated its request that Syria share any information it may have to support its statement. To date, Syria has not provided any information to this effect. In this context, Israel has not responded to the Agency's request of 20 May 2009 for specific information on the contents of the munitions used to destroy the building (GOV/2009/36, para. 7).

5. In its 23 October 2009 letter, the Agency also responded to Syria's assertions that, due to the military and non-nuclear nature of the Dair Alzour site and the other three locations, it had no obligation to provide more information under its Safeguards Agreement, and that the anthropogenic natural uranium particles found at the Dair Alzour site do not constitute undeclared nuclear material. The Agency indicated that the Safeguards Agreement between Syria and the Agency places no limitation on Agency access to information, activities or locations simply because they may be military related. The Agency also indicated that the presence at the Dair Alzour site of particles of anthropogenic natural uranium of a type not included in Syria's declared inventory gives rise to questions about the correctness and completeness of Syria's declaration, which the Agency is obliged to pursue.

6. In relation to the presence of anthropogenic natural uranium particles at the Miniature Neutron Source Reactor (MNSR) in samples taken there in August 2008 (GOV/2009/36, para. 17), Syria has stated that the presence of natural uranium particles resulted from the accumulation of samples and reference materials used in neutron activation analysis (GOV/2009/56, para. 10). In a letter dated 13 October 2009, the Agency provided Syria with the results from additional samples it had taken during the July 2009 physical inventory verification at the MNSR. The results also showed the presence of anthropogenic natural uranium particles at a number of locations and on certain equipment. However, the results did not indicate the presence of anthropogenic natural uranium particles in either the standard reference materials or on the shielded transport container which Syria had indicated as possible sources of the uranium particles. In light of these results, the Agency requested to meet with Syria to discuss the matter further.

7. In a meeting held on 2 November 2009 in Vienna, Syria was provided with further detailed information concerning the results of the analysis of the environmental samples from the MNSR. At that meeting, Syria identified other possible sources of the anthropogenic natural uranium particles, including domestically produced yellowcake and small quantities of imported, but previously undeclared, commercial uranyl nitrate. Syria also provided a document to support its explanation for the presence of the uranyl nitrate at the MNSR.

8. In a letter to Syria dated 5 November 2009, the Agency announced its intention to carry out an inspection at the MNSR on 17 November 2009 for the purposes of taking samples of the yellowcake and the uranyl nitrate and taking environmental samples at the locations where the materials are stored and where they were used. The Agency also requested that Syria provide information concerning the yellowcake, the uranyl nitrate and any other uranium-containing materials which may have been the source of the anthropogenic natural uranium particles.

### Summary

9. Essentially, no progress has been made since the last report to clarify any of the outstanding issues relevant to the implementation of safeguards.



10. Syria has not yet provided the cooperation necessary to permit the Agency to determine the origin of the anthropogenic natural uranium particles found in samples taken at the Dair Alzour site. Syria has also not provided information or access that would allow the Agency to confirm Syria's statements regarding the non-nuclear nature of the destroyed building on the Dair Alzour site, or to determine if, as alleged, any functional relationship existed between that site and three other locations. Nor has Syria substantiated its claims regarding certain procurement efforts that, in the Agency's view, could support the construction of a reactor. The Agency will continue its verification activities to confirm Syria's statements within the authority available to it and subject to the cooperation provided by Syria.

11. The results of the environmental sampling at the MNSR confirm the presence of particles of anthropogenic natural uranium of a type not in Syria's declared inventory. The results do not support Syria's earlier explanation for the origin and presence of the particles. The Agency is investigating Syria's explanation discussed at the 2 November 2009 meeting for the presence of the particles and has announced its intention to carry out an inspection at the MNSR on 17 November 2009. [Eds...]

**Extract from Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic**

[GOV/2010/11 18 February 2010]

[Editorial note: Footnotes not included]

Report by the Director General

**A. Introduction [Eds...]**

5. The Agency has repeatedly requested Syria to have substantive discussions with it on the nature of the destroyed building, and to discuss relevant satellite imagery and other information available to the Agency. In a letter dated 7 January 2010, the Agency reminded Syria of its repeated requests for:

- information concerning the Dair Alzour site, the infrastructure observed at the site and certain procurement efforts which Syria has stated were related to civilian non-nuclear activities;
- access to technical documentation and any other information related to the construction of the destroyed building;
- access to locations where the debris from the destroyed building, the remains of munitions, the debris from equipment and any salvaged equipment had been and/or is now situated; and
- further access to the Dair Alzour site itself and access to three other locations allegedly functionally related to the Dair Alzour site. [Eds...]

7. Since the time of the Agency's visit to the Dair Alzour site in June 2008, Syria has declined to have substantive discussions with the Agency, has not provided any detailed information in response to the Agency's requests and has not agreed to the Agency's requests for further access to the Dair Alzour site and access to the three other locations of interest to the Agency in connection with its investigation.

8. Syria has also maintained its position that, due to the disposal of the debris from the Dair Alzour site, it was impossible to grant the Agency's request for access to it as the Agency's request had been made more than a year after the destruction of the building. Based on the discussions held in June 2008 in Damascus and other information available to the Agency, the Agency has continued to request access to the debris from the destroyed building and any salvaged equipment from the Dair Alzour site.

9. In relation to the anthropogenic natural uranium particles found at the Miniature Neutron Source Reactor (MNSR) (GOV/2009/36, para. 17), Syria's initial explanations for the presence of the particles were that they had originated either from standard reference materials used in neutron activation analysis or from a shielded transport container. These explanations were not supported by the results of subsequent sampling carried out by the Agency at the MNSR (GOV/2009/75, para. 6). In a meeting held on 2 November 2009 in Vienna, Syria suggested that the particles

may have originated from other materials present at the MNSR, specifically quantities of yellowcake produced at a pilot phosphoric acid purification plant at Homs, previously undeclared uranyl nitrate compounds derived from the yellowcake and/or small quantities of previously undeclared imported uranyl nitrate materials (GOV/2009/75, para. 7).

10. The possibility of a link between the particles found at the MNSR and those found at the Dair Alzour site requires further sampling and analysis by the Agency. The Agency also needs to determine whether the use of the natural uranium compounds at the MNSR may be relevant to allegations concerning one of the three other locations and whether experiments may have been performed with the larger quantities of yellowcake produced at the Homs plant.

**B. Verification Activities**

11. On 17 November 2009, during an inspection at the MNSR, the Agency provided Syria with a letter, dated 13 November 2009, in which it listed experimental activities carried out with nuclear material which, according to open sources, had been performed in Syria and which could be of relevance in determining the origin of the particles found at the MNSR. In the letter, the Agency requested access to the persons involved in those activities and to detailed information regarding the nuclear material and equipment used in the experiments. Syria made one of the requested persons available during the inspection and discussions were held on the experimental activities. Following up on Syria's statements concerning nuclear material at the MNSR (para. 9), samples were taken from yellowcake and uranyl nitrate compounds present at the MNSR. Environmental samples were also taken from equipment and locations at the MNSR associated with experimentation involving uranium-containing materials. In a letter to the Agency dated 6 December 2009, Syria provided limited information about some of the nuclear material observed at the MNSR. However, Syria did not address the Agency's concerns regarding the origin and presence of the anthropogenic natural uranium particles found there.

12. In a letter dated 7 January 2010, the Agency requested confirmation of the quantities of nuclear material observed at the MNSR, the complete reporting of all nuclear material, detailed information regarding the use of uranium-containing nuclear material and updates to the design information.

13. In a letter dated 21 January 2010, the Agency provided Syria with the results of the samples taken during the 17 November 2009 inspection. While the results confirmed the characteristics of the material as declared by Syria, the Agency informed Syria that further clarification regarding the presence and use of anthropogenic natural uranium at the MNSR was necessary, and proposed that a meeting be held in Damascus on 8 and 9 February 2010 to discuss these issues.

14. In a letter dated 10 February 2010, Syria declined the Agency's request for the meeting, indicating that, in the light of the information provided in the same letter, it could be planned for a later stage. The information Syria provided does not clarify the presence and use of anthropogenic natural uranium at the MNSR. The Agency is planning an inspection at the MNSR to be performed on 23 February 2010 to verify nuclear material at the MNSR and examine relevant source documents related to the experiments indicated above.

**C. Assessment and Next Steps**

15. Syria has not cooperated with the Agency since June 2008 in connection with the unresolved issues related to the Dair Alzour site and the other three locations allegedly functionally related to it. As a consequence, the Agency has not been able to make progress towards resolving the outstanding issues related to those sites since the previous report to the Board of Governors.

16. Syria has provided some additional information concerning the presence and use of the anthropogenic natural uranium at the MNSR. However, Syria has not yet provided a full explanation of the activities and experiments involving nuclear material conducted at the MNSR that may have been the source of the particles found there. Therefore, further clarification from Syria is necessary in order to resolve this issue and to help exclude any possible link between the particles found at the MNSR and those found at the

Dair Alzour site. Additionally, Syria is required to provide complete reporting of all nuclear material in Syria and to provide the Agency with access to all relevant documentation. The Agency has requested Syria's cooperation in these respects.

17. Since the November 2009 inspection, Syria has not fully cooperated with the Agency to facilitate the resolution of the issues concerning the MNSR. Syria has also not provided design information concerning the irradiation of uranium at the MNSR or met its nuclear material reporting obligations under the Safeguards Agreement (INFCIRC/407).

18. At both the Dair Alzour and MNSR sites, the Agency has found particles of anthropogenic natural uranium. Given that Syria has no reported inventory of natural uranium, this calls into question the completeness and correctness of Syria's declarations concerning nuclear material and facilities. [Eds...]

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**Extract from Implementation of the NPT  
Safeguards Agreement in the Syrian Arab  
Republic**

[GOV/2010/29 31 May 2010]

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[Editorial note: Footnotes not included]

*Report by the Director General [Eds...]*

**A. The Dair Alzour Site [Eds...]**

4. As indicated in previous reports, Syria made a number of statements concerning the Dair Alzour site, the three other locations allegedly functionally related to it, the procurement activities referred to above and the alleged foreign assistance. The statements are limited in detail and no documentation has been provided to support them. Syria has also maintained its position that, due to the disposal of the debris from the Dair Alzour site, it is impossible to grant the Agency's request for access to the debris. The information and access provided by Syria to date have not allowed the Agency to confirm Syria's statements regarding the non-nuclear nature of the destroyed building, or to substantiate Syria's claims regarding its procurement efforts.

5. ....In a letter dated 17 March 2010, the Agency reminded Syria of its repeated requests for:

- information concerning the Dair Alzour site, the infrastructure observed at the site and certain procurement efforts which Syria has stated were related to civilian non-nuclear activities;
- access to technical documentation and any other information related to the construction of the destroyed building;
- access to locations where the debris from the destroyed building, the remains of munitions, the debris from equipment and any salvaged equipment had been and/or are now situated; and
- further access to the Dair Alzour site and access to three other locations allegedly functionally related to the Dair Alzour site.

6. The Agency has, on several occasions, offered to engage with Syria to establish the necessary modalities for managed access to sensitive information and locations, including the Dair Alzour site and the three other locations... Given the passage of time and the possible degradation of information, the Agency requests Syria to provide prompt access to all relevant information. The Agency remains ready to discuss with Syria the necessary modalities for managed access.

**B. Activities at the MNSR Site**

7. Particles of anthropogenic uranium of a type not included in Syria's reported inventory were found at the Miniature Neutron Source Reactor (MNSR) in 2008 and in 2009. Syria's initial explanations in June 2009 that the particles had originated either from standard reference materials used in neutron activation analysis or from a shielded transport container were not supported by the results of sampling carried out by the Agency.

8. In the course of the Agency's investigation into the origin and presence of the uranium particles at the MNSR, Syria suggested in November 2009 that they may have originated from yellowcake produced domestically at the Homs phosphoric acid purification plant, and from a small quantity of imported depleted uranyl nitrate.

9. A physical inventory verification (PIV) was undertaken at the MNSR on 31 March 2010. During the PIV, Syria provided the Agency with information concerning previously unreported activities involving the conversion of yellowcake to uranyl nitrate. Syria stated that the conversion activities involved tens of grams of nuclear material and had taken place in 2004 at the MNSR. Syria explained that the conversion activities had been performed in order to produce natural uranyl nitrate for comparison with depleted uranyl nitrate in irradiation experiments at the MNSR.

10. During the PIV, Syria presented approximately 1 kg of yellowcake which it stated had been produced at Homs, and small quantities of uranyl nitrate powders and solutions. Syria provided the Agency with access to samples which it stated had been irradiated during experiments at the MNSR. Syria also provided the Agency with copies of documentation said to be related to the conversion activities. Syria submitted to the Agency updated design information for the MNSR in a letter dated 11 April 2009 and draft inventory change reports concerning the newly declared material. In a letter to Syria dated 23 April 2010, the Agency requested further information concerning documentation and information provided during the PIV. In a letter dated 10 May 2010, Syria provided additional information. The Agency is awaiting the results of the analysis of samples taken during the PIV.

11. Further assessment of Syria's declarations concerning the conversion activities, the related experiments and the origin of the anthropogenic natural uranium particles is ongoing.

**C. Summary**

12. Syria has not cooperated with the Agency since June 2008 in connection with the unresolved issues related to the Dair Alzour site and the other three locations allegedly functionally related to it. ....Furthermore, with time, some of the necessary information may deteriorate or be lost entirely. The Director General urges Syria to cooperate with the Agency on these issues in a timely manner.

13. Syria has provided information on previously unreported uranium conversion and irradiation activities at the MNSR and additional explanations concerning the presence of the anthropogenic natural uranium particles at the MNSR. Subsequently, Syria submitted draft inventory change reports concerning the newly declared nuclear material. The information provided by Syria is still being assessed. [Eds...]

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**Extract from Implementation of the NPT  
Safeguards Agreement in the Syrian Arab  
Republic**

[GOV/2010/47 6 September 2010]

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[Editorial note – footnotes not included]

[Eds...].]

**A. The Dair Alzour Site**

[Eds...]

4. As described in the Director General's report GOV/2009/36, Syria has made a number of statements regarding the purpose of the procurement of large quantities of barite. These statements are not supported by the information available to the Agency, in particular with respect to the stated end use for the barite. In letters dated 4 June 2009 and 23 October 2009, the Agency requested that Syria provide access to project documentation and plans related to relevant activities to allow the Agency to confirm Syria's statements. Syria has not yet responded to these requests.

[Eds...]

6. Syria has previously made a number of statements concerning the destruction of the building, the Dair Alzour site, the three other locations allegedly functionally related to it, the procurement activities referred to above and the alleged foreign assistance. The statements are limited in detail and no documentation has been provided by Syria to support them. ...The information and access provided by Syria to date have not allowed the Agency to confirm Syria's statements regarding the non-nuclear nature of the destroyed building, or to substantiate Syria's claims regarding its procurement efforts.

[Eds...]

8. The Agency has repeatedly proposed to Syria the establishment of the necessary modalities for managed access to sensitive information and locations, including the Dair Alzour site and the three other locations. Such access is essential to enable the Agency to establish the facts and make progress in its verification, while protecting military and other information which Syria considers to be sensitive. In view of Syria's reluctance to engage with the Agency on this matter and the continuing degradation of information with the passage of time, the Agency requests that Syria increase its cooperation and provide prompt access to all relevant information and locations as requested by the Agency.

**B. Activities at the MNSR Site**

9. As previously reported, particles of anthropogenic uranium of a type not included in Syria's reported inventory were found at the Miniature Neutron Source Reactor (MNSR) in 2008 and in 2009. Syria's initial explanations in June 2009 that the particles had originated either from standard reference materials used in neutron activation analysis or from a shielded transport container were not supported by the results of sampling carried out by the Agency.

10. Syria has since then explained that the anthropogenic particles originated from previously unreported activities related to the production of uranyl nitrate performed at the MNSR, using yellowcake material produced at Homs. Syria further explained that the purified uranyl nitrate was then used along with imported depleted uranyl nitrate in irradiation experiments at the MNSR....

11. Information in publicly available scientific publications indicates the past use of nuclear material in experiments and the possible presence of additional unreported nuclear material in Syria. The experiments described in the publications are not included in the activities which Syria has declared as having occurred at the MNSR.

12. In a letter to Syria dated 20 August 2010, the Agency requested access to the Homs phosphoric acid purification plant and its associated buildings for the purpose of determining the extent of any uranium processing activities and nuclear material at the plant.

13. During a meeting in Vienna on 3 September 2010, the Agency provided Syria with additional information concerning the results of the samples taken during the March 2010 PIV, discussions were held regarding the above issues and agreement was reached on a plan of action for resolving the Agency's questions and for addressing the Agency's request for access to the plant at Homs.

14. The Agency remains engaged with Syria to clarify the origin of the anthropogenic natural uranium particles. Conclusions will only be possible once the Agency has exhausted its investigations on the material and activities at the MNSR site and related locations.

[Eds...].

**Extract from Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic**

[GOV/2010/63 23 November 2010]

[Editorial note: Footnotes not included]

**Report by the Director General [Eds...]**

**A. The Dair Alzour Site [Eds...]**

7. Syria has not engaged substantively with the Agency on the nature of the Dair Alzour site since the Agency's June 2008 visit and, since August 2009, has not responded to the issues noted in paragraph 5. The Agency continues to request Syria to provide access to the information, material, equipment and locations previously indicated by the Agency.

**B. Activities at Other Locations in Syria**

8. As previously reported, particles of anthropogenic uranium of a type not included in Syria's reported inventory were found at the Miniature Neutron Source Reactor (MNSR) in 2008 and in 2009. Syria's initial explanations in June 2009 that the particles had originated either from standard reference materials used in neutron activation analysis or from a shielded transport container were not supported by the results of sampling carried out by the Agency. During the November 2009 inspection, Syria explained that the

anthropogenic particles had originated from previously unreported activities performed at the MNSR related to the preparation of tens of grams of uranyl nitrate using yellowcake produced at Homs. At the March 2010 physical inventory verification (PIV), another small quantity of undeclared uranyl nitrate was found at the MNSR. Syria explained that the unreported activities had taken place in a different location in the MNSR than previously declared to the Agency. As reported earlier, Syria submitted inventory change reports in June 2010 for the newly declared material shown to the Agency during the PIV. However, inconsistencies between Syria's declarations and the Agency's findings remained unresolved.

9. During a meeting on 3 September 2010, agreement was reached with Syria on a plan of action for resolving these inconsistencies. The plan included actions relating to:

- the amount and types of nuclear material used in the preparation of uranyl nitrate, the irradiation activities at the MNSR and the processes used;
- scientific publications by the AECS that indicate uranium conversion experiments different from those declared by Syria to have occurred at the MNSR;
- information indicating the presence of nuclear material under the control of the Waste Management Department of the AECS but not part of Syria's declared inventory; and
- access to Homs for the purpose of determining the extent of any uranium processing activities and nuclear material at that location.

10. In a letter dated 9 September 2010, the Agency provided Syria with a detailed request for clarification concerning inconsistencies regarding the amounts and types of nuclear material involved in the preparation of the uranyl nitrate. In response, Syria sent two letters to the Agency dated 28 October 2010; these did not clarify the issues identified in the Agency's letter and the plan of action. In addition, the letters appear to have added further inconsistencies concerning the preparation of the uranyl nitrate and subsequent irradiation activities.

11. In a letter dated 13 September 2010, the Agency provided Syria with a list of the locations to be accessed and the activities to be performed during the visit to Homs. In its letter of 29 October 2010, the AECS responded that the pilot plant in Homs and the activities being carried out there are not subject to Syria's Safeguards Agreement with the Agency and that further aspects of the Agency's request for access needed to be discussed and clarified with the Agency before the AECS is able to request permission for the visit.

12. In a letter to the Agency, dated 28 October 2010, with respect to the nuclear material inventory under the control of the Waste Management Department of the AECS, Syria acknowledged the presence of some of the nuclear material previously identified by the Agency and conveyed that the material and related documents will be available for Agency verification in March/April 2011. In a letter dated 12 November 2010, the Agency reminded Syria to provide the necessary inventory change report concerning this nuclear material and reiterated its request that Syria provide information on other nuclear material identified by the Agency in earlier letters.

13. In two letters dated 12 November 2010 and during a meeting in Vienna on 15 November 2010, the Agency provided Syria with assessments of the information contained in Syria's October 2010 letters and explained why further clarifications were necessary. During that meeting, Syria reaffirmed its commitment to resolving the MNSR issues within the scope of its Safeguards Agreement, to respond to the Agency's questions concerning inconsistencies, and to discuss with the Agency its earlier requests for access to the pilot plant at Homs. The Agency also reiterated the importance of a prompt and positive reaction from Syria on these issues.

**C. Summary**

14. Syria has not cooperated with the Agency since June 2008 in connection with the unresolved issues related to the Dair Alzour site and the other three locations allegedly functionally related to it. As a consequence, the Agency has not been able to make progress towards resolving the outstanding issues related to those sites.

15. With the passage of time, some of the information concerning the Dair Alzour site is further deteriorating or has been lost entirely. It is critical, therefore, that Syria actively cooperate with the Agency on these unresolved safeguards implementation issues without further delay.

16. Concerning the MNSR, Syria's responses to date, under the agreed plan of action, do not resolve the inconsistencies identified by the Agency. Conclusions about the source of the uranium particles at the MNSR will only be possible once Syria has provided clarification regarding outstanding inconsistencies. [Eds...]

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### Introductory Statement to Board of Governors

[IAEA Director General Yukiya Amano 2 December 2010  
Vienna, Austria]

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In my report to the June Board on the Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic, I reported the Agency's conclusion that a building destroyed at the Dair Alzour site was very likely a nuclear reactor and should have been declared by Syria.

A delegation from the Agency's Department of Safeguards visited Damascus in October with the aim of advancing the Agency's verification mission in Syria. Unfortunately, no progress was made in meetings with the Syrian authorities on obtaining the full access which we have requested to other locations which the Agency believes are functionally related to the Dair Alzour site. I urge Syria to cooperate fully with the Agency in connection with unresolved issues related to the Dair Alzour site and other location

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### Extract from Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2011/8 25 February 2011]

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[Editorial note: Footnotes not included]

#### Report by the Director General

##### A. The Dair Alzour Site [Eds...]

7. As mentioned by the Director General in his 2 December 2010 statement to the Board of Governors, in a letter dated 18 November 2010, the Director General wrote to H.E. Walid Al-Moualem, Syria's Minister for Foreign Affairs, to request, inter alia, that Syria provide the Agency with prompt access to information and locations previously indicated by the Agency.

8. In a letter dated 6 February 2011 addressed to the Director General, Syria's Minister for Foreign Affairs stated that the Director General of the AECS would continue to work with the Agency to resolve all outstanding technical issues in accordance with Syria's commitments under the Agency's Statute, the Treaty on the Non-Proliferation of Nuclear Weapons and Syria's Safeguards Agreement.

9. Syria has not engaged substantively with the Agency on the nature of the Dair Alzour site since the Agency's June 2008 visit and, since August 2009, has not responded to... other issues...

##### B. Activities at Other Locations in Syria

[Eds...]As reported earlier, Syria submitted inventory change reports in June 2010 for the newly declared material shown to the Agency during the PIV. However, inconsistencies between Syria's declarations and the Agency's findings remain unresolved.

11. As previously reported, during a meeting on 3 September 2010, agreement was reached with Syria on a plan of action for resolving these inconsistencies which included, inter alia, actions related to the amounts and use of nuclear material at the MNSR, scientific publications concerning uranium conversion experiments different from those declared by Syria to have occurred at the MNSR, indications of nuclear material under the control of the Waste Management Department of the AECS, and the Agency's requests for access to Homs. Syria's initial response to the plan of action did not provide the necessary clarifications.

12. In a letter dated 9 February 2011, Syria informed the Agency that the Syrian "Authority approved [the] Homs visit, but detailed

arrangement[s] of activities and date, have to be agreed upon between both sides; taking into consideration that [the] Homs location is not under the Safeguards obligations of Syria". In the letter, Syria requested that the Agency propose a meeting where arrangements could be made for that visit.

13. In a letter dated 18 February 2011, the Agency welcomed Syria's approval of an Agency visit to Homs and indicated that it looked forward to unrestricted access to the requested locations at Homs and the opportunity to perform the necessary activities at those locations. In the letter, the Agency also proposed a meeting in Damascus on 27 February 2011 to make arrangements for that visit and to perform activities at the Homs locations on 27 and 28 February 2011. Syria responded to the Agency's proposal by indicating that it was prepared to discuss the arrangements for the visit to Homs during a meeting in Vienna on 28 February 2011.

14. Based on the information currently provided by Syria, the Agency cannot draw conclusions regarding the origin of the anthropogenic natural uranium particles found at the MNSR. Additionally, the location and scope of conversion experiments and the quantities of purified uranium and commercial depleted uranium involved in those experiments remain unclear to the Agency.

#### C. Summary

15. Syria has not cooperated with the Agency since June 2008 in connection with the unresolved issues related to the Dair Alzour site and the other three locations allegedly functionally related to it. As a consequence, the Agency has not been able to make progress towards resolving the outstanding issues related to those sites.

16. With the passage of time, some of the information concerning the Dair Alzour site is deteriorating or has been lost entirely. It is critical, therefore, that Syria actively cooperate with the Agency on these unresolved safeguards implementation issues without further delay.

17. Concerning the MNSR, Syria's responses to date under the agreed plan of action do not resolve the inconsistencies identified by the Agency. For the Agency to draw conclusions about the source of the uranium particles at the MNSR, it is essential that Syria provide further clarification regarding outstanding inconsistencies.

18. The Agency considers that the letter from Syria's Minister for Foreign Affairs stating that the AECS would continue to work with the Agency to resolve all outstanding technical issues, together with the recent communication by Syria that it has approved the Agency's proposed visit to Homs, could represent a step forward...

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### Extract from Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic – Report by the Director General

[GOV/2011/30 24 May 2011]

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[Editorial note – footnotes not included]

[Eds...]

#### A. The Dair Alzour Site

[Eds...]

6. Syria's statements — concerning the nature of the destroyed building, the Dair Alzour site, the three other locations allegedly functionally related to it, the procurement activities referred to above and the alleged foreign assistance — are limited in detail, are not supported by documentation and have not allowed the Agency to confirm Syria's assertions regarding the non-nuclear nature of the destroyed building. Since the Agency's visit to the Dair Alzour site in June 2008, the Agency has made repeated requests to Syria for:

- information concerning the Dair Alzour site, the infrastructure observed at the site and certain procurement efforts which Syria has stated were related to civilian non-nuclear activities;
- access to technical documentation and any other information related to the construction of the destroyed building;
- access to locations where the debris from the destroyed

building, the remains of munitions, the debris from equipment and any salvaged equipment had been and/or are now situated; and

- further access to the Dair Alzour site and access to three other locations allegedly functionally related to the Dair Alzour site.

7. Syria has maintained that, due to the military and non-nuclear nature of the Dair Alzour site and three other locations allegedly functionally related to the Dair Alzour site, it has no obligation to provide more information under its Safeguards Agreement with the Agency. The Agency has explained to Syria that there is no limitation in comprehensive safeguards agreements on Agency access to information, activities or locations simply because they may be military related. The Agency has repeatedly offered to establish the necessary modalities to enable Syria to substantiate its statements while protecting sensitive information related to its activities at the Dair Alzour site and the three other locations.

[Eds...]

9. In a letter dated 6 February 2011 addressed to the Director General, Syria's Minister for Foreign Affairs stated that the Director General of the AECS would continue to work with the Agency to resolve all outstanding technical issues in accordance with Syria's commitments under the Agency's Statute, the Treaty on the Non-Proliferation of Nuclear Weapons and Syria's Safeguards Agreement.

10. Notwithstanding the Minister's statement referred to above, Syria has not engaged substantively with the Agency on the nature of the Dair Alzour site since the Agency's June 2008 visit and, since August 2009, has not responded to the other issues referred to in paragraph 6 above.

## B. Assessment of the Dair Alzour Site

11. As further described below, the Agency has assessed that:

- features of the destroyed building are comparable to those of gas cooled graphite moderated reactors of the type and size alleged;
- prior to the bombing, the configuration of the infrastructure at the site, including its connections for cooling and treated water, was able to support the operation of such a reactor and was not consistent with Syria's claims regarding the purpose of the infrastructure; in addition, a number of other features of the site add to its suitability for the construction and operation of a nuclear reactor;
- analysis of samples from the site indicates a connection to nuclear related activities; and
- the features of the destroyed building and the site could not have served the purpose claimed by Syria.

### B.1. Features of the Destroyed Building

12. The Agency has assessed that the dimensions, shape and configuration of the destroyed building are comparable to those found in reactors of the alleged type.

13. Based on commercial imagery from 2001 to 2007, the dimensions of the building are comparable to those for nuclear reactors of the type and power alleged, i.e. similar to the 25 MW(th) gas cooled graphite moderated reactor at Yongbyon in the DPRK. The Agency's analysis of a photograph of the bombed building that was provided to the Agency by a Member State corroborates the allegation that Syria attempted to conceal the features of the building's configuration by the addition of wall and roof sections.

14. Analysis of imagery provided by two Member States, taken shortly after the building was destroyed, indicates that internal features of the building correspond to a large central hall, a cylindrical biological shield, a containment structure, heat exchanger shielding structures and a spent fuel pond; all of which would be required for a reactor. The Agency procured a radar image of the building taken shortly after its destruction. Within the limits of the resolution, the image is consistent with those provided to the Agency by the two Member States.

15. The imagery of the destroyed building showed that the feature interpreted as being a containment structure had similar dimensions, shape and layout to other known reactors of the type alleged, and the overall size of the building was sufficient to house

the equipment needed for such a nuclear reactor. Photographs of a reactor vessel at the Dair Alzour site released by a Member State simultaneously with the publication of the allegations are not inconsistent with the Agency's assessment of the dimensions of the containment structure. Based on all the information available to the Agency, including the Agency's analysis of these photographs, it is estimated that the reactor core had 843 fuel channels and 79 access ports, and, depending on the heat transfer characteristics of the fuel, the reactor may have had a thermal power of 25 MW or higher.

16. During the June 2008 Agency visit, Syria stated that some equipment which remained functional after the bombing had been removed from the destroyed building. Satellite imagery provided by a Member State confirms Syria's efforts to recover equipment and material from the destroyed building prior to its complete demolition and burial. The efforts included the covering of areas of the destroyed building which may have served to conceal features of the facility during the process. A significant fraction of material and equipment had been removed from the site before the remainder was demolished and buried in the seven weeks following the bombing.

### B.2. Site Infrastructure and Site Suitability

17. Based on satellite imagery and the Agency's observations made during the June 2008 visit, the Agency has assessed that the configuration and capacity of the infrastructure at the site prior to the destruction of the building were consistent with the cooling requirements of a 25 MW(th) nuclear reactor. Syria claims that the pumps at the river pump house (RPH) and the Dair Alzour site pump house (SPH) comprised a staged pumping system to supply river water to the civilian water treatment facility (WTF) located approximately 5 km to the east of the Dair Alzour site. Syria's claims in this respect are not supported by the Agency's assessment (see Figure 1 below). Factors considered in the Agency's assessment include:

- Before the destruction of the building, the river water pumping system had the necessary pipes to supply the building with river water. A pipe ran from the building to a point downstream from the RPH. This configuration was consistent with the supply of cooling water to a reactor and the return of water to the river;
- The observed pumping capacity was adequate for cooling 25 MW of thermal power. Additionally, the stated function of the destroyed building (i.e. missile related) would not require connection to the observed river water pumping capacity;
- Before the destruction of the building, the river water pumping system's output was not connected to the WTF; and
- After the destruction of the building, Syria reconfigured the pumping infrastructure to remove sections of the return pipe and to install a new large diameter water pipe connection from the SPH to the WTF.

[Editorial note – Figure 1 not included]

18. In contrast to Syria's statements concerning insufficient electricity supplies in the area, the site infrastructure included buried high voltage power distribution and transformer equipment. At the time of the Agency's June 2008 visit, the Agency observed electrical infrastructure and the operation of all the river water pumps at the RPH and SPH. The combined electrical load of the pumps represents a significant fraction of the total electrical power requirement for operation of a reactor of the alleged type. Therefore, the Agency has assessed that the electrical infrastructure at the site was possibly sufficient to meet the needs of such a nuclear reactor.

19. Based on the available information, including 1994 AECS seismology data centred on the Dair Alzour site and 2002 geology data concerning the Dair Alzour region, the site has a number of other features which add to its suitability for the construction and operation of a nuclear reactor. These features of the site include a relatively stable geological platform on which to construct a heavy building, low population density in the area, close proximity to a river for the supply of cooling water, and the availability of services, including treated water and electricity. Such features are normally considered in the site selection process for a nuclear reactor.

### B.3. Sampling

20. Assessments of samples taken from the Dair Alzour site indicate a connection to nuclear related activities and the presence of materials that could possibly be used in the construction of gas cooled reactors.

21. The presence of a significant number of particles of anthropogenic natural uranium at the Dair Alzour site indicates a connection to nuclear related activities at the site and increases concerns about possible undeclared nuclear material at the site. The Agency has not been able to determine the origin of the particles. Notwithstanding the lack of response to the Agency's requests for additional information concerning the origin of the particles, the Agency's assessment of Syria's explanation for the presence of the particles is that, based on their morphology and distribution, there is a low probability that they could have originated from the munitions used to destroy the building or by aerial dispersion as suggested by Syria.

22. The Agency has examined the samples retrieved from the Dair Alzour site during the June 2008 visit for indications of the presence of construction materials associated with a gas cooled graphite moderated reactor. The results showed the presence of graphite and stainless steel. The graphite particles were too small to permit an analysis of the purity compared to that normally required for use in a reactor. The types of stainless steel detected at the site were compatible with nuclear use, but not exclusively so.

### B.4. Stated Function of the Dair Alzour Site

23. The Agency's assessment of the features observed at the Dair Alzour site prior to the building's bombing and immediately thereafter is that it is unlikely that the purpose of the site was missile assembly, storage or launching. Factors considered in the Agency's assessment included the building's configuration, the construction materials, suitability of openings and hatches for missile handling or launching, the assessment of the water infrastructure described in paragraph 17 above, Syria's declaration of the civilian nature of the water infrastructure on the site and normal missile handling practices.

### B.5. Assessment Summary

24. The circumstances relating to the Dair Alzour site are unique, in that the building on the site has been destroyed, the debris from the site has been cleared, several years have now passed, and Syria has not provided the necessary cooperation required by the Agency, as detailed in this report and previous reports. Notwithstanding the loss of substantial information, after considering the initial allegations and Syria's responses thereto, and considering all information available to the Agency, the Agency concludes that the destroyed building was very likely a nuclear reactor and should have been declared by Syria pursuant to Articles 42 and 43 of its Safeguards Agreement and Code 3.1 of the General Part of the Subsidiary Arrangements thereto.

### C. Other Activities and Locations Possibly Related to the Dair Alzour Site

25. The Agency does not have sufficient information to provide any assessment concerning the function or operational status of the three other locations that are alleged to be functionally related to the Dair Alzour site.

26. Large quantities of barite were purchased by the AECS between 2002 and 2006. Syria has stated that the material was to be used for shielded radiation therapy rooms at hospitals, without providing any supporting information. However, the end use of the barite as stated in the actual shipping documentation indicates that the material was intended for acid filtration. Additionally, the delivery of the barite was stopped at the request of the AECS after the destruction of the building at the Dair Alzour site and the remaining quantity was left undelivered. Given that barite is frequently used to improve radiation shielding properties of concrete, and the inconsistency concerning the end use of the barite and the involvement of the AECS in its procurement, the Agency cannot exclude the possibility that barite may have been intended for use in the construction of shielded spaces for purposes linked to nuclear fuel cycle related facilities.

### D. Activities at Other Locations in Syria

[Eds...]

28. As previously reported, during a meeting on 3 September 2010 ...agreement was reached with Syria on a plan of action which included, inter alia, actions related to the amounts and use of nuclear material at the MNSR, scientific publications concerning uranium conversion experiments different from those declared by Syria to have occurred at the MNSR, indications of nuclear material under the control of the Waste Management Department of the AECS, and the Agency's requests for access to Homs. Syria's initial response to the plan of action did not provide the necessary clarifications.

29. On 8 March 2011, the arrangements for a visit to Homs by the Agency on 1 April 2011 were finalized. The Agency visited the Phosphoric Acid Pilot Plant and associated locations on that date and performed all of its planned sampling and other activities. The Agency took environmental samples from specified locations and destructive analysis samples from specific batches of the yellowcake by-product of the phosphoric acid purification. The AECS provided some documentation requested by the Agency and made arrangements for relevant research staff to be present for the discussion of the uranium conversion experiments indicated in paragraph 28 above.

30. Analytical results from the samples taken during the visit to Homs are not inconsistent with Syria's statements concerning the origin of the uranyl nitrate prepared during experiments at the MNSR and the origin of the anthropogenic natural uranium particles found at the MNSR.

31. On 19 April 2011, the Agency carried out a PIV at the MNSR where routine verification activities were performed, including the verification of previously undeclared waste material.

32. Based on the information provided by Syria, and the results of the Agency's verification activities, the Agency has concluded that Syria's statements concerning the origin of the anthropogenic uranium particles found at the MNSR are not inconsistent with the Agency's findings. Therefore, the matter will be addressed in the routine implementation of safeguards.

### E. Conclusion

33. The Agency regrets that Syria has not cooperated since June 2008 in connection with the unresolved issues related to the Dair Alzour site and the three other locations allegedly functionally related to it. Based on all the information available to the Agency and its technical evaluation of that information, the Agency assesses that it is very likely that the building destroyed at the Dair Alzour site was a nuclear reactor which should have been declared to the Agency. Concerning the three other locations, the Agency is unable to provide any assessment concerning their nature or operational status.

[Eds...]

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**Extract from Implementation of the NPT  
safeguards agreement in the Syrian Arab  
Republic – Resolution adopted by the Board of  
Governors on 9 June 2011**

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[GOV/2011/41]

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The Board of Governors,

[Eds...]

1.  Finds, based on the report of the Director General, that Syria's undeclared construction of a nuclear reactor at Dair Alzour and failure to provide design information for the facility in accordance with Code 3.1 of Syria's Subsidiary Arrangements are a breach of Articles 41 and 42 of Syria's NPT Safeguards Agreement, and constitute non-compliance with its obligations under its Safeguards Agreement with the Agency in the context of Article XII.C of the Agency's Statute;

2.  Calls upon Syria to remedy urgently its non-compliance with its Safeguards Agreement and fulfill its May 26 pledge to the Director General by responding positively and without delay to the Director General's requests for updated reporting from Syria under its Safeguards Agreement and access to all information, sites, material and persons necessary for the Agency to verify such reporting and resolve all outstanding questions so that the Agency can provide the necessary assurances as to the exclusively

peaceful nature of Syria's nuclear program pursuant to Syria's Safeguards Agreement;

3. Decides to report, as provided for in Article XII.C of the Statute, through the Director General, Syria's non-compliance with its Safeguards Agreement to all Members of the Agency and to the Security Council and General Assembly of the United Nations, to provide to the Security Council all reports prepared by the Director General related to the issue, and to make the text of this resolution as well as all previous reports on this issue available to the public;

4. Calls upon Syria to sign and promptly bring into force and implement in full the Additional Protocol and, pending that, to act in

accordance with the Additional Protocol so that the Director General can provide the necessary assurances regarding both the correctness and completeness of Syria's declarations pursuant to its safeguards agreement;

5. Requests the Director General to continue his efforts to implement fully the Agency's safeguards agreement with Syria and to report any significant developments to the Board and to the Security Council of the United Nations, as appropriate; and

6. Decides to remain seized of the matter.





## Q – Documents Related to India

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.kcl.ac.uk/csss>

### Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy (123 Agreement)

[Released 8 August 2007]

[Eds...]

#### ARTICLE 1 - DEFINITIONS

For the purposes of this Agreement:

- (A) "By-product material" means any radioactive material (except special fissionable material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special fissionable material. By-product material shall not be subject to safeguards or any other form of verification under this Agreement, unless it has been decided otherwise by prior mutual agreement in writing between the two Parties.
- (B) "Component" means a component part of equipment, or other item so designated by agreement of the Parties.
- (C) "Conversion" means any of the normal operations in the nuclear fuel cycle, preceding fuel fabrication and excluding enrichment, by which uranium is transformed from one chemical form to another - for example, from uranium hexafluoride (UF<sub>6</sub>) to uranium dioxide (UO<sub>2</sub>) or from uranium oxide to metal.
- (D) "Decommissioning" means the actions taken at the end of a facility's useful life to retire the facility from service in the manner that provides adequate protection for the health and safety of the decommissioning workers and the general public, and for the environment. These actions can range from closing down the facility and a minimal removal of nuclear material coupled with continuing maintenance and surveillance, to a complete removal of residual radioactivity in excess of levels acceptable for unrestricted use of the facility and its site.
- (E) "Dual-Use Item" means a nuclear related item which has a technical use in both nuclear and non-nuclear applications.
- (F) "Equipment" means any equipment in nuclear operation including reactor, reactor pressure vessel, reactor fuel charging and discharging equipment, reactor control rods, reactor pressure tubes, reactor primary coolant pumps, zirconium tubing, equipment for fuel fabrication and any other item so designated by the Parties.
- (G) "High enriched uranium" means uranium enriched to twenty percent or greater in the isotope 235.
- (H) "Information" means any information that is not in the public domain and is transferred in any form pursuant to this Agreement and so designated and documented in hard copy or digital form by mutual agreement by the Parties that it shall be subject to this Agreement, but will cease to be information whenever the Party transferring the information or any third party legitimately releases it into the public domain.
- (I) "Low enriched uranium" means uranium enriched to less than twenty percent in the isotope 235.
- (J) "Major critical component" means any part or group of parts essential to the operation of a sensitive nuclear facility or heavy water production facility.
- (K) "Non-nuclear material" means heavy water, or any other material suitable for use in a reactor to slow down high velocity neutrons and increase the likelihood of further fission, as may be jointly designated by the appropriate authorities of the Parties.
- (L) "Nuclear material" means (1) source material and (2) special fissionable material. "Source material" means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors of the IAEA shall from time to time determine; and such other materials as the Board of Governors of the IAEA may determine or as may be agreed by the appropriate authorities of both Parties. "Special fissionable material" means plutonium, uranium-233, uranium enriched in the isotope 233 or 235, any substance containing one or more of the foregoing, and such other substances as the Board of Governors of the IAEA may determine or as may be agreed by the appropriate authorities of

both Parties. "Special fissionable material" does not include "source material". Any determination by the Board of Governors of the IAEA under Article XX of that Agency's Statute or otherwise that amends the list of materials considered to be "source material" or "special fissionable material" shall only have effect under this Agreement when both Parties to this Agreement have informed each other in writing that they accept such amendment.

(M) "Peaceful purposes" include the use of information, nuclear material, equipment or components in such fields as research, power generation, medicine, agriculture and industry, but do not include use in, research on, or development of any nuclear explosive device or any other military purpose. Provision of power for a military base drawn from any power network, production of radioisotopes to be used for medical purposes in military environment for diagnostics, therapy and sterility assurance, and other similar purposes as may be mutually agreed by the Parties shall not be regarded as military purpose.

(N) "Person" means any individual or any entity subject to the territorial jurisdiction of either Party but does not include the Parties.

(O) "Reactor" means any apparatus, other than a nuclear weapon or other nuclear explosive device, in which a self-sustaining fission chain reaction is maintained by utilizing uranium, plutonium, or thorium or any combination thereof.

(P) "Sensitive nuclear facility" means any facility designed or used primarily for uranium enrichment, reprocessing of nuclear fuel, or fabrication of nuclear fuel containing plutonium.

(Q) "Sensitive nuclear technology" means any information that is not in the public domain and that is important to the design, construction, fabrication, operation, or maintenance of any sensitive nuclear facility, or other such information that may be so designated by agreement of the Parties.

#### ARTICLE 2 - SCOPE OF COOPERATION

1. The Parties shall cooperate in the use of nuclear energy for peaceful purposes in accordance with the provisions of this Agreement. Each Party shall implement this Agreement in accordance with its respective applicable treaties, national laws, regulations, and license requirements concerning the use of nuclear energy for peaceful purposes.

2. The purpose of the Agreement being to enable full civil nuclear energy cooperation between the Parties, the Parties may pursue cooperation in all relevant areas to include, but not limited to, the following:

- Advanced nuclear energy research and development in such areas as may be agreed between the Parties;
- Nuclear safety matters of mutual interest and competence, as set out in Article 3;
- Facilitation of exchange of scientists for visits, meetings, symposia and collaborative research;
- Full civil nuclear cooperation activities covering nuclear reactors and aspects of the associated nuclear fuel cycle including technology transfer on an industrial or commercial scale between the Parties or authorized persons;
- Development of a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors;
- Advanced research and development in nuclear sciences including but not limited to biological research, medicine, agriculture and industry, environment and climate change;
- Supply between the Parties, whether for use by or for the benefit of the Parties or third countries, of nuclear material;
- Alteration in form or content of nuclear material as provided for in Article 6;
- Supply between the Parties of equipment, whether for use by or for the benefit of the Parties or third countries;
- Controlled thermonuclear fusion including in multilateral projects; and
- Other areas of mutual interest as may be agreed by the Parties.

3. Transfer of nuclear material, non-nuclear material, equipment, components and information under this Agreement may be undertaken directly between the Parties or through authorized persons. Such transfers shall be subject to this Agreement and to

such additional terms and conditions as may be agreed by the Parties. Nuclear material, non-nuclear material, equipment, components and information transferred from the territory of one Party to the territory of the other Party, whether directly or through a third country, will be regarded as having been transferred pursuant to this Agreement only upon confirmation, by the appropriate authority of the recipient Party to the appropriate authority of the supplier Party that such items both will be subject to the Agreement and have been received by the recipient Party.

4. The Parties affirm that the purpose of this Agreement is to provide for peaceful nuclear cooperation and not to affect the unsafeguarded nuclear activities of either Party. Accordingly, nothing in this Agreement shall be interpreted as affecting the rights of the Parties to use for their own purposes nuclear material, non-nuclear material, equipment, components, information or technology produced, acquired or developed by them independent of any nuclear material, non-nuclear material, equipment, components, information or technology transferred to them pursuant to this Agreement. This Agreement shall be implemented in a manner so as not to hinder or otherwise interfere with any other activities involving the use of nuclear material, non-nuclear material, equipment, components, information or technology and military nuclear facilities produced, acquired or developed by them independent of this Agreement for their own purposes.

#### ARTICLE 3 - TRANSFER OF INFORMATION

1. Information concerning the use of nuclear energy for peaceful purposes may be transferred between the Parties. Transfers of information may be accomplished through reports, data banks and computer programs and any other means mutually agreed to by the Parties. Fields that may be covered include, but shall not be limited to, the following:

- a. Research, development, design, construction, operation, maintenance and use of reactors, reactor experiments, and decommissioning;
- b. The use of nuclear material in physical, chemical, radiological and biological research, medicine, agriculture and industry;
- c. Fuel cycle activities to meet future world-wide civil nuclear energy needs, including multilateral approaches to which they are parties for ensuring nuclear fuel supply and appropriate techniques for management of nuclear wastes;
- d. Advanced research and development in nuclear science and technology;
- e. Health, safety, and environmental considerations related to the foregoing;
- f. Assessments of the role nuclear power may play in national energy plans;
- g. Codes, regulations and standards for the nuclear industry;
- h. Research on controlled thermonuclear fusion including bilateral activities and contributions toward multilateral projects such as the International Thermonuclear Experimental Reactor (ITER); and
- i. Any other field mutually agreed to by the Parties.

2. Cooperation pursuant to this Article may include, but is not limited to, training, exchange of personnel, meetings, exchange of samples, materials and instruments for experimental purposes and a balanced participation in joint studies and projects.

3. This Agreement does not require the transfer of any information regarding matters outside the scope of this Agreement, or information that the Parties are not permitted under their respective treaties, national laws, or regulations to transfer.

4. Restricted Data, as defined by each Party, shall not be transferred under this Agreement.

#### ARTICLE 4 - NUCLEAR TRADE

1. The Parties shall facilitate nuclear trade between themselves in the mutual interests of their respective industry, utilities and consumers and also, where appropriate, trade between third countries and either Party of items obligated to the other Party. The Parties recognize that reliability of supplies is essential to ensure smooth and uninterrupted operation of nuclear facilities and that industry in both the Parties needs continuing reassurance that deliveries can be made on time in order to plan for the efficient operation of nuclear installations.

2. Authorizations, including export and import licenses as well as authorizations or consents to third parties, relating to trade, industrial operations or nuclear material movement should be consistent with the sound and efficient administration of this Agreement and should not be used to restrict trade. It is further agreed that if the relevant authority of the concerned Party considers that an application cannot be processed within a twomonth period it shall immediately, upon request, provide reasoned information to the submitting Party. In the event of a refusal to authorize an application or a delay exceeding four months from the date of the first application the Party of the submitting persons or undertakings may call for urgent consultations under Article 13 of this Agreement, which shall take place at the earliest opportunity and in any case not later than 30 days after such a request.

#### ARTICLE 5 - TRANSFER OF NUCLEAR MATERIAL, NON-NUCLEAR MATERIAL, EQUIPMENT, COMPONENTS AND RELATED TECHNOLOGY

1. Nuclear material, non-nuclear material, equipment and components may be transferred for applications consistent with this Agreement. Any special fissionable material transferred under this Agreement shall be low enriched uranium, except as provided in paragraph 5.

2. Sensitive nuclear technology, heavy water production technology, sensitive nuclear facilities, heavy water production facilities and major critical components of such facilities may be transferred under this Agreement pursuant to an amendment to this Agreement. Transfers of dual-use items that could be used in enrichment, reprocessing or heavy water production facilities will be subject to the Parties' respective applicable laws, regulations and license policies.

3. Natural or low enriched uranium may be transferred for use as fuel in reactor experiments and in reactors, for conversion or fabrication, or for such other purposes as may be agreed to by the Parties.

4. The quantity of nuclear material transferred under this Agreement shall be consistent with any of the following purposes: use in reactor experiments or the loading of reactors, the efficient and continuous conduct of such reactor experiments or operation of reactors for their lifetime, use as samples, standards, detectors, and targets, and the accomplishment of other purposes as may be agreed by the Parties.

5. Small quantities of special fissionable material may be transferred for use as samples, standards, detectors, and targets, and for such other purposes as the Parties may agree.

6.

(a) The United States has conveyed its commitment to the reliable supply of fuel to India. Consistent with the July 18, 2005, Joint Statement, the United States has also reaffirmed its assurance to create the necessary conditions for India to have assured and full access to fuel for its reactors. As part of its implementation of the July 18, 2005, Joint Statement the United States is committed to seeking agreement from the U.S. Congress to amend its domestic laws and to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable, uninterrupted and continual access to fuel supplies from firms in several nations.

(b) To further guard against any disruption of fuel supplies, the United States is prepared to take the following additional steps:

- i) The United States is willing to incorporate assurances regarding fuel supply in the bilateral U.S.-India agreement on peaceful uses of nuclear energy under Section 123 of the U.S. Atomic Energy Act, which would be submitted to the U.S. Congress.
- ii) The United States will join India in seeking to negotiate with the IAEA an India-specific fuel supply agreement.
- iii) The United States will support an Indian effort to develop a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors.
- iv) If despite these arrangements, a disruption of fuel supplies to India occurs, the United States and India would jointly convene a group of friendly supplier countries to include

countries such as Russia, France and the United Kingdom to pursue such measures as would restore fuel supply to India.

(c) In light of the above understandings with the United States, an India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards to guard against withdrawal of safeguarded nuclear material from civilian use at any time as well as providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies. Taking this into account, India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.

#### ARTICLE 6 - NUCLEAR FUEL CYCLE ACTIVITIES

In keeping with their commitment to full civil nuclear cooperation, both Parties, as they do with other states with advanced nuclear technology, may carry out the following nuclear fuel cycle activities:

- i) Within the territorial jurisdiction of either Party, enrichment up to twenty percent in the isotope 235 of uranium transferred pursuant to this Agreement, as well as of uranium used in or produced through the use of equipment so transferred, may be carried out.
- ii) Irradiation within the territorial jurisdiction of either Party of plutonium, uranium-233, high enriched uranium and irradiated nuclear material transferred pursuant to this Agreement or used in or produced through the use of non-nuclear material, nuclear material or equipment so transferred may be carried out.
- iii) With a view to implementing full civil nuclear cooperation as envisioned in the Joint Statement of the Parties of July 18, 2005, the Parties grant each other consent to reprocess or otherwise alter in form or content nuclear material transferred pursuant to this Agreement and nuclear material and by-product material used in or produced through the use of nuclear material, non-nuclear material, or equipment so transferred. To bring these rights into effect, India will establish a new national reprocessing facility dedicated to reprocessing safeguarded nuclear material under IAEA safeguards and the Parties will agree on arrangements and procedures under which such reprocessing or other alteration in form or content will take place in this new facility. Consultations on arrangements and procedures will begin within six months of a request by either Party and will be concluded within one year. The Parties agree on the application of IAEA safeguards to all facilities concerned with the above activities. These arrangements and procedures shall include provisions with respect to physical protection standards set out in Article 8, storage standards set out in Article 7, and environmental protections set forth in Article 11 of this Agreement, and such other provisions as may be agreed by the Parties. Any special fissionable material that may be separated may only be utilized in national facilities under IAEA safeguards.
- iv) Post-irradiation examination involving chemical dissolution or separation of irradiated nuclear material transferred pursuant to this Agreement or irradiated nuclear material used in or produced through the use of non-nuclear material, nuclear material or equipment so transferred may be carried out.

#### ARTICLE 7 - STORAGE AND RETRANSFERS

1. Plutonium and uranium 233 (except as either may be contained in irradiated fuel elements), and high enriched uranium, transferred pursuant to this Agreement or used in or produced through the use of material or equipment so transferred, may be stored in facilities that are at all times subject, as a minimum, to the levels of physical protection that are set out in IAEA document INFCIRC 225/REV 4 as it may be revised and accepted by the Parties. Each Party shall record such facilities on a list, made available to the other Party. A Party's list shall be held confidential if that Party so requests. Either Party may make changes to its list by notifying the other Party in writing and receiving a written acknowledgement. Such acknowledgement shall be given no later than thirty days after the receipt of the notification and shall be limited to a statement that the notification has been received. If there are grounds to believe that the provisions of this sub-Article are not being fully complied with, immediate consultations may be called for. Following upon such consultations, each Party shall ensure by means of such consultations that necessary remedial measures are taken immediately. Such measures shall be

sufficient to restore the levels of physical protection referred to above at the facility in question. However, if the Party on whose territory the nuclear material in question is stored determines that such measures are not feasible, it will shift the nuclear material to another appropriate, listed facility it identifies.

2. Nuclear material, non-nuclear material, equipment, components, and information transferred pursuant to this Agreement and any special fissionable material produced through the use of nuclear material, non-nuclear material or equipment so transferred shall not be transferred or re-transferred to unauthorized persons or, unless the Parties agree, beyond the recipient Party's territorial jurisdiction.

#### ARTICLE 8 - PHYSICAL PROTECTION

1. Adequate physical protection shall be maintained with respect to nuclear material and equipment transferred pursuant to this Agreement and nuclear material used in or produced through the use of nuclear material, non-nuclear material or equipment so transferred.
2. To fulfill the requirement in paragraph 1, each Party shall apply measures in accordance with (i) levels of physical protection at least equivalent to the recommendations published in IAEA document INFCIRC/225/Rev.4 entitled "The Physical Protection of Nuclear Material and Nuclear Facilities," and in any subsequent revisions of that document agreed to by the Parties, and (ii) the provisions of the 1980 Convention on the Physical Protection of Nuclear Material and any amendments to the Convention that enter into force for both Parties.
3. The Parties will keep each other informed through diplomatic channels of those agencies or authorities having responsibility for ensuring that levels of physical protection for nuclear material in their territory or under their jurisdiction or control are adequately met and having responsibility for coordinating response and recovery operations in the event of unauthorized use or handling of material subject to this Article. The Parties will also keep each other informed through diplomatic channels of the designated points of contact within their national authorities to cooperate on matters of out-of-country transportation and other matters of mutual concern.
4. The provisions of this Article shall be implemented in such a manner as to avoid undue interference in the Parties' peaceful nuclear activities and so as to be consistent with prudent management practices required for the safe and economic conduct of their peaceful nuclear programs.

#### ARTICLE 9 - PEACEFUL USE

Nuclear material, equipment and components transferred pursuant to this Agreement and nuclear material and by-product material used in or produced through the use of any nuclear material, equipment, and components so transferred shall not be used by the recipient Party for any nuclear explosive device, for research on or development of any nuclear explosive device or for any military purpose.

#### ARTICLE 10 - IAEA SAFEGUARDS

1. Safeguards will be maintained with respect to all nuclear materials and equipment transferred pursuant to this Agreement, and with respect to all special fissionable material used in or produced through the use of such nuclear materials and equipment, so long as the material or equipment remains under the jurisdiction or control of the cooperating Party.
2. Taking into account Article 5.6 of this Agreement, India agrees that nuclear material and equipment transferred to India by the United States of America pursuant to this Agreement and any nuclear material used in or produced through the use of nuclear material, non-nuclear material, equipment or components so transferred shall be subject to safeguards in perpetuity in accordance with the India-specific Safeguards Agreement between India and the IAEA [*identifying data*] and an Additional Protocol, when in force.
3. Nuclear material and equipment transferred to the United States of America pursuant to this Agreement and any nuclear material used in or produced through the use of any nuclear material, non-nuclear material, equipment, or components so transferred shall be subject to the Agreement between the United States of America and the IAEA for the application of safeguards in

the United States of America, done at Vienna November 18, 1977, which entered into force on December 9, 1980, and an Additional Protocol, when in force.

4. If the IAEA decides that the application of IAEA safeguards is no longer possible, the supplier and recipient should consult and agree on appropriate verification measures.

5. Each Party shall take such measures as are necessary to maintain and facilitate the application of IAEA safeguards in its respective territory provided for under this Article.

6. Each Party shall establish and maintain a system of accounting for and control of nuclear material transferred pursuant to this Agreement and nuclear material used in or produced through the use of any material, equipment, or components so transferred. The procedures applicable to India shall be those set forth in the India-specific Safeguards Agreement referred to in Paragraph 2 of this Article.

7. Upon the request of either Party, the other Party shall report or permit the IAEA to report to the requesting Party on the status of all inventories of material subject to this Agreement.

8. The provisions of this Article shall be implemented in such a manner as to avoid hampering, delay, or undue interference in the Parties' peaceful nuclear activities and so as to be consistent with prudent management practices required for the safe and economic conduct of their peaceful nuclear programs.

#### ARTICLE 11 - ENVIRONMENTAL PROTECTION

The Parties shall cooperate in following the best practices for minimizing the impact on the environment from any radioactive, chemical or thermal contamination arising from peaceful nuclear activities under this Agreement and in related matters of health and safety.

#### ARTICLE 12 - IMPLEMENTATION OF THE AGREEMENT

1. This Agreement shall be implemented in a manner designed:

- to avoid hampering or delaying the nuclear activities in the territory of either Party;
- to avoid interference in such activities;
- to be consistent with prudent management practices required for the safe conduct of such activities; and
- to take full account of the long term requirements of the nuclear energy programs of the Parties.

2. The provisions of this Agreement shall not be used to:

- secure unfair commercial or industrial advantages or to restrict trade to the disadvantage of persons and undertakings of either Party or hamper their commercial or industrial interests, whether international or domestic;
- interfere with the nuclear policy or programs for the promotion of the peaceful uses of nuclear energy including research and development; or
- impede the free movement of nuclear material, non nuclear material and equipment supplied under this Agreement within the territory of the Parties.

3. When execution of an agreement or contract pursuant to this Agreement between Indian and United States organizations requires exchanges of experts, the Parties shall facilitate entry of the experts to their territories and their stay therein consistent with national laws, regulations and practices. When other cooperation pursuant to this Agreement requires visits of experts, the Parties shall facilitate entry of the experts to their territory and their stay therein consistent with national laws, regulations and practices.

#### ARTICLE 13 - CONSULTATIONS

1. The Parties undertake to consult at the request of either Party regarding the implementation of this Agreement and the development of further cooperation in the field of peaceful uses of nuclear energy on a stable, reliable and predictable basis. The Parties recognize that such consultations are between two States with advanced nuclear technology, which have agreed to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology.

2. Each Party shall endeavor to avoid taking any action that adversely affects cooperation envisaged under Article 2 of this

Agreement. If either Party at any time following the entry into force of this Agreement does not comply with the provisions of this Agreement, the Parties shall promptly hold consultations with a view to resolving the matter in a way that protects the legitimate interests of both Parties, it being understood that rights of either Party under Article 16.2 remain unaffected.

3. Consultations under this Article may be carried out by a Joint Committee specifically established for this purpose. A Joint Technical Working Group reporting to the Joint Committee will be set up to ensure the fulfillment of the requirements of the Administrative Arrangements referred to in Article 17.

#### ARTICLE 14 - TERMINATION AND CESSATION OF COOPERATION

1. Either Party shall have the right to terminate this Agreement prior to its expiration on one year's written notice to the other Party. A Party giving notice of termination shall provide the reasons for seeking such termination. The Agreement shall terminate one year from the date of the written notice, unless the notice has been withdrawn by the providing Party in writing prior to the date of termination.

2. Before this Agreement is terminated pursuant to paragraph 1 of this Article, the Parties shall consider the relevant circumstances and promptly hold consultations, as provided in Article 13, to address the reasons cited by the Party seeking termination. The Party seeking termination has the right to cease further cooperation under this Agreement if it determines that a mutually acceptable resolution of outstanding issues has not been possible or cannot be achieved through consultations. The Parties agree to consider carefully the circumstances that may lead to termination or cessation of cooperation. They further agree to take into account whether the circumstances that may lead to termination or cessation resulted from a Party's serious concern about a changed security environment or as a response to similar actions by other States which could impact national security.

3. If a Party seeking termination cites a violation of this Agreement as the reason for notice for seeking termination, the Parties shall consider whether the action was caused inadvertently or otherwise and whether the violation could be considered as material. No violation may be considered as being material unless corresponding to the definition of material violation or breach in the Vienna Convention on the Law of Treaties. If a Party seeking termination cites a violation of an IAEA safeguards agreement as the reason for notice for seeking termination, a crucial factor will be whether the IAEA Board of Governors has made a finding of non-compliance.

4. Following the cessation of cooperation under this Agreement, either Party shall have the right to require the return by the other Party of any nuclear material, equipment, non-nuclear material or components transferred under this Agreement and any special fissionable material produced through their use. A notice by a Party that is invoking the right of return shall be delivered to the other Party on or before the date of termination of this Agreement. The notice shall contain a statement of the items subject to this Agreement as to which the Party is requesting return. Except as provided in provisions of Article 16.3, all other legal obligations pertaining to this Agreement shall cease to apply with respect to the nuclear items remaining on the territory of the Party concerned upon termination of this Agreement.

5. The two Parties recognize that exercising the right of return would have profound implications for their relations. If either Party seeks to exercise its right pursuant to paragraph 4 of this Article, it shall, prior to the removal from the territory or from the control of the other Party of any nuclear items mentioned in paragraph 4, undertake consultations with the other Party. Such consultations shall give special consideration to the importance of uninterrupted operation of nuclear reactors of the Party concerned with respect to the availability of nuclear energy for peaceful purposes as a means of achieving energy security. Both Parties shall take into account the potential negative consequences of such termination on the on-going contracts and projects initiated under this Agreement of significance for the respective nuclear programmes of either Party.

6. If either Party exercises its right of return pursuant to paragraph 4 of this Article, it shall, prior to the removal from the territory or from the control of the other Party, compensate promptly

that Party for the fair market value thereof and for the costs incurred as a consequence of such removal. If the return of nuclear items is required, the Parties shall agree on methods and arrangements for the return of the items, the relevant quantity of the items to be returned, and the amount of compensation that would have to be paid by the Party exercising the right to the other Party.

7. Prior to return of nuclear items, the Parties shall satisfy themselves that full safety, radiological and physical protection measures have been ensured in accordance with their existing national regulations and that the transfers pose no unreasonable risk to either Party, countries through which the nuclear items may transit and to the global environment and are in accordance with existing international regulations.

8. The Party seeking the return of nuclear items shall ensure that the timing, methods and arrangements for return of nuclear items are in accordance with paragraphs 5, 6 and 7. Accordingly, the consultations between the Parties shall address mutual commitments as contained in Article 5.6. It is not the purpose of the provisions of this Article regarding cessation of cooperation and right of return to derogate from the rights of the Parties under Article 5.6.

9. The arrangements and procedures concluded pursuant to Article 6(iii) shall be subject to suspension by either Party in exceptional circumstances, as defined by the Parties, after consultations have been held between the Parties aimed at reaching mutually acceptable resolution of outstanding issues, while taking into account the effects of such suspension on other aspects of cooperation under this Agreement.

**ARTICLE 15 - SETTLEMENT OF DISPUTES**

Any dispute concerning the interpretation or implementation of the provisions of this Agreement shall be promptly negotiated by the Parties with a view to resolving that dispute.

**ARTICLE 16 - ENTRY INTO FORCE AND DURATION**

1. This Agreement shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that they have completed all applicable requirements for its entry into force.

2. This Agreement shall remain in force for a period of 40 years. It shall continue in force thereafter for additional periods of 10 years each. Each Party may, by giving 6 months written notice to the other Party, terminate this Agreement at the end of the initial 40 year period or at the end of any subsequent 10 year period.

3. Notwithstanding the termination or expiration of this Agreement or withdrawal of a Party from this Agreement, Articles 5.6(c), 6, 7, 8, 9, 10 and 15 shall continue in effect so long as any nuclear material, non-nuclear material, by-product material, equipment or components subject to these articles remains in the territory of the Party concerned or under its jurisdiction or control anywhere, or until such time as the Parties agree that such nuclear material is no longer usable for any nuclear activity relevant from the point of view of safeguards.

4. This Agreement shall be implemented in good faith and in accordance with the principles of international law.

5. The Parties may consult, at the request of either Party, on possible amendments to this Agreement. This Agreement may be amended if the Parties so agree. Any amendment shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that their respective internal legal procedures necessary for the entry into force have been completed.

**ARTICLE 17 - ADMINISTRATIVE ARRANGEMENT – [Eds...]**

**AGREED MINUTE**

During the negotiation of the Agreement for Cooperation Between the Government of the United States of America and the Government of India Concerning Peaceful Uses of Nuclear Energy ("the Agreement") signed today, the following understandings, which shall be an integral part of the Agreement, were reached.

**Proportionality**

For the purposes of implementing the rights specified in Articles 6 and 7 of the Agreement with respect to special fissionable material

and by-product material produced through the use of nuclear material and non-nuclear material, respectively, transferred pursuant to the Agreement and not used in or produced through the use of equipment transferred pursuant to the Agreement, such rights shall in practice be applied to that proportion of special fissionable material and by-product material produced that represents the ratio of transferred nuclear material and non-nuclear material, respectively, used in the production of the special fissionable material and by-product material to the total amount of nuclear material and non-nuclear material so used, and similarly for subsequent generations.

**By-product material**

The Parties agree that reporting and exchanges of information on by-product material subject to the Agreement will be limited to the following:

(1) Both Parties would comply with the provisions as contained in the IAEA document GOV/1999/19/Rev.2, with regard to by-product material subject to the Agreement.

(2) With regard to tritium subject to the Agreement, the Parties will exchange annually information pertaining to its disposition for peaceful purposes consistent with Article 9 of this Agreement.

[Eds...]

Released on August 3, 2007

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**Communication received from the Permanent Mission of India concerning a document entitled "Implementation of the India-United States Joint Statement of July 18, 2005: India's Separation Plan"**

[INFCIRC/731, 25 July 2008]

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[Eds...]

The Permanent Mission of India in Vienna presents its compliments to the Director-General of the International Atomic Energy Agency (IAEA) and has the honour to enclose a document entitled "Implementation of the India-United States Joint Statement of July 18, 2005: India's Separation Plan".

It is the Government of India's intention to move forward in accordance with the provisions of the "Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities" reproduces as an attachment to the agenda item GOV/2008/30 dated 9 July 2008, after its entry into force.

The Permanent Mission of India in Vienna requests the Agency to distribute this letter along with the enclosed document to all member-States of the Agency for information.

The Permanent Mission of India in Vienna avails itself of this opportunity to renew to the International Atomic Energy Agency the assurances of its highest consideration.

[Kind Attn: H.E. Dr. Mohamed ElBaradei, Director General]

Attachment:

**Implementation of the India-United States joint Statement of July 18, 2005: India's Separation Plan**

The resumption of full civilian, nuclear energy cooperation between India and the United States, arose in the context of India's requirement for adequate and affordable energy supplies to sustain its accelerating economic growth rate and as recognition of its growing technological prowess. It was preceded by discussions between the two governments, particularly between President Bush and Prime Minister Manmohan Singh of the global energy scenario and the long-term implications of increasing pressure on hydrocarbon resources, and rising oil prices. These developments led to the announcement in April 2005 of an Indo-U.S Energy Dialogue that encompassed the entire spectrum of energy options ranging from oil and gas to coal, alternative fuels and civilian nuclear energy. Through the initiation of a sustained dialogue to address energy security concerns, the two countries sought to promote stable, efficient, predictable and cost effective solutions for India's growing requirements. At the same time, they also agreed on the need to develop and deploy cleaner, more efficient,

affordable and diversified energy technologies to deal with the environmental implications of energy consumption. India had developed proven and wide ranging capabilities in the nuclear sector, including over the entire nuclear fuel cycle. It is internationally recognized that India has unique contributions to make to international efforts towards meeting these objectives. India has become a full partner in ITER, with the full support of the US and other partners. India also accepted the US invitation to join the initiative on Clean Development Partnership.

2. Noting the centrality of civilian nuclear energy to the twin challenges of energy security and safeguarding the environment, the two Governments agreed on 18 July 2005 to undertake reciprocal commitments and responsibilities that would create a framework for the resumption of full cooperation in this field. On its part, the United States undertook to:

- Seek agreement from the Congress to adjust US laws and policies to achieve full civil nuclear energy cooperation.
- Work with friends and allies to adjust international regimes to enable full civil nuclear energy cooperation and trade with India, including but not limited to expeditious consideration of fuel supplies for safeguarded nuclear reactors at Tarapur.
- In the meantime, encourage its partners to consider fuel supply to Tapur expeditiously
- To consult with its partners to consider India's participation ITER.
- To consult with other participants in the Generation IV International Forum with a view towards India's inclusion.

3. India had conveyed its readiness to assume the same responsibilities and practices and acquire the same benefits and advantages as other leading countries with advanced nuclear technology, such as the United States. Accordingly, India for its part undertook the following commitments:

- Identifying and separating civilian and military nuclear facilities and programmes in a phased manner.
- Filing a declaration regarding its civilian facilities with the IAEA.
- Taking a decision to place voluntarily its civilian nuclear facilities under IAEA safeguards, and
- Signing and adhering to an Additional protocol respect to civilian nuclear facilities.

4. Other commitments undertaken by India have already been fulfilled in the last year. Among them are:

- India's responsible non-proliferation record, recognized by the US, continues and is reflected in its policies and actions.
- The harmonization of India's export controls with NSG and MTCR Guidelines even though India is not a member of either group. These guidelines and control lists have been notified and are being implemented.
- A significant upgrading of India's non-proliferation regulations export controls has taken place as a result of Weapons of Mass Destruction Act of May 2005. Inter-Ministerial consultations are ongoing to examine and amend other relevant Acts as well as framing appropriate rules and regulations.
- Refrain from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread. This has guided our policy on non-proliferation.
- Continued unilateral moratorium on nuclear testing, and
- Willingness to work with the United States for the conclusion of a multilateral Fissile Material Cut-Off Treaty.

5. The Joint Statement of 18 July 2005, recognized that India is ready to assume the same responsibilities and practices as other leading countries with advanced nuclear technology, such as the United States. India has an impeccable record in nonproliferation. The Joint Statement acknowledges that India's nuclear programme has both a military and a civilian component. Both sides had agreed that the purpose was not to constrain India's strategic programme but to enable resumption of full civil nuclear energy cooperation in order to enhance global energy and environmental security. Such cooperation was predicated on the assumption that any international civil nuclear energy cooperation (including by the US) offered to India in the civilian sector should, firstly, not be diverted away from India to third countries without safeguards. These concepts will be reflected in the Safeguards Agreement to

be negotiated by India with IAEA.

6. India's nuclear programme is unique as it is the only state with nuclear weapons not to have begun with a dedicated military programme. It must be appreciated that the strategic programme is an offshoot of research on nuclear power programme and consequently, it is embedded in a larger undifferentiated programme. Identification of purely civilian facilities and programmes that have no strategic implications poses a particular challenge. Therefore, facilities identified as civilian in the Separation Plan will be offered for safeguards in phases to be decided by India. The nature of the facility concerned, the activities undertaken in it, the national security significance of materials and the location of the facilities are factors taken into account in undertaking the separation process. This is solely an Indian determination.

7. The nuclear establishment in India not only built nuclear reactors but promoted the growth of a national industrial infrastructure. Nuclear power generation was envisaged as a three-stage programme with PHWRs chosen for deployment in the first stage. As indigenous reactors were set up, several innovative design improvements were carried out based on Indian R&D and a standardized design was evolved. The research and development spanned the entire spectrum of the nuclear fuel cycle including the front end and the back end. Success in the technologies for the back end of the fuel cycle allowed us to launch the second stage of the programme by constructing a Fast Breeder Test Reactor. This reactor has operated for 20 years based on a unique carbide fuel and has achieved all technology objectives. We have now proceeded further and are constructing a 500 MWe Prototype Fast Breeder Reactor. Simultaneously, we have launched design and development of reactors aimed at thorium utilization and incorporating inherent safety features.

8. Concepts such as grid connectivity are not relevant to the separation exercise. Issues related to fuel resource sustainability, technical design and economic viability, as well as smooth operation of reactors are relevant factors. This would necessitate grid connectivity irrespective of whether the reactor concerned is civilian or not civilian.

9. It must be recognized that the Indian nuclear programme still has a relatively narrow base and cannot be expected to adopt solutions that might be deemed viable by much larger programmes. A comparison of the number of reactors and the total installed capacity between India and the P-5 brings this out graphically:

Country	Num of Reactors	Total Installed Capacity
India	15	3.04 GWe (2.8% of the total production)
USA	104 (103 operational)	99.21 GWe (19.9% of the total production)
France	59	63.36 GWe (78.1% of the total production)
UK	23	11.85 GWe (19.4% of the total production)
Russia	31	21.74 GWe (15.6% of the total production)
China	9	6.602 GWe (2.2% of the total production)

Source: Nuclear Energy Institute, Washington DC

10. Another factor to be taken into account is the small capacity of the reactors produced indigenously by India, some of which would remain outside safeguards. Therefore, in assessing the extent of safeguards coverage, it would be important to look at both the number of reactors and the percentage of installed capacity covered. An average Indian reactor is of 220 MW and its output is significantly smaller than the standard reactor in a P-5 economy. The chart below illustrates, this aspect:

Country	Most Common Reactor	Number of such reactors
India	PHWRs 220 MWe	12
USA	69 PWRs and 34 BWRs	Most plants are in the range of 1000-1250 MWe. 51 Reactors in the range of 1000 MWe to 1250 MWe
France	PWRs of 900 MWe and 1300 MWe size	34 PWRs of 900 MWe and 20 PWRs of 1300 MWe
UK	No standard size. AGR is the most common in the range 600-700 MWe	14 AGRs

Russia	3 <sup>rd</sup> generation VVER-1000 PWRs and RBMK 1000 Light Water Graphite Reactors	9 third Generation VVER1000 PWRs and 11 RBMK 1000 Light Water Graphite Reactors
China	PWRs 984 MWe	Four

Source: Uranium Information Centre, Melbourne

11. The complexity of the separation process is further enhanced by the limited resources that India has devoted to its, nuclear programme as compared to P-5 nations. Moreover, as India expands international cooperation, the percentage of its thermal power reactor installed capacity under safeguards would rise significantly as fresh capacity, is added through such, cooperation.

12. India's approach to the separation civilian nuclear facilities is guided by the following principles:

- Credible, feasible, and implementable in a transparent manner;
- Consistent with the understandings of the 18 July Statement;
- Consistent with India's national security and R&D requirements as well as not prejudicial to the three-stage nuclear programme in India;
- Must be cost effective in its implementation; and
- Must be acceptable to Parliament and public opinion.

13. Based on these principles, India will:

- Include in the civilian list only those facilities offered for safeguards that, after separation, will no longer be engaged in activities of strategic significance.
- The overarching criterion would be a judgement whether subjecting a facility to IAEA safeguards would impact adversely on India's national security.
- However, a facility will be excluded from the civilian list if it is located in a larger hub of strategic significance, notwithstanding the fact that it may not be normally engaged in activities of strategic significance.
- A civilian facility would, therefore, be one that India has determined not to be relevant to its strategic programme.

14. Taking the above into account, India, on the basis of reciprocal actions by the US, will adopt the following, approach:

i) **Thermal Power Reactors:** India will identify and offer for safeguards 14 thermal power reactors between 2006 and 2014. This will include the 4 presently safeguarded reactors (TAPS 1&2, RAPS 1&2) and in addition KK 1&2, that are under construction. 8 other PHWRs, each of a capacity of 220MWe, will be offered. The overall plan will be as follows:

S.No.	Facility	Year offered for safeguards
1.	TAPS 1	2006
2.	TAPS 2	2006
3.	RAPS 1	2006
4.	RAPS 2	2006
5.	KK 1	2006
6.	KK 2	2006
7.	RAPS 5	2007
8.	RAPS 6	2008
9.	RAPS 3	2010
10.	RAPS 4	2010
11.	KAPS 1	2012
12.	KAPS 2	2012
13.	NAPS 1	2014
14.	NAPS 2	2014

The above offer would, in effect, cover 14 out of the 22 thermal power reactors in operation or currently under construction to be placed under safeguards, and would raise total installed Thermal Power capacity by MWe under safeguards from the present 19% to 65% by 2014.

ii) **Fast Breeder Reactors:** India is not in a position to accept safeguards on the Prototype Fast Breeder Reactors (PFBR) and the Fast Breeder Reactor (FBTR), both located at Kalpakkam. The Fast Breeder Programme is at the R&D stage and its technology will take time to mature and reach advanced stage of development.

iii) **Future Reactors:** India has decided to place under safeguards all future civilian thermal power reactors and civilian breeder reactors, and the Government of India retains the sole right determine such reactors as civilian.

iv) **Research Reactors:** India will permanently shut down the CIRUS reactor, in 2010. It will also be prepared to shift the fuel core of the APSARA reactor that was purchased from France outside BARC and make the fuel core available to be placed under safeguards in 2010.

v) **Upstream facilities:** The following upstream facilities would be identified and separated as civilian:

List of specific facilities in the Nuclear Fuel Complex, Hyderabad, which will be offered for safeguards by 2008 is give below:

- o Uranium Oxide Plant (Block A)
- o Ceramic Fuel Fabrication Plant (Palletizing) (Block A)
- o Ceramic Fuel Fabrication Plant (Assembly) (Block A)
- o Enriched Uranium Oxide Plant
- o Enriched Fuel Fabrication Plant
- o Gadolinia Facility

The Heavy Water Production plants at Thal, Tuticorin and Hazira are proposed to be designated for civilian use between 2006-2009. We do not consider these plants as relevant for safeguards purposes.

vi) **Downstream facilities:** The following downstream facilities would be identified and separated as civilian:

- o India is willing to accept safeguards in the 'campaign' mode after 2010 in respect of the Tarapur Power Reactor Fuel Reprocessing Plant.
- o The Tarapur and Rajasthan 'Away From Reactors' spent an fuel storage pools would be made available for safeguards: with appropriate phasing between 2006-2009.

vii) **Research Facilities:** India will declare the following facilities as civilian:

- a) Tata Institute of Fundamental research
- b) Variable Energy Cyclotron Centre
- c) Saha Institute of Nuclear Physics
- d) Institute for Plasma Research
- e) Institute of Mathematics Science
- f) Institute of Physics
- g) Tata Memorial Centre
- h) Board of Radiation and Isotope Technology
- i) Harish Chandra Research Institute

These facilities are safeguards-irrelevant. It is our expectation that they will play a prominent role in international cooperation.

15. **Safeguards:**

a) The United States has conveyed, its commitment to the reliable supply of fuel to India. Consistent with the July 18, 2005, Joint Statement, the United States has also reaffirmed its assurance to create the necessary conditions for India to have assured and full access to fuel for its reactors. As part of its implementation of the July 18, 2005, Joint Statement the United States, is committed to seeking agreement from the U.S. Congress to amend its domestic laws and to work with friends and allies to adjust the practices of the Nuclear Suppliers Group to create the necessary conditions for India to obtain full access to the international fuel market, including reliable, uninterrupted, and continual access to fuel supplies from firms in several nations.

b) to further safeguard against any disruption of fuel supplies, the United States is prepared to take the following additional steps:

- i) The United States is willing to incorporate assurances regarding fuel supply in the bilateral U.S.-India agreement on peaceful uses of nuclear energy under Section 123 the U.S. Atomic Energy Act, which would be submitted to the U.S. Congress.
- ii) The United States will join India in seeking to negotiate with the IAEA an India-specific fuel supply agreement.
- iii) The United States will support an Indian effort to develop a

strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors.

iv) If despite these arrangements, a disruption of fuel supplies to India occurs, the United States and India would jointly convene a group of Friendly supplier countries to include countries such as Russia, France and the United Kingdom to pursue such measures as would restore fuel supply to India.

c) In light of the above understandings with the United States, an India-specific safeguards agreement will be negotiated between India and the IAEA providing for safeguards to guard against withdrawal of safeguarded nuclear material from civilian use at any time as well as providing for corrective measures that India may take to ensure uninterrupted operation of its civilian nuclear reactors in the event of disruption of foreign fuel supplies. Taking this into account, India will place its civilian nuclear facilities under India-specific safeguards in perpetuity and negotiate an appropriate safeguards agreement to this end with the IAEA.

16. This plan is in conformity with the commitments made to Parliament by the Government.

(Tabled in Parliament on May 11, 2006)

### Extract from Introductory Statement to the Board of Governors - Draft Safeguards Agreement with India

[1 August 2008, Vienna]

I am pleased to put before you the draft *Agreement with the Government of India for the Application of Safeguards to Civilian Nuclear Facilities*. As the Secretariat has already provided an extensive briefing on this, I will emphasize just a few points.

The text before you is an INFCIRC/66-type safeguards agreement based on the Agency's standard safeguards practices and procedures. These 66-type agreements are not comprehensive or full-scope safeguards agreements. They are concluded in accordance with Article III.A.5 of the Agency's Statute and provide for the application of safeguards to specific facilities or other relevant items. In the case of the draft before you, it is an "umbrella agreement", which provides for any facility notified by India to the Agency in the future to become subject to safeguards. The draft also envisages the possibility of applying current Agency safeguards in India under this new agreement by suspending, subject to agreement by the relevant parties, the application of safeguards under existing agreements. The "umbrella" nature of this agreement provides a more efficient mechanism for ensuring that safeguards requirements can be met. It satisfies India's needs while maintaining all the Agency's legal requirements. Such an "umbrella" approach could also be used for the conclusion of other 66-type safeguards agreements. As you can see from *India's Plan*, which has been circulated for the information of all IAEA Member States, a total of 14 reactors are envisaged to come under Agency safeguards by 2014. I should note that the Agency already applies safeguards to six of these 14 reactors under existing 66 type agreements with India. We expect to start implementing the agreement at new facilities in 2009. Facilities will be notified by India to the Agency in stages and the Secretariat will keep you informed when facilities are submitted for safeguards.

As with other safeguards agreements between the Agency and Member States, the agreement is of indefinite duration. There are no conditions for the discontinuation of safeguards other than those provided by the safeguards agreement itself. The termination provisions contained in the agreement are the same as for other 66-type agreements. Naturally - as with all safeguards agreements - this agreement is subject to the general rules of international law. Therefore, the agreement should be read as an integral whole. The preamble provides for contextual background and safeguards are implemented in accordance with the terms of the agreement.

Finally, I should note that India and the IAEA have already begun discussions on an additional protocol to the draft safeguards agreement.

### Communication Received from the Permanent Mission of Germany Regarding a "Statement on Civil Nuclear Cooperation with India"

[Reproduced from INFCIRC/734 (Corrected)  
19 September 2008]

#### Statement on Civil Nuclear Cooperation with India

1. At the Extraordinary Plenary Meeting on 6 September 2008, the Participating Governments of the Nuclear Suppliers Group decided that they:

- Desire to contribute to the effectiveness and integrity of the global non-proliferation regime, and to the widest possible implementation of the provisions *and objectives* of the Treaty on the Non-Proliferation of Nuclear Weapons;
- Seek to avert the further spread of nuclear weapons;
- Wish to pursue mechanisms to affect positively the nonproliferation commitments and actions of all states;
- Seek to promote fundamental principles of safeguards and export controls for nuclear transfers for peaceful purposes; and
- Note the energy needs of India.

2. Participating Governments have taken note of steps that India has voluntarily taken with respect to the following commitments and actions:

- Deciding to separate civilian nuclear facilities in a phased manner and to file a declaration regarding its civilian nuclear facilities with the IAEA, in accordance with its Separation Plan (circulated as INFCIRC/731);
- Concluding negotiations with the IAEA and obtaining approval by the Board of Governors on 1 August 2008 for an "Agreement between the Government of India and the IAEA for the Application of Safeguards to Civilian Nuclear Facilities," in accordance with IAEA standards, principles, and practices (including IAEA Board of Governors, Document GOV/1621);
- Committing to sign and adhere to an Additional Protocol with respect to India's civil nuclear facilities;
- Refraining, from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread;
- Instituting a national export control system capable effectively, controlling transfers of multilaterally controlled nuclear and nuclear-related material, equipment and technology;
- Harmonizing its export control lists and guidelines with those of the Nuclear Suppliers Group and committing to adhere to the Nuclear Suppliers Group Guidelines; and
- Continuing its unilateral moratorium on nuclear testing, and its readiness to work with others towards the conclusion of a multilateral Fissile Material Cutoff Treaty.

3. Based on the commitments and actions mentioned above, as reiterated by India on September 5, 2008, and without prejudice to national positions thereon

Participating governments have adopted and will implement the following policy on civil nuclear cooperation by Participating Governments, with the IAEA-safeguarded Indian civil nuclear program:

- Notwithstanding paragraphs 4(a),4(b) and 4(c) of INFCIRC/254/Rev.9/Part 1, Participating Governments may transfer trigger list items and/or related technology to India for peaceful purposes and for use in IAEA safeguarded civil nuclear facilities, provided that the transfer satisfies all outer provisions of INFCIRC/254/Part 1, as revised, and provided that transfers of sensitive exports remain subject to paragraphs 6 and 7 of the Guidelines.
- Notwithstanding paragraphs 4(a) and 4(b) of INFCIRC/154/Rev.7/part 2, Participating Governments may transfer nuclear-related dual-use equipment, materials, software, and related technology to India for peaceful purposes and for use in IAEA safeguarded civil nuclear facilities, provided that the transfer satisfies all other provisions of INFCIRC/254/Part 2, as revised.
- At each Plenary, Participating Governments shall notify each other of approved transfers to India of Annex A and B items listed in INFCIRC/254/Part 1, as revised. Participating Governments are also invited to exchange information, including about their own bilateral agreements with India.



d. With a view to intensification of dialogue and cooperation with India, Chairman is requested to confer and consult with India and keep Plenary informed of these consultations.

e. Participating Governments will maintain contact and consult through regular channels, including the Consultative Group and Plenary, for the purpose of considering matters connected with the implementation of all aspects of this Statement taking into account relevant international commitments or bilateral agreements with India. In the event that one or more Participating Governments consider that circumstances have arisen which require consultations, Participating Governments will meet, and then act in accordance with paragraph 16 of the Guidelines.

4. In order to facilitate India's adherence to INFCIRC/254/Parts 1 and 2 and to remain current in its implementation of the Guidelines, the NSG Chair is requested to consult with India regarding changes to and implementation of the Guidelines and inform the Plenary of the outcome of the dialogue with India. Consultations with India regarding proposed amendments will facilitate their effective implementation by India.

5. Upon request by Participating Governments, the Chairman is requested to submit this statement to the IAEA Director General with a request that it be circulated to all Member States.



## R – Resolutions Adopted by the UN General Assembly Since December 2009

[Editorial Note: Operative paragraphs only. Earlier relevant resolutions may be downloaded via <http://www.un.org/documents/resga.htm>]

### Extract from Nuclear-weapon-free southern hemisphere and adjacent areas

[A/RES/65/58 December 2010]

[Editorial note: Footnotes not included]

Accepted by vote 174-3-6

The General Assembly,

[Eds..]

1. *Welcomes* the continued contribution that the Antarctic Treaty and the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba are making towards freeing the southern hemisphere and adjacent areas covered by those treaties from nuclear weapons;
2. *Notes with satisfaction* that all nuclear-weapon-free zones in the southern hemisphere and adjacent areas are now in force;
3. *Notes* that the Russian Federation has initiated internal procedures to ratify the appropriate protocols to the Treaty of Pelindaba, and also notes the positive announcement by the United States of America of its intention to begin the process of ratification of the protocols to the treaties of Pelindaba and Rarotonga;
4. *Calls upon* all States concerned to continue to work together in order to facilitate adherence to the protocols to nuclear-weapon-free zone treaties by all relevant States that have not yet done so, and in this regard notes the positive announcement by the United States of America of consultations to be conducted with the parties to the nuclear-weapon-free zone treaties in Central and South-East Asia in an effort to sign and ratify the relevant protocols;
5. *Welcomes* the steps taken to conclude further nuclear-weapon-free-zone treaties on the basis of arrangements freely arrived at among the States of the region concerned, and calls upon all States to consider all relevant proposals, including those reflected in its resolutions on the establishment of nuclear-weapon-free zones in the Middle East and South Asia;
6. *Affirms* its conviction of the important role of nuclear-weapon-free zones in strengthening the nuclear non-proliferation regime and in extending the areas of the world that are nuclear-weapon-free, and, with particular reference to the responsibilities of the nuclear-weapon States, calls upon all States to support the process of nuclear disarmament and to work for the total elimination of all nuclear weapons;
7. *Welcomes* the progress made on increased collaboration within and between zones at the Second Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia at which States noted their intention to foster cooperation among the nuclear-weapon-free zones to fully implement the principles and objectives of the treaties and to exchange relevant ideas and best practices in areas of mutual interest;
8. *Congratulates* the States parties and signatories to the treaties of Tlatelolco, Rarotonga, Bangkok and Pelindaba, as well as of Central Asia and Mongolia, for their efforts to pursue the common goals envisaged in those treaties and to promote the nuclear-weapon-free status of the southern hemisphere and adjacent areas, and calls upon them to explore and implement further ways and means of cooperation among themselves and their treaty agencies;
9. *Encourages* the competent authorities of the nuclear-weapon-free zone treaties to provide assistance to the States parties and signatories to those treaties so as to facilitate the accomplishment of the goals;
10. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Nuclear-weapon-free southern hemisphere and adjacent areas".

### Extract from Bilateral reductions of strategic nuclear arms and the new framework for strategic relations

[A/RES/65/61 December 2010]

[Editorial note: Footnotes not included]

Accepted without a vote

The General Assembly,

[Eds...].

1. *Welcomes* the signing of the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (the New START Treaty) on 8 April 2010;
2. *Notes* that the Russian Federation and the United States of America are committed to continuing the development of a new strategic relationship based on mutual trust, openness, predictability and cooperation by following up on the successful negotiation of the New START Treaty, and expresses the hope for continuation of a constructive dialogue between the two countries on the basis of fundamental principles stated in the preamble of the New START Treaty;
3. *Supports* the consistent commitment of the Russian Federation and the United States of America to the continuation of efforts for reducing strategic offensive arms, and recognizes that the New START Treaty will foster the development of more favourable conditions for actively promoting security and cooperation and strengthening international stability;
4. *Recognizes* the importance of the contributions made by Belarus, Kazakhstan, the Russian Federation, Ukraine and the United States of America, as States parties to the START Treaty, to nuclear disarmament as part of their commitment to fulfilling their obligations under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;
5. *Welcomes* the fact that the successful implementation of the START Treaty by the parties resulted in the reduction of their deployed strategic nuclear weapons by approximately 30 per cent during the fifteen-year span of the Treaty, thereby promoting security and cooperation and strengthening international stability;
6. *Expresses* the hope that the Comprehensive Nuclear-Test-Ban Treaty, which opened for signature on 24 September 1996, will enter into force at an early date;
7. *Notes with approval* that the Russian Federation and the United States of America have stopped the production of fissile materials for use in nuclear weapons or other nuclear explosive devices, expresses support for the early commencement of international negotiations within the framework of an approved programme of work of the Conference on Disarmament in Geneva for the conclusion of a verifiable treaty to end the production of fissile materials for use in nuclear weapons or other nuclear explosive devices, and encourages the nuclear-weapon States to engage the International Atomic Energy Agency to monitor fissile material designated by each of those States as no longer required for military purposes;
8. *Deeply appreciates*, in this context, the implementation of the 1993 Agreement between the Government of the Russian Federation and the Government of the United States of America concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, under which more than 400 tons of Russian highly enriched uranium have been blended down for use as power reactor fuel in the United States of America, and the fact that, in accordance with this Agreement, the quantity of highly enriched uranium blended down will total 500 tons;
9. *Welcomes* the commitment of the Russian Federation and the United States of America to the implementation, given dependable funding, of the 2000 Agreement between the Government of the Russian Federation and the Government of the United States of America concerning the Management and Disposition of Plutonium

Designated as No Longer Required for Defence Purposes and Related Cooperation, as reflected in the Protocol to amend the Agreement, signed by the Secretary of State of the United States of America, Hillary Clinton, and the Minister for Foreign Affairs of the Russian Federation, Sergey V. Lavrov, on 13 April 2010;

10. *Notes* the intentions of the Russian Federation and the United States of America to continue appropriately to notify other States Members of the United Nations concerning their nuclear arms reduction activities;

11. *Also notes* the growing expectations of the international community that progress will continue to be made on nuclear disarmament, expresses support for current and future efforts in this area, and calls upon all States Members of the United Nations to make an active contribution to the disarmament process.

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### Extract from Convening of the fourth special session of the General Assembly devoted to disarmament

[A/RES/65/66 December 2010]

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[*Editorial note:* Footnotes not included]

*Accepted by vote 178-0-5*

*The General Assembly,*

[*Eds...*]

1. *Decides* to convene an Open-ended Working Group, working on the basis of consensus, to consider the objectives and agenda, including the possible establishment of the preparatory committee, for the fourth special session of the General Assembly devoted to disarmament;

2. *Also decides* that the Open-ended Working Group shall hold its organizational session as soon as possible for the purpose of setting a date for its substantive sessions in 2011 and 2012, and submit a report on its work, including possible substantive recommendations, before the end of the sixty-seventh session of the General Assembly;

3. *Requests* the Secretary-General, from within available resources, provide the Open-ended Working Group with the necessary assistance and services as may be required to discharge its tasks;

4. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Convening of the fourth special session of the General Assembly devoted to disarmament".

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### Extract from Mongolia's international security and nuclear-weapon-free status

[A/RES/65/70 December 2010]

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[*Editorial note:* Footnotes not included]

*Accepted without a vote*

*The General Assembly,*

[*Eds...*],

*Having considered* the report of the Secretary-General,

1. *Takes note* of the report of the Secretary-General;

2. *Expresses its appreciation* to the Secretary-General for the efforts to implement resolution 63/56;

3. *Welcomes* the declaration by Mongolia of its nuclear-weapon-free status, and supports the measures taken by Mongolia to consolidate and strengthen this status;

4. *Endorses and supports* Mongolia's good-neighbourly and balanced relationship with its neighbours as an important element of strengthening regional peace, security and stability;

5. *Welcomes* the efforts made by Member States to cooperate with Mongolia in implementing resolution 63/56, as well as the progress made in consolidating Mongolia's international security;

6. *Invites* Member States to continue to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen Mongolia's independence, sovereignty and territorial integrity, the

inviolability of its borders, its independent foreign policy, its economic security and its ecological balance, as well as its nuclear-weapon-free status;

7. *Appeals* to the Member States of the Asia and Pacific region to support Mongolia's efforts to join the relevant regional security and economic arrangements;

8. *Requests* the Secretary-General and relevant United Nations bodies to continue to provide assistance to Mongolia in taking the necessary measures mentioned in paragraph 6 above;

9. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution;

10. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Mongolia's international security and nuclear-weapon-free status".

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### Extract from Decreasing the operational readiness of nuclear weapons systems

[A/RES/65/71 December 2010]

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[*Editorial note:* Footnote not included]

*Accepted by vote 157-3-22*

*The General Assembly,*

1. *Welcomes* the adoption by consensus of the conclusions and recommendations for follow-on actions of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including the commitments of the nuclear-weapon States to promptly engage with a view to, inter alia, considering the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security, and looks forward to the report of the nuclear-weapon States, in terms of that undertaking, to the Preparatory Committee for the Review Conference in 2014;

2. *Calls for* further practical steps to be taken to decrease the operational readiness of nuclear weapons systems, with a view to ensuring that all nuclear weapons are removed from high alert status;

3. *Urges* States to update the General Assembly on progress made in the implementation of the present resolution;

4. *Decides* to remain seized of the matter.

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### Extract from The Hague Code of Conduct against Ballistic Missile Proliferation

[A/RES/65/73 December 2010]

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[*Editorial note:* Footnote not included]

*Accepted by vote 162-1-17*

*The General Assembly,*

[*Eds...*],

1. *Notes with satisfaction* that one hundred and thirty-one States have already subscribed to the Hague Code of Conduct against Ballistic Missile Proliferation as a practical step against the proliferation of weapons of mass destruction and their means of delivery;

2. *Invites* all States that have not yet subscribed to the Code of Conduct to do so;

3. *Encourages* States that have already subscribed to the Code of Conduct to make efforts to increase participation in the Code;

4. *Welcomes* progress in implementation of the Code of Conduct and all efforts to increase the efficiency of the Code, which contributes to enhancing transparency and building confidence among States through the submission of pre-launch notifications and annual declarations on space and ballistic missile activity;

5. *Encourages* the exploration of further ways and means to deal effectively with the problem of the proliferation of ballistic missiles capable of delivering weapons of mass destruction;

6. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled “The Hague Code of Conduct against Ballistic Missile Proliferation”.

**Extract from United Nations study on disarmament and non-proliferation education**

[A/RES/65/77 December 2010]

[*Editorial note:* Footnotes not included]

*Accepted without a vote*

*The General Assembly,*

[Eds...]

1. *Expresses* its appreciation to the Member States, the United Nations and other international and regional organizations, civil society and non-governmental organizations, which, within their purview, implemented the recommendations made in the United Nations study, as discussed in the report of the Secretary-General reviewing the implementation of the recommendations, and encourages them once again to continue applying those recommendations and reporting to the Secretary-General on steps taken to implement them;

2. *Requests* the Secretary-General to prepare a report reviewing the results of the implementation of the recommendations and possible new opportunities for promoting disarmament and non-proliferation education, and to submit it to the General Assembly at its sixty-seventh session;

3. *Reiterates the request* to the Secretary-General to utilize electronic means to the fullest extent possible in the dissemination, in as many official languages as feasible, of information related to that report and any other information that the Office for Disarmament Affairs gathers on an ongoing basis in regard to the implementation of the recommendations of the United Nations study;

4. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled “Disarmament and non-proliferation education”.

**Extract from Follow-up to the high-level meeting held on 24 September 2010: revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations**

[A/RES/65/93 December 2010]

*Accepted without a vote*

*The General Assembly,*

[Eds...]

1. *Welcomes* the opportunity provided by the high-level meeting on revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations, convened at the initiative of the Secretary-General in New York on 24 September 2010, to address the need to advance multilateral disarmament efforts;

2. *Expresses appreciation* for the participation by Ministers for Foreign Affairs and other high-level officials in the high-level meeting, and emphasizes the support voiced for the urgent need to revitalize the work of multilateral disarmament bodies and to advance multilateral disarmament negotiations;

3. *Notes with appreciation* the suggestions made by Member States and the Secretary-General with regard to revitalizing the multilateral disarmament machinery;

4. *Decides* to include in the provisional agenda of its sixty-sixth session an item entitled “Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations”.

**Extract from Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament**

[A/RES/66/21 December 2011]

[*Editorial note:* Footnotes not included]

*Accepted by vote 168-1-1*

*The General Assembly,*

[Eds...]

1. *Reaffirms* that effective measures should be taken to prevent the emergence of new types of weapons of mass destruction;

2. *Requests* the Conference on Disarmament, without prejudice to further overview of its agenda, to keep the matter under review, as appropriate, with a view to making, when necessary, recommendations on undertaking specific negotiations on identified types of such weapons;

3. *Calls upon* all States, immediately following any recommendations of the Conference on Disarmament, to give favourable consideration to those recommendations;

4. *Requests* the Secretary-General to transmit to the Conference on Disarmament all documents relating to the consideration of this item by the General Assembly at its sixty-sixth session;

5. *Requests* the Conference on Disarmament to report the results of any consideration of the matter in its annual reports to the General Assembly;

6. *Decides* to include in the provisional agenda of its sixty-ninth session the item entitled “Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons: report of the Conference on Disarmament”.

**Extract from African Nuclear-Weapon-Free Zone Treaty**

[A/RES/66/23 December 2011]

[*Editorial note:* Footnotes not included]

*Accepted without a vote*

*The General Assembly,*

[Eds...]

1. *Recalls with satisfaction* the entry into force of the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba) on 15 July 2009;

2. *Calls upon* African States that have not yet done so to sign and ratify the Treaty as soon as possible;

3. *Expresses its appreciation* to the nuclear-weapon States that have signed the Protocols to the Treaty that concern them, and calls upon those that have not yet ratified the Protocols that concern them to do so as soon as possible;

4. *Calls upon* the States contemplated in Protocol III to the Treaty that have not yet done so to take all necessary measures to ensure the speedy application of the Treaty to territories for which they are, de jure or de facto, internationally responsible and which lie within the limits of the geographical zone established in the Treaty;

5. *Calls upon* the African States parties to the Treaty on the Non-Proliferation of Nuclear Weapons that have not yet done so to conclude comprehensive safeguards agreements with the International Atomic Energy Agency pursuant to the Treaty, thereby satisfying the requirements of article 9 (b) of and annex II to the Treaty of Pelindaba, and to conclude additional protocols to their safeguards agreements on the basis of the Model Protocol approved by the Board of Governors of the Agency on 15 May 1997;

6. *Expresses its gratitude* to the Secretary-General of the United Nations, the Chair of the African Union Commission and the Director General of the International Atomic Energy Agency for the

diligence with which they have rendered effective assistance to the signatories to the Treaty;

7. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "African Nuclear-Weapon-Free Zone Treaty".

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### Extract from Establishment of a nuclear-weapon-free zone in the region of the Middle East

[A/RES/66/25 December 2011]

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[*Editorial note:* Footnotes not included]

*Accepted without a vote*

*The General Assembly,*

[Eds...]

*Having examined* the report of the Secretary-General on the implementation of resolution 65/42,

1. *Urges* all parties directly concerned seriously to consider taking the practical and urgent steps required for the implementation of the proposal to establish a nuclear-weapon-free zone in the region of the Middle East in accordance with the relevant resolutions of the General Assembly, and, as a means of promoting this objective, invites the countries concerned to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. *Calls upon* all countries of the region that have not yet done so, pending the establishment of the zone, to agree to place all their nuclear activities under International Atomic Energy Agency safeguards;

3. *Takes note* of resolution GC(55)/RES/14, adopted on 23 September 2011 by the General Conference of the International Atomic Energy Agency at its fifty-fifth regular session, concerning the application of Agency safeguards in the Middle East;

4. *Notes* the importance of the ongoing bilateral Middle East peace negotiations and the activities of the multilateral Working Group on Arms Control and Regional Security in promoting mutual confidence and security in the Middle East, including the establishment of a nuclear-weapon-free zone;

5. *Invites* all countries of the region, pending the establishment of a nuclear weapon-free zone in the region of the Middle East, to declare their support for establishing such a zone, consistent with paragraph 63 (d) of the Final Document of the Tenth Special Session of the General Assembly,<sup>1</sup> and to deposit those declarations with the Security Council;

6. *Also invites* those countries, pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons or permit the stationing on their territories, or territories under their control, of nuclear weapons or nuclear explosive devices;

7. *Invites* the nuclear-weapon States and all other States to render their assistance in the establishment of the zone and at the same time to refrain from any action that runs counter to both the letter and the spirit of the present resolution;

8. *Takes note* of the report of the Secretary-General;

9. *Invites* all parties to consider the appropriate means that may contribute towards the goal of general and complete disarmament and the establishment of a zone free of weapons of mass destruction in the region of the Middle East;

10. *Requests* the Secretary-General to continue to pursue consultations with the States of the region and other concerned States, in accordance with paragraph 7 of resolution 46/30 and taking into account the evolving situation in the region, and to seek from those States their views on the measures outlined in chapters III and IV of the study annexed to the report of the Secretary-General of 10 October 1990 or other relevant measures, in order to move towards the establishment of a nuclear weapon-free zone in the region of the Middle East;

11. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the

implementation of the present resolution;

12. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

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### Extract from Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

[A/RES/66/26 December 2011]

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[*Editorial note:* Footnotes not included]

*Accepted by vote 120-0-57*

*The General Assembly,*

[Eds...],

1. *Reaffirms* the urgent need to reach an early agreement on effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

2. *Notes with satisfaction* that in the Conference on Disarmament there is no objection, in principle, to the idea of an international convention to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, although the difficulties with regard to evolving a common approach acceptable to all have also been pointed out;

3. *Appeals* to all States, especially the nuclear-weapon States, to work actively towards an early agreement on a common approach and, in particular, on a common formula that could be included in an international instrument of a legally binding character;

4. *Recommends* that further intensive efforts be devoted to the search for such a common approach or common formula and that the various alternative approaches, including, in particular, those considered in the Conference on Disarmament, be further explored in order to overcome the difficulties;

5. *Also recommends* that the Conference on Disarmament actively continue intensive negotiations with a view to reaching early agreement and concluding effective international agreements to assure the non-nuclear-weapon States against the use or threat of use of nuclear weapons, taking into account the widespread support for the conclusion of an international convention and giving consideration to any other proposals designed to secure the same objective;

6. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons".

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### Extract from Follow-up to the Nuclear Disarmament Obligations Agreed to at the 1995, 2000 and 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[A/RES/66/28 December 2011]

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[*Editorial note:* Footnotes not included]

*Accepted by vote 118-52-6*

*The General Assembly,*

[Eds...]

1. *Recalls* that the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirmed the continued validity of the practical steps agreed to in the Final Document of the 2000 Review Conference of the Parties to the Treaty;

2. *Determines* to pursue practical steps for systematic and progressive efforts to implement article VI of the Treaty on the Non-Proliferation of Nuclear Weapons<sup>1</sup> and paragraphs 3 and 4 (c) of the decision on principles and objectives for nuclear non-proliferation and disarmament of the 1995 Review and Extension

Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

3. *Calls* for practical steps, as agreed to at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to be taken by all nuclear-weapon States, which would lead to nuclear disarmament in a way that promotes international stability and, based on the principle of undiminished security for all:

(a) Further efforts to be made by the nuclear-weapon States to reduce their nuclear arsenals unilaterally;

(b) Increased transparency by the nuclear-weapon States with regard to nuclear weapons capabilities and the implementation of agreements pursuant to article VI of the Treaty and as a voluntary confidence-building measure to support further progress in nuclear disarmament;

(c) The further reduction of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

(d) Concrete agreed measures to reduce further the operational status of nuclear weapons systems;

(e) A diminishing role for nuclear weapons in security policies so as to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;

(f) The engagement, as soon as appropriate, of all the nuclear-weapon States in the process leading to the total elimination of their nuclear weapons;

4. *Notes* that the 2000 and 2010 Review Conferences of the Parties to the Treaty agreed that legally binding security assurances by the five nuclear-weapon States to the non-nuclear-weapon States parties to the Treaty strengthen the nuclear non-proliferation regime;

5. *Urges* the States parties to the Treaty to follow up on the implementation of the nuclear disarmament obligations under the Treaty agreed to at the 1995, 2000 and 2010 Review Conferences of the Parties to the Treaty within the framework of Review Conferences of the Parties to the Treaty and their Preparatory Committees;

6. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "Follow-up to nuclear disarmament obligations agreed to at the 1995, 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons".

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### **Extract from Promotion of multilateralism in the area of disarmament and non-proliferation**

[A/RES/66/32 December 2011]

[*Editorial note:* Footnotes not included]

*Accepted by vote 125-5-48*

*The General Assembly,*

[*Eds...*]

1. *Reaffirms* multilateralism as the core principle in negotiations in the area of disarmament and non-proliferation with a view to maintaining and strengthening universal norms and enlarging their scope;

2. *Also reaffirms* multilateralism as the core principle in resolving disarmament and non-proliferation concerns;

3. *Urges* the participation of all interested States in multilateral negotiations on arms regulation, non-proliferation and disarmament in a non-discriminatory and transparent manner;

4. *Underlines* the importance of preserving the existing agreements on arms regulation and disarmament, which constitute an expression of the results of international cooperation and multilateral negotiations in response to the challenges facing mankind;

5. *Calls once again upon* all Member States to renew and fulfil their individual and collective commitments to multilateral cooperation as

an important means of pursuing and achieving their common objectives in the area of disarmament and non-proliferation;

6. *Requests* the States parties to the relevant instruments on weapons of mass destruction to consult and cooperate among themselves in resolving their concerns with regard to cases of non-compliance as well as on implementation, in accordance with the procedures defined in those instruments, and to refrain from resorting or threatening to resort to unilateral actions or directing unverified non-compliance accusations against one another to resolve their concerns;

7. *Takes note* of the report of the Secretary-General containing the replies of Member States on the promotion of multilateralism in the area of disarmament and non-proliferation, submitted pursuant to resolution 65/54;

8. *Requests* the Secretary-General to seek the views of Member States on the issue of the promotion of multilateralism in the area of disarmament and non-proliferation and to submit a report thereon to the General Assembly at its sixty-seventh session;

9. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Promotion of multilateralism in the area of disarmament and non-proliferation".

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### **2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee**

[A/RES/66/33 December 2011]

See Section B

*Accepted by vote 175-0-3*

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### **Extract from Regional disarmament**

[A/RES/66/36 December 2011]

[*Editorial note:* Footnotes not included]

*Accepted without a vote*

*The General Assembly,*

[*Eds...*]

1. *Stresses* that sustained efforts are needed, within the framework of the Conference on Disarmament and under the umbrella of the United Nations, to make progress on the entire range of disarmament issues;

2. *Affirms* that global and regional approaches to disarmament complement each other and should therefore be pursued simultaneously to promote regional and international peace and security;

3. *Calls upon* States to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at the regional and subregional levels;

4. *Welcomes* the initiatives towards disarmament, nuclear non-proliferation and security undertaken by some countries at the regional and subregional levels;

5. *Supports and encourages* efforts aimed at promoting confidence-building measures at the regional and subregional levels to ease regional tensions and to further disarmament and nuclear non-proliferation measures at the regional and subregional levels;

6. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Regional disarmament".

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### **Extract from Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments**

[A/RES/66/40 December 2011]

[*Editorial note:* Footnotes not included]

*Accepted by vote 169-6-6*

*The General Assembly*

[Eds...]

*Mindful* that the first meeting of the preparatory process for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to take place in May 2012, will begin to lay the groundwork for monitoring the fulfilment by all States parties of their commitments in the 2010 Review Conference action plan, including those by the nuclear-weapon States to accelerate concrete progress on the steps leading to nuclear disarmament,

1. *Reiterates* that each article of the Treaty on the Non-Proliferation of Nuclear Weapons is binding on the States parties at all times and in all circumstances and that all States parties should be held fully accountable with respect to strict compliance with their obligations under the Treaty, and calls upon all States to comply fully with all decisions, resolutions and other commitments made at Review Conferences;

2. *Welcomes* the adoption by the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons of a substantive final document containing conclusions and recommendations for follow-on actions relating to nuclear disarmament, including concrete steps for the total elimination of nuclear weapons, nuclear non-proliferation, peaceful uses of nuclear energy and the Middle East, particularly implementation of the 1995 resolution on the Middle East;

3. *Welcomes*, in particular, the resolve of the 2010 Review Conference to seek a safer world for all and to achieve the peace and security of a world without nuclear weapons, in accordance with the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons;

4. *Welcomes* the expression by the 2010 Review Conference of deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons, as well as its reaffirmation of the need for all States at all times to comply with applicable international law, including international humanitarian law;

5. *Also welcomes* the reaffirmation of the continued validity of the practical steps agreed to in the final document of the 2000 Review Conference, including the specific reaffirmation of the unequivocal undertaking of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty;

6. *Recalls* the commitment by the nuclear-weapon States to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures, underlines the recognition by the 2010 Review Conference of the legitimate interests of non-nuclear-weapon States in the constraining by the nuclear-weapon States of the development and qualitative improvement of nuclear weapons and their ending the development of advanced new types of nuclear weapons, and calls upon the nuclear-weapon States to take steps in this regard;

7. *Encourages* further steps by all nuclear-weapon States, in accordance with the action plan on nuclear disarmament of the final document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to ensure the irreversible removal of all fissile material designated by each nuclear-weapon State as no longer required for military purposes and to support the development of appropriate verification capabilities related to nuclear disarmament;

8. *Calls upon* all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to work towards the full implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference, recognizes the endorsement by the 2010 Review Conference of practical steps in a process leading to the full implementation of the 1995 resolution, including the convening of a conference in 2012, to be attended by all States of the region, on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, calls upon the Secretary-General and the co-sponsors of the 1995 resolution, in close consultation and cooperation with the States of the region, to undertake all necessary preparations for the convening of the 2012 conference, and in this regard welcomes the recent appointment of a facilitator and designation of

a host Government;

9. *Continues to emphasize* the fundamental role of the Treaty on the Non-Proliferation of Nuclear Weapons in achieving nuclear disarmament and nuclear non-proliferation, and calls upon all States parties to spare no effort to achieve the universality of the Treaty, and in this regard urges India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States promptly and without conditions;

10. *Urges* the Democratic People's Republic of Korea to fulfil the commitments under the Six-Party Talks, including those in the September 2005 joint statement, to abandon all nuclear weapons and existing nuclear programmes and to return, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to its adherence to its International Atomic Energy Agency safeguards agreement, with a view to achieving the denuclearization of the Korean Peninsula in a peaceful manner, and reaffirms its firm support for the Six-Party Talks;

11. *Encourages* all States to work together to overcome obstacles within the international disarmament machinery, including in the Conference on Disarmament, that are inhibiting efforts to advance the cause of nuclear disarmament in a multilateral context;

12. *Stresses*, while noting that the nuclear-weapon States met in Paris on 30 June 2011 to consider progress on the commitments they made at the 2010 Review Conference, the importance of the fulfilment of the commitments made by the nuclear-weapon States at the 2010 Review Conference to accelerate concrete progress on the steps leading to nuclear disarmament contained in the final document of the 2000 Review Conference and of their prompt engagement to ensure substantial progress in advance of the 2015 Review Conference;

13. *Recalls* that the commitment of the nuclear-weapon States to accelerate concrete progress on the steps leading to nuclear disarmament as envisaged in action 5 of the 2010 Review Conference action plan is to:

(a) Rapidly move towards an overall reduction in the global stockpile of all types of nuclear weapons, as identified in action 3 of the action plan;

(b) Address the question of all nuclear weapons regardless of their type or their location as an integral part of the general nuclear disarmament process;

(c) Further diminish the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;

(d) Discuss policies that could prevent the use of nuclear weapons and eventually lead to their elimination, lessen the danger of nuclear war and contribute to the non-proliferation and disarmament of nuclear weapons;

(e) Consider the legitimate interest of non-nuclear-weapon States in further reducing the operational status of nuclear weapons systems in ways that promote international stability and security;

(f) Reduce the risk of accidental use of nuclear weapons; and

(g) Further enhance transparency and mutual confidence;

14. *Calls upon* the nuclear-weapon States to implement these commitments in a manner that enables the States parties to monitor them regularly during each review cycle and, in this regard, urges those States to report regularly on the implementation of those commitments;

15. *Welcomes* the announcements made by some nuclear-weapon States providing information about their nuclear arsenals, policies and disarmament efforts, urges those nuclear-weapon States that have not yet done so also to provide this information, and encourages the nuclear-weapon States to agree as soon as possible on a standard reporting format to facilitate this reporting;

16. *Calls upon* the nuclear-weapon States, in this regard and in reference to the outcomes of the 2010 Review Conference, to regularly report on their efforts, including as part of any review of nuclear policies, to diminish the role and significance of nuclear weapons in all military and security concepts;

17. *Calls upon* all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to implement all elements of the



2010 Review Conference action plan in a faithful and timely manner so that progress across all of the Treaty's pillars can be realized;

18. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments" and to review the implementation of the present resolution at that session.

**Extract from Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)**

[A/RES/66/43 December 2011]

[Editorial note: Footnotes not included]

Accepted without a vote

The General Assembly,

[Eds...]

1. *Welcomes* the commitment and efforts of the Commission for the Treaty on the South-East Asia Nuclear-Weapon-Free Zone to further enhance and strengthen the implementation of the Bangkok Treaty by implementing the Plan of Action for the period 2007-2012, adopted in Manila on 29 July 2007, and the recent decision of the Association of Southeast Asian Nations Political-Security Community Council, established under the Charter of the Association, to give priority to the implementation of the Plan of Action;

2. *Welcomes* the resumption of direct consultations between the States parties to the Treaty and the five nuclear-weapon States, and encourages States parties to the Treaty to continue direct consultations with the five nuclear-weapon States to resolve comprehensively, in accordance with the objectives and principles of the Treaty, existing outstanding issues on a number of provisions of the Treaty and the Protocol thereto;

3. *Encourages* nuclear-weapon States and States parties to the Treaty to work constructively with a view to ensuring the early accession of the nuclear-weapon States to the Protocol to the Treaty;

4. *Underlines* the value of enhancing and implementing further ways and means of cooperation among the States parties to nuclear-weapon-free zone treaties and their protocols;

5. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)".

**Extract from Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices**

[A/RES/66/44 December 2011]

Accepted by vote 158-2-21

The General Assembly,

[Eds...]

1. *Urges* the Conference on Disarmament to agree on and implement early in 2012 a comprehensive programme of work that includes the immediate commencement of negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices on the basis of document CD/1299 of 24 March 1995 and the mandate contained therein;

2. *Resolves* to consider options for the negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices at its sixty-seventh session should the Conference on Disarmament fail to agree on and implement a comprehensive programme of work by the end of its 2012 session;

3. *Encourages* interested Member States, without prejudice to their national positions during future negotiations on such a treaty, to continue efforts, including within and on the margins of the Conference on Disarmament, in support of the commencement of negotiations, including through meetings involving scientific experts on various technical aspects of the treaty, drawing on available

expertise from the International Atomic Energy Agency and other relevant bodies, as appropriate;

4. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices".

**Extract from United action towards the total elimination of nuclear weapons**

[A/RES/66/45 December 2011]

[Editorial note: Footnotes not included]

Accepted by vote 169-1-11

The General Assembly,

[Eds...]

1. *Reaffirms* the importance of all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons complying with their obligations under all the articles of the Treaty;

2. *Also reaffirms* the vital importance of the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, and calls upon all States not parties to the Treaty to accede as non-nuclear-weapon States to the Treaty promptly and without any conditions and, pending their accession to the Treaty, to adhere to its terms and take practical steps in support of the Treaty;

3. *Further reaffirms* the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament, to which all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons are committed under article VI thereof;

4. *Calls upon* nuclear-weapon States to undertake further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures;

5. *Emphasizes* the importance of applying the principles of irreversibility, verifiability and transparency in relation to the process of nuclear disarmament and non-proliferation;

6. *Recognizes* that nuclear disarmament and achieving the peace and security of a world without nuclear weapons require openness and cooperation, affirms the importance of enhanced confidence through increased transparency and effective verification, emphasizes the importance of the commitment by the nuclear-weapon States at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2000 Review Conference, in a way that promotes international stability, peace and undiminished and increased security, and the call upon the nuclear-weapon States to report their undertakings to the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in 2014, and welcomes in this regard the convening in Paris on 30 June and 1 July 2011 of the first follow-up meeting to the 2010 Review Conference of the five nuclear-weapon States as a transparency and confidence-building measure among them;

7. *Welcomes* the ongoing implementation by the Russian Federation and the United States of America of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, and encourages them to continue discussions on follow-on measures in order to achieve deeper reductions in their nuclear arsenals;

8. *Urges* all States that have not yet done so to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty at the earliest opportunity, with a view to its early entry into force and universalization, stresses the importance of maintaining existing moratoriums on nuclear-weapon test explosions or any other nuclear explosions pending the entry into force of the Treaty, and reaffirms the importance of the continued development of the Treaty verification regime, which will be a significant contribution to providing assurance of compliance with the Treaty;

9. *Reiterates* its call for the immediate commencement of negotiations on a fissile material cut-off treaty and its early

conclusion, regrets that negotiations have not yet started, and calls upon all nuclear-weapon States and States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to declare and maintain moratoriums on the production of fissile material for any nuclear weapons or other nuclear explosive devices pending the entry into force of the treaty;

10. *Calls upon* the nuclear-weapon States to take measures to further reduce the risk of an accidental or unauthorized launch of nuclear weapons in ways that promote international stability and security, while welcoming the measures already taken by several nuclear-weapon States in this regard;

11. *Also calls upon* the nuclear-weapon States to promptly engage with a view to further diminishing the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;

12. *Recognizes* the legitimate interest of non-nuclear-weapon States in receiving unequivocal and legally binding security assurances from nuclear-weapon States which could strengthen the nuclear non-proliferation regime, recalls Security Council resolution 984 (1995) of 11 April 1995, noting the unilateral statements by each of the nuclear-weapon States, and calls upon all nuclear-weapon States to fully respect their existing commitments with regard to security assurances;

13. *Encourages* the establishment of further nuclear-weapon-free zones, where appropriate, on the basis of arrangements freely arrived at among States of the region concerned and in accordance with the 1999 guidelines of the Disarmament Commission, and recognizes that, by signing and ratifying relevant protocols that contain negative security assurances, nuclear-weapon States would undertake individual legally binding commitments with respect to the status of such zones and not to use or threaten to use nuclear weapons against States parties to such treaties;

14. *Calls upon* all States to redouble their efforts to prevent and curb the proliferation of nuclear weapons and their means of delivery and to fully respect and comply with obligations undertaken to forswear nuclear weapons;

15. *Stresses* the importance of the universalization of the comprehensive safeguards agreements of the International Atomic Energy Agency to include States which have not yet adopted and implemented such an agreement, while also strongly reaffirming the follow-on action of the 2010 Review Conference encouraging all States which have not done so to conclude and bring into force as soon as possible the Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards approved by the Board of Governors of the Agency on 15 May 1997, and the full implementation of relevant Security Council resolutions, including resolution 1540 (2004) of 28 April 2004;

16. *Encourages* every effort to secure all vulnerable nuclear and radiological material, and calls upon all States to work cooperatively as an international community to advance nuclear security, while requesting and providing assistance, including in the field of capacity-building, as necessary;

17. *Encourages* all States to implement the recommendations contained in the report of the Secretary-General on the United Nations study on disarmament and non-proliferation education, in support of achieving a world without nuclear weapons, and to voluntarily share information on efforts they have been undertaking to that end;

18. *Commends and further encourages* the constructive role played by civil society in promoting nuclear non-proliferation and nuclear disarmament, and encourages all States to promote, in cooperation with civil society, disarmament and non-proliferation education which, inter alia, contributes to raising public awareness of the tragic consequences of the use of nuclear weapons and strengthens the momentum of international efforts to promote nuclear disarmament and non-proliferation;

19. *Decides* to include in the provisional agenda of its sixty-seventh session an item entitled "United action towards the total elimination of nuclear weapons".

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**Extract from Follow-up to the advisory opinion  
of the International Court of Justice on the  
*Legality of the Threat or Use of Nuclear  
Weapons***

[A/RES/66/46 December 2011]

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[*Editorial note:* Footnotes not included]

*Accepted by vote 130-26-23*

*The General Assembly,*

[Eds...]

*Recalling* the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, issued on 8 July 1996,

1. *Underlines* once again the unanimous conclusion of the International Court of Justice 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;

2. *Calls once again upon* all States immediately to fulfil that obligation by commencing multilateral negotiations leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons and providing for their elimination;

3. *Requests* all States to inform the Secretary-General of the efforts and measures they have taken with respect to the implementation of the present resolution and nuclear disarmament, and requests the Secretary-General to apprise the General Assembly of that information at its sixty-seventh session;

4. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*".

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**Extract from Reducing nuclear danger**

[A/RES/66/48 December 2011]

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[*Editorial note:* Footnotes not included]

*Accepted by vote 117-49-13*

*The General Assembly,*

[Eds...]

1. *Calls for* a review of nuclear doctrines and, in this context, immediate and urgent steps to reduce the risks of unintentional and accidental use of nuclear weapons, including through de-alerting and de-targeting nuclear weapons;

2. *Requests* the five nuclear-weapon States to take measures towards the implementation of paragraph 1 above;

3. *Calls upon* Member States to take the necessary measures to prevent the proliferation of nuclear weapons in all its aspects and to promote nuclear disarmament, with the objective of eliminating nuclear weapons;

4. *Takes note* of the report of the Secretary-General submitted pursuant to paragraph 5 of its resolution 65/60 of 8 December 2010;

5. *Requests* the Secretary-General to intensify efforts and support initiatives that would contribute towards the full implementation of the seven recommendations identified in the report of the Advisory Board on Disarmament Matters that would significantly reduce the risk of nuclear war, and also to continue to encourage Member States to consider the convening of an international conference, as proposed in the United Nations Millennium Declaration, to identify ways of eliminating nuclear dangers, and to report thereon to the General Assembly at its sixty-seventh session;

6. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Reducing nuclear danger".

**Extract from Compliance with non-proliferation, arms limitation and disarmament agreements and commitments**

[A/RES/66/49 December 2011]

*Accepted by vote 116-0-18*

*The General Assembly,*

[Eds...]

1. *Underscores* the contribution that compliance with non-proliferation, arms limitation and disarmament agreements and with other agreed obligations makes to enhancing confidence and to strengthening international security and stability;
2. *Urges* all States to implement and to comply fully with their respective obligations;
3. *Welcomes* efforts by all States to pursue additional areas of cooperation, as appropriate, that can increase confidence in compliance with existing non-proliferation, arms limitation and disarmament agreements and commitments and reduce the possibility of misinterpretation and misunderstanding;
4. *Calls upon* all Member States to encourage and, for those States in a position to do so, to appropriately assist States which request assistance to increase their capacity to implement fully their obligations;
5. *Calls upon* Member States to support efforts aimed at the resolution of compliance questions by means consistent with such agreements and with international law;
6. *Welcomes* the role that the United Nations has played and continues to play in restoring the integrity of, and fostering negotiations on, certain arms limitation and disarmament and non-proliferation agreements and in the removal of threats to peace;
7. *Calls upon* all concerned States to take concerted action, in a manner consistent with relevant international law, to encourage, through bilateral and multilateral means, the compliance by all States with their respective non-proliferation, arms limitation and disarmament agreements and with other agreed obligations, and to hold those not in compliance with such agreements accountable for their non-compliance in a manner consistent with the Charter of the United Nations;
8. *Urges* those States not currently in compliance with their respective obligations and commitments to make the strategic decision to come back into compliance;
9. *Encourages* efforts by all States, the United Nations and other international organizations, pursuant to their respective mandates, to take action, consistent with the Charter, to prevent serious damage to international security and stability arising from non-compliance by States with their existing non-proliferation, arms limitation and disarmament obligations;
10. *Decides* to include in the provisional agenda of its sixty-ninth session an item entitled "Compliance with non-proliferation, arms limitation and disarmament agreements and commitments".

**Extract from Measures to prevent terrorists from acquiring weapons of mass destruction**

[A/RES/66/50 December 2011]

[*Editorial note:* Footnotes not included]

*Accepted without a vote*

*The General Assembly,*

[Eds...]

1. *Calls upon* all Member States to support international efforts to prevent terrorists from acquiring weapons of mass destruction and their means of delivery;
2. *Appeals* to all Member States to consider early accession to and ratification of the International Convention for the Suppression of Acts of Nuclear Terrorism;
3. *Urges* all Member States to take and strengthen national

measures, as appropriate, to prevent terrorists from acquiring weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture;

4. *Encourages* cooperation among and between Member States and relevant regional and international organizations for strengthening national capacities in this regard;
5. *Requests* the Secretary-General to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction and to seek the views of Member States on additional relevant measures, including national measures, for tackling the global threat posed by the acquisition by terrorists of weapons of mass destruction and to report to the General Assembly at its sixty-seventh session;
6. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Measures to prevent terrorists from acquiring weapons of mass destruction".

**Extract from Nuclear disarmament**

[A/RES/66/51 December 2011]

[*Editorial note:* Footnotes not included]

*Accepted by vote 117-45-18*

*The General Assembly,*

[Eds...]

1. *Recognizes* that the time is now opportune for all the nuclear-weapon States to take effective disarmament measures to achieve the total elimination of these weapons at the earliest possible time;
2. *Reaffirms* that nuclear disarmament and nuclear non-proliferation are substantively interrelated and mutually reinforcing, that the two processes must go hand in hand and that there is a genuine need for a systematic and progressive process of nuclear disarmament;
3. *Welcomes and encourages* the efforts to establish new nuclear-weapon-free zones in different parts of the world, including the establishment of a Middle East zone free of nuclear weapons, on the basis of agreements or arrangements freely arrived at among the States of the regions concerned, which is an effective measure for limiting the further spread of nuclear weapons geographically and contributes to the cause of nuclear disarmament;
4. *Also welcomes* the ongoing efforts between the States members of the Association of Southeast Asian Nations and the nuclear-weapon States, and encourages the nuclear-weapon States in their early signing of the Protocol to the Treaty on the South-East Asia Nuclear-Weapon-Free Zone;
5. *Recognizes* that there is a genuine need to diminish the role of nuclear weapons in strategic doctrines and security policies to minimize the risk that these weapons will ever be used and to facilitate the process of their total elimination;
6. *Urges* the nuclear-weapon States to stop immediately the qualitative improvement, development, production and stockpiling of nuclear warheads and their delivery systems;
7. *Also urges* the nuclear-weapon States, as an interim measure, to de-alert and deactivate immediately their nuclear weapons and to take other concrete measures to reduce further the operational status of their nuclear-weapon systems, while stressing that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons;
8. *Reiterates* its call upon the nuclear-weapon States to undertake the step-by-step reduction of the nuclear threat and to carry out effective nuclear disarmament measures with a view to achieving the total elimination of these weapons within a specified framework of time;
9. *Calls upon* the nuclear-weapon States, pending the achievement of the total elimination of nuclear weapons, to agree on an internationally and legally binding instrument on a joint undertaking not to be the first to use nuclear weapons, and calls upon all States to conclude an internationally and legally binding

instrument on security assurances of non-use and non-threat of use of nuclear weapons against non-nuclear-weapon States;

10. *Urges* the nuclear-weapon States to commence plurilateral negotiations among themselves at an appropriate stage on further deep reductions of nuclear weapons as an effective measure of nuclear disarmament;

11. *Underlines* the importance of applying the principles of transparency, irreversibility and verifiability to the process of nuclear disarmament and to nuclear and other related arms control and reduction measures;

12. *Also underlines* the importance of the unequivocal undertaking by the nuclear-weapon States, in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, to which all States parties are committed under article VI of the Treaty, and the reaffirmation by the States parties that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons;

13. *Calls for* the full and effective implementation of the thirteen practical steps for nuclear disarmament contained in the Final Document of the 2000 Review Conference;

14. *Also calls for* the full implementation of the action plan as set out in the conclusions and recommendations for follow-on actions of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, particularly the 22-point action plan on nuclear disarmament;

15. *Urges* the nuclear-weapon States to carry out further reductions of non-strategic nuclear weapons, based on unilateral initiatives and as an integral part of the nuclear arms reduction and disarmament process;

16. *Calls for* the immediate commencement of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices on the basis of the report of the Special Coordinator and the mandate contained therein;

17. *Urges* the Conference on Disarmament to commence as early as possible its substantive work during its 2012 session, on the basis of a comprehensive and balanced programme of work that takes into consideration all the real and existing priorities in the field of disarmament and arms control, including the immediate commencement of negotiations on such a treaty with a view to their conclusion within five years;

18. *Calls for* the conclusion of an international legal instrument or instruments on adequate and unconditional security assurances to non-nuclear-weapon States;

19. *Also calls for* the early entry into force and strict observance of the Comprehensive Nuclear-Test-Ban Treaty;

20. *Expresses its regret* that the Conference on Disarmament was unable to establish an ad hoc committee to deal with nuclear disarmament early in 2011, as called for by the General Assembly in its resolution 65/56;

21. *Reiterates its call* upon the Conference on Disarmament to establish, as soon as possible and as the highest priority, an ad hoc committee on nuclear disarmament early in 2012 and to commence negotiations on a phased programme of nuclear disarmament leading to the total elimination of nuclear weapons within a specified framework of time;

22. *Calls for* the convening of an international conference on nuclear disarmament in all its aspects at an early date to identify and deal with concrete measures of nuclear disarmament;

23. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the implementation of the present resolution;

24. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled "Nuclear disarmament".

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## Extract from Convention on the Prohibition of the Use of Nuclear Weapons

[A/RES/66/57 December 2011]

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[*Editorial note:* Footnotes not included]

*Accepted by vote 117-48-12*

*The General Assembly,*

[Eds...]

1. *Reiterates its request* to the Conference on Disarmament to commence negotiations in order to reach agreement on an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances;

2. *Requests* the Conference on Disarmament to report to the General Assembly on the results of those negotiations.

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## Extract from Report of the Conference on Disarmament

[A/RES/66/59 December 2011]

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[*Editorial note:* Footnotes not included]

*Accepted without a vote*

*The General Assembly,*

[Eds...]

1. *Reaffirms* the role of the Conference on Disarmament as the sole multilateral disarmament negotiating forum of the international community;

2. *Calls upon* the Conference on Disarmament to further intensify consultations and explore possibilities with a view to adopting a balanced and comprehensive programme of work at the earliest possible date during its 2012 session, bearing in mind the decision on the programme of work adopted by the Conference on 29 May 2009;

3. *Expresses its appreciation* for the strong support expressed for the Conference on Disarmament during its 2011 session by Ministers for Foreign Affairs and other high-level officials, and takes into account their calls for greater flexibility with respect to commencing the substantive work of the Conference without further delay;

4. *Welcomes* the decision of the Conference on Disarmament to request the current President and the incoming President to conduct consultations during the intersessional period and, if possible, make recommendations, taking into account all relevant proposals, past, present and future, including those submitted as documents of the Conference, views presented and discussions held, and to endeavour to keep the membership of the Conference informed, as appropriate, of their consultations;

5. *Requests* all States members of the Conference on Disarmament to cooperate with the current President and successive Presidents in their efforts to guide the Conference to the early commencement of its substantive work, including negotiations, in its 2012 session;

6. *Recognizes* the importance of continuing consultations on the question of the expansion of the membership of the Conference on Disarmament;

7. *Requests* the Secretary-General to continue to ensure and strengthen, if needed, the provision to the Conference on Disarmament of all necessary administrative, substantive and conference support services;

8. *Requests* the Conference on Disarmament to submit to the General Assembly at its sixty-seventh session a report on its work;

9. *Decides* to include in the provisional agenda of its sixty-seventh session the sub-item entitled "Report of the Conference on Disarmament".

**Extract from Report of the Disarmament Commission**

[A/RES/66/60 December 2011]

[Editorial note: Footnotes not included]

Accepted without a vote

The General Assembly,

[Eds...]

1. Takes note of the report of the Disarmament Commission;
2. Reaffirms the validity of its decision 52/492 of 8 September 1998 concerning the efficient functioning of the Disarmament Commission;
3. Recalls its resolution 61/98, in which it adopted additional measures for improving the effectiveness of the Disarmament Commission's methods of work;
4. Reaffirms the mandate of the Disarmament Commission as the specialized, deliberative body within the United Nations multilateral disarmament machinery that allows for in-depth deliberations on specific disarmament issues, leading to the submission of concrete recommendations on those issues;
5. Also reaffirms the importance of further enhancing the dialogue and cooperation among the First Committee, the Disarmament Commission and the Conference on Disarmament;
6. Requests the Disarmament Commission to continue its work in accordance with its mandate, as set forth in paragraph 118 of the Final Document of the Tenth Special Session of the General Assembly, 2 and with paragraph 3 of Assembly resolution 37/78 H of 9 December 1982, and to that end to make every effort to achieve specific recommendations on the items on its agenda, taking into account the adopted "Ways and means to enhance the functioning of the Disarmament Commission";
7. Recommends that the Disarmament Commission intensify consultations with a view to reaching agreement on the items on its agenda, in accordance with decision 52/492, before the start of its substantive session of 2012;
8. Requests the Disarmament Commission to meet for a period not exceeding three weeks during 2012, namely from 2 to 20 April, and to submit a substantive report to the General Assembly at its sixty-seventh session;
9. Requests the Secretary-General to transmit to the Disarmament Commission the annual report of the Conference on Disarmament, together with all the official records of the sixty-sixth session of the General Assembly relating to disarmament matters, and to render all assistance that the Commission may require for implementing the present resolution;
10. Also requests the Secretary-General to ensure full provision to the Disarmament Commission and its subsidiary bodies of interpretation and translation facilities in the official languages and to assign, as a matter of priority, all the necessary resources and services, including verbatim records, to that end;
11. Decides to include in the provisional agenda of its sixty-seventh session the sub-item entitled "Report of the Disarmament Commission".

**Extract from The risk of nuclear proliferation in the Middle East**

[A/RES/66/61 December 2011]

[Editorial note: Footnotes not included]

Accepted by vote 167-6-5

The General Assembly,

[Eds...]

1. Welcomes the conclusions on the Middle East of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons;

2. Reaffirms the importance of Israel's accession to the Treaty on the Non-Proliferation of Nuclear Weapons and placement of all its nuclear facilities under comprehensive International Atomic Energy Agency safeguards, in realizing the goal of universal adherence to the Treaty in the Middle East;

3. Calls upon that State to accede to the Treaty without further delay, not to develop, produce, test or otherwise acquire nuclear weapons, to renounce possession of nuclear weapons and to place all its unsafeguarded nuclear facilities under full-scope Agency safeguards as an important confidence-building measure among all States of the region and as a step towards enhancing peace and security;

4. Requests the Secretary-General to report to the General Assembly at its sixty-seventh session on the implementation of the present resolution;

5. Decides to include in the provisional agenda of its sixty-seventh session the item entitled "The risk of nuclear proliferation in the Middle East".

**Extract from Comprehensive Nuclear-Test-Ban Treaty**

[A/RES/66/64 December 2011]

[Editorial note - footnotes not included]

Accepted by vote 175-1-3

The General Assembly,

[Eds...]

1. Stresses the vital importance and urgency of signature and ratification, without delay and without conditions, in order to achieve the earliest entry into force of the Comprehensive Nuclear-Test-Ban Treaty;
2. Welcomes the contributions by the States signatories to the work of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, in particular its efforts to ensure that the verification regime of the Treaty will be capable of meeting the verification requirements of the Treaty upon its entry into force, in accordance with article IV of the Treaty;
3. Underlines the need to maintain momentum towards completion of all elements of the verification regime;
4. Urges all States not to carry out nuclear-weapon test explosions or any other nuclear explosions, to maintain their moratoriums in this regard and to refrain from acts that would defeat the object and purpose of the Treaty, while stressing that these measures do not have the same permanent and legally binding effect as the entry into force of the Treaty;
5. Recalls Security Council resolutions 1718 (2006) of 14 October 2006 and 1874 (2009) of 12 June 2009, emphasizes the importance of their implementation, and reaffirms its firm support for the Six-Party Talks;
6. Urges all States that have not yet signed the Treaty, in particular those whose ratification is needed for its entry into force, to sign and ratify it as soon as possible;
7. Urges all States that have signed but not yet ratified the Treaty, in particular those whose ratification is needed for its entry into force, to accelerate their ratification processes with a view to ensuring their earliest successful conclusion;
8. Welcomes, since its previous resolution on the subject, the ratification of the Treaty by Ghana and Guinea as a significant step towards the early entry into force of the Treaty;
9. Also welcomes the recent expressions by a number of the remaining States whose ratification is needed for the Treaty to enter into force of their intention to pursue and complete the ratification process;
10. Urges all States to remain seized of the issue at the highest political level and, where in a position to do so, to promote adherence to the Treaty through bilateral and joint outreach, seminars and other means;
11. Requests the Secretary-General, in consultation with the

Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization, to prepare a report on the efforts of States that have ratified the Treaty towards its universalization and possibilities for providing assistance on ratification procedures to States that so request it, and to submit such a report to the General Assembly at

its sixty-seventh session;

12. *Decides* to include in the provisional agenda of its sixty-seventh session the item entitled “Comprehensive Nuclear-Test-Ban Treaty”.

## S – Documents of the Conference on Disarmament

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.kcl.ac.uk/csss>

### Report of Ambassador Gerald E Shannon of Canada on Consultations on the Most Appropriate Arrangement to Negotiate a Treaty Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices

[Reproduced from CD/1299, 24 March, 1995]

At the beginning of last year's session, I was tasked with seeking the views of members on the most appropriate arrangement to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

As you know I held numerous consultations, both bilaterally and with groups and reported formally to this plenary on five occasions in 1994.

Mid-way through the last session, consensus was reached that the CD was the appropriate forum to negotiate a treaty on this issue. At the end of the session in September, while there was no agreement on a mandate for an Ad Hoc Committee, there was agreement in principle, that an Ad Hoc Committee be established on this issue as soon as a mandate had been agreed. At that time, the CD asked me to continue consultations on an appropriate mandate for an Ad Hoc Committee in order to enable the convening of this Ad Hoc Committee as soon as possible.

At the beginning of this year's session, the Conference decided to continue consultations on a mandate.

I have since held numerous consultations, and am pleased to report that delegations have agreed that the mandate for such a Committee should be based on Resolution 48/75L of the UN General Assembly, and reads as follows:

1. The Conference on Disarmament decides to establish an Ad Hoc Committee on a "Ban on the production of fissile material for nuclear weapons or other nuclear explosive devices".
2. The Conference directs the Ad Hoc Committee to negotiate a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.
3. The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before the conclusion of the 1995 session.

During the course of my consultation, many delegations expressed concerns about a variety of issues relating to fissile material, including the appropriate scope of the convention. Some delegations expressed the view that this mandate would permit consideration in the Committee only of the future production of fissile material. Other delegations were of the view that the mandate would permit consideration not only of future but also of past production. Still others were of the view that consideration should not only relate to production of fissile materials (past or future) but also to other issues, such as the management of such material.

Mr. President, it has been agreed by delegations that the mandate for the establishment of the Ad Hoc Committee does not preclude any delegation from raising for consideration in the Ad Hoc Committee any of the above noted issues.

Delegations with strong views were able to join consensus so we could all move forward on this issue. This means that an Ad Hoc Committee on Cut-Off can be established and negotiations can begin on this important topic. This has for some time been the common objective of all delegations of this Conference.

I have appreciated that the productive contribution and support of all delegations in arriving at this result.

### The Formation of the Ad Hoc Committee on Fissile Materials in the Conference on Disarmament

[Extracted from the CD Report to the UNGA for 1998, CD/1557, 8 September, 1998]

10. At the 802nd plenary meeting on 11 August 1998, the Conference adopted the decision on the establishment of an ad hoc committee under item 1 of the agenda entitled 'Cessation of the nuclear arms race and nuclear disarmament' (CD/1547), which reads as follows:

"The Conference on Disarmament decides to establish, under item 1 of its agenda entitled 'Cessation of the nuclear arms race and nuclear disarmament', an ad hoc committee which shall negotiate, on the basis of the report of the Special Coordinator (CD/1299) and the mandate contained therein, a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

The Ad Hoc Committee shall present a report to the Conference on Disarmament on the progress of its work before the conclusion of the 1998 session."

Following the adoption of this decision, the President made the following statement (CD/1548):

"In connection with the decision we have just taken, I should like, in my capacity as President of the Conference, to state that the adoption of this decision is without prejudice to any further decisions on the establishment of further subsidiary bodies under agenda item 1 which may result from the provisions of paragraph 1 of decision CD/1501, and that the presidency will continue to pursue intensive consultations and to seek the views of the members of the Conference on appropriate methods and approaches for dealing with agenda item 1, entitled 'Cessation of the nuclear arms race and nuclear disarmament', taking into consideration all proposals and views in this respect."

### U.S. Draft Mandate of a Fissile Material Cut-Off Treaty

[Circulated by the U.S. at the Conference on Disarmament, 18 May 2006]

On May 18, 2006, the United States tabled a new draft Fissile Material Cut-Off Treaty (FMCT) at the Conference on Disarmament and circulated a draft mandate to establish an Ad Hoc Committee to negotiate the treaty. The draft treaty contains the essential provisions for a legally binding FMCT which would ban, after entry into force, the production of fissile material for use in nuclear weapons or other explosive devices.

Draft Mandate Text

1. The Conference decides to establish an Ad Hoc Committee on a "Ban on the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices."
2. The Conference directs the Ad Hoc Committee to negotiate a non-discriminatory and multilateral treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.
3. The Ad Hoc Committee will report to the Conference on Disarmament on the progress of its work before (DATE).

**Treaty on the Cessation of Production of Fissile Material for Use in Nuclear Weapons or Other Nuclear Explosive Devices**  
(DRAFT TEXT)

The States Parties to this Treaty (hereinafter referred to as the "Parties"), have agreed as follows: **Article I** No Party shall, after the

entry into force of the Treaty for that Party, produce fissile material for use in nuclear weapons or other nuclear explosive devices, or use any fissile material produced thereafter in nuclear weapons or other nuclear explosive devices. **Article II** For the purposes of this Treaty:

1. "Fissile material" means

- (a) Plutonium except plutonium whose isotopic composition includes 80 percent or greater plutonium-238.
- (b) Uranium containing a 20 percent or greater enrichment in the isotopes uranium-233 or uranium-235, separately or in combination; or
- (c) Any material that contains the material defined in (a) or (b) above.

2. "Produce fissile material" means:

- (a) To separate any fissile material from fission products in irradiated nuclear material;
- (b) To enrich plutonium-239 in plutonium by any isotopic separation process; or
- (c) To enrich uranium-233 or uranium-235 in uranium to an enrichment of 20 percent or greater in those isotopes, separately or in combination, by any isotopic separation process.

3. The term "produce fissile material" does not include activities involving fissile material produced prior to entry into force of the Treaty, provided that such activities do not increase the total quantity of plutonium, uranium-233, or uranium-235 in such fissile material.

**Article III**

1. Each Party shall take the necessary measures to ensure that all persons and entities anywhere on its territory or in any other place under its jurisdiction or control do not produce fissile material for use in nuclear weapons or other nuclear explosive devices, and do not use fissile material produced after entry into force of this Treaty for that Party in nuclear weapons or other nuclear explosive devices.

2. For the purposes of this Treaty, no Party shall be precluded from using information obtained by national means and methods in a manner consistent with generally recognized principles of international law, including that of respect for the sovereignty of States.

3. Any questions that arise regarding the implementation by a Party of the provisions of this Treaty shall be addressed through consultations between that Party and the Party or Parties seeking clarification.

4. In addition, any Party may bring to the attention of the Parties to this Treaty concerns regarding compliance with the provisions of this Treaty by another Party or Parties and may request the depositary to convene the Parties to this Treaty to consider the matter.

5. If, in connection with the implementation of this Treaty, any Party believes that questions have arisen that are within the competence of the Security Council of the United Nations as the organ bearing the main responsibility for the maintenance of international peace and security, that Party may request consideration of such questions by the Security Council. The requesting Party should provide evidence related to the matter.

**Article IV**

1. This Treaty shall be open to all States for signature until its entry into force in accordance with paragraph 1 of Article VI.

2. After its entry into force, this Treaty shall remain open for accession by States that have not signed it.

3. This Treaty shall be subject to ratification by States Signatories in accordance with their respective constitutional processes.

**Article V**

1. Instruments of ratification and accession shall be deposited with [\_\_\_\_\_].

2. The depositary shall inform all States Signatories and acceding States promptly of the date of each signature, the date of

deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.

3. The depositary shall send duly certified copies of this Treaty to the Governments of the States Signatories and acceding States.

**Article VI**

1. This Treaty shall enter into force on the date on which an instrument of ratification has been deposited by all of the following States: the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

2. For a State that deposits an instrument of ratification or accession after the conditions set out in paragraph 1 above for entry into force have been fulfilled, the Treaty shall enter into force on the date of the deposit by that State of its instrument of ratification or accession.

**Article VII**

1. Each 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 its supreme interests. A Party shall deliver notice of such withdrawal in writing to the depositary no less than three months in advance of the date of withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events that the notifying Party regards as having jeopardized its supreme interests.

2. This Treaty shall remain in force for a period of 15 years from the date of its entry into force. No later than six months before the expiration of the Treaty, the Parties shall meet to consider whether it will be extended. By consensus of the Parties, this Treaty may be extended.

**Article VIII**

This Treaty, of which the Arabic, Chinese, English, French, Russian, and Spanish language texts are equally authentic, shall be registered by the depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Treaty opened for signature at [\_\_\_\_\_] on [ date ].

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**Extract from Report of the Conference on  
Disarmament to the General Assembly of the  
United Nations**

[CD/1900 14 September 2010]

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[Eds...]

**II. Organization of the work of the Conference**

[Eds...]

**F. Review of the agenda of the Conference**

25. The review of the agenda of the Conference was addressed by delegations in plenary meetings. Their views on the issue are duly reflected in the plenary records.

**G. Improved and effective functioning of the Conference**

26. The improved and effective functioning of the Conference was addressed by delegations in plenary meetings. Their views on the issue are duly reflected in the plenary records.

[Eds...]

**III. Substantive work of the Conference during its 2010 session**

29. In accordance with the schedule of informal meetings of the Conference on its agenda items during the second part of the 2010 session approved on 7 June 2010 (CD/WP.560), informal meetings on agenda items 1 to 7 were chaired and coordinated by Sweden, Algeria, Brazil, Bangladesh, Belarus, Indonesia and Finland under the authority of the incumbent President of the Conference.

30. During the general debate of the Conference, delegations affirmed or further elaborated their respective position on the



agenda items. These positions are duly recorded in the related official documents, as well as the plenary records of the session.

31. On 14 September 2010, the President of the Conference, Ambassador Anatole Fabien Marie Nkou of Cameroon, addressed a letter to the Conference transmitting the oral reports of the seven coordinators prepared in their personal capacity and finalized by the President under his own responsibility on the work done by these coordinators during the 2010 session (CD/1899).

32. The list of documents issued by the Conference, as well as the texts of those documents, are included as appendix I to this report. An index of the verbatim records, by country and by subject, listing the statements made by delegations during 2010, and the verbatim records of the formal plenary meetings of the Conference, are attached as appendix II to the report.

33. The Conference had before it a letter dated 15 January 2010 from the Secretary-General of the United Nations (CD/1880) transmitting the resolutions and decisions on disarmament and international security matters adopted by the General Assembly at its sixty-fourth session in 2009, including those making specific reference to the Conference on Disarmament. The latter are listed below:

64/27 Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons (operative paragraphs 2, 4 and 5);

64/28 Prevention of an arms race in outer space (operative paragraphs 5, 6 and 8) 64/29 Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (operative paragraph 1);

64/42 Conventional arms control at the regional and subregional levels (operative paragraph 2);

64/45 Prohibition of the dumping of radioactive wastes (operative paragraphs 1, 4 and 5);

64/47 Renewed determination towards the total elimination of nuclear weapons (operative paragraphs 11 and 12);

64/53 Nuclear disarmament (operative paragraphs 14, 15, 19 and 20);

64/54 Transparency in armaments (operative paragraphs 6 (d) and 8);

64/57 Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments (operative paragraph 9);

64/59 Convention on the Prohibition of the Use of Nuclear Weapons (operative paragraphs 1 and 2);

64/64 Report of the Conference on Disarmament (operative paragraphs 1, 2, 3, 4, 5, 6 and 7);

64/65 Report of the Disarmament Commission (operative paragraphs 5 and 9).

#### A. Cessation of the nuclear arms race and nuclear disarmament

34. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

35. The following documents dealing with this agenda item were submitted to the Conference:

(a) CD/1881, entitled "Letter dated 12 January 2010 from the Permanent Representatives of Australia and Japan to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the synopsis of the report of the International Commission on Nuclear Non-Proliferation and Disarmament entitled 'Eliminating nuclear threats: a practical agenda for global policymakers'";

(b) CD/1888, dated 14 June 2010, entitled "Brazil. Working Paper. Proposal on the structure of a treaty on fissile material for nuclear weapons or other nuclear explosive devices";

(c) CD/1891, entitled "Islamic Republic of Iran. Working paper. The position paper of the G-21 on nuclear disarmament";

(d) CD/1895, entitled "Australia. Working paper. Suggestions for the substance of the Fissile Material Cut-Off Treaty";

(e) CD/1896, entitled "Australia. Working paper. Outline of possible verification provisions of the Fissile Material Cut-Off Treaty".

36. In accordance with the schedule of informal meetings of the Conference on its agenda items during the second part of the 2010 session (CD/WP.560), and as updated (CD/WP.560/Amend.1), four informal meetings on agenda items 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" and 2 entitled "Prevention of nuclear war, including all related matters", were held under the chairmanship of Mr. Magnus Hellgren of Sweden on 8 (two meetings), 22 and 23 June, and four more meetings were held under the chairmanship of Ambassador Idriss Jazaïry of Algeria on 28 and 29 (two meetings) June and 13 July 2010.

#### B. Prevention of nuclear war, including all related matters

37. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

38. The following documents dealing with this agenda item were submitted to the Conference:

(a) CD/1881, entitled "Letter dated 12 January 2010 from the Permanent Representatives of Australia and Japan to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the synopsis of the report of the International Commission on Nuclear Non-Proliferation and Disarmament entitled 'Eliminating nuclear threats: a practical agenda for global policymakers'";

(b) CD/1888, dated 14 June 2010, entitled "Brazil. Working Paper. Proposal on the structure of a treaty on fissile material for nuclear weapons or other nuclear explosive devices";

(c) CD/1891, entitled "Islamic Republic of Iran. Working paper. The position paper of the G-21 on nuclear disarmament";

(d) CD/1895, entitled "Australia. Working paper. Suggestions for the substance of the Fissile Material Cut-Off Treaty";

(e) CD/1896, entitled "Australia. Working paper. Outline of possible verification provisions of the Fissile Material Cut-Off Treaty".

39. In accordance with the schedule of informal meetings of the Conference on its agenda items during the second part of the 2010 session (CD/WP.560), and as updated (CD/WP.560/Amend.1), four informal meetings on agenda items 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" and 2 entitled "Prevention of nuclear war, including all related matters", were held under the chairmanship of Mr. Magnus Hellgren of Sweden on 8 (two meetings), 22 and 23 June, and four more meetings were held under the chairmanship of Ambassador Idriss Jazaïry of Algeria on 28 and 29 June (two meetings) and 13 July 2010.

#### C. Prevention of an arms race in outer space

40. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

41. The following documents dealing with this item were submitted to the Conference:

(a) CD/1890, entitled "Letter dated 9 July 2010 from the Permanent Mission of Canada to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the report of a conference organized by UNIDIR entitled 'Space security 2010: From foundations to negotiations' held from 29 to 30 March in Geneva";

(b) CD/1893, entitled "Islamic Republic of Iran. Working paper. The position paper of the G-21 on prevention of an arms race in outer space".

42. In accordance with the schedule of informal meetings of the Conference on its agenda items during the second part of the 2010 session (CD/WP.560), and as updated (CD/WP.560/Amend.1), four informal meetings on agenda item 3 entitled "Prevention of an

Arms Race in Outer Space” were held under the chairmanship of Ambassador Luiz Filipe de Macedo Soares of Brazil on 9, 14 and 30 June and 5 July 2010.

#### **D. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons**

43. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

44. In accordance with the schedule of informal meetings of the Conference on its agenda items during the second part of the 2010 session (CD/WP.560), and as updated (CD/WP.560/Amend.1), four informal meetings on agenda item 4 entitled “Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons” were held under the chairmanship of Ambassador Md. Abdul Hannan of Bangladesh on 16 and 25 June and 1 and 16 July 2010.

45. The following document dealing with this item was submitted to the Conference:

CD/1892, entitled “Islamic Republic of Iran. Working paper. The position paper of the G-21 on negative security assurances”.

#### **E. New types of weapons of mass destruction and new systems of such weapons; radiological weapons**

46. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

47. In accordance with the schedule of informal meetings of the Conference on its agenda items during the second part of the 2010 session (CD/WP.560), and as updated (CD/WP.560/Amend.1), four informal meetings on agenda item 5 entitled “New types of weapons of mass destruction and new systems of such weapons; radiological weapons” were held under the chairmanship of Ambassador Mikhail Khvostov of Belarus on 17 and 24 June and 1 and 8 July 2010.

#### **F. Comprehensive programme of disarmament**

48. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

49. In accordance with the schedule of informal meetings of the Conference on its agenda items during the second part of the 2010 session (CD/WP.560), and as updated (CD/WP.560/Amend.1), four informal meetings on agenda item 6 entitled “Comprehensive programme of disarmament” were held under the chairmanship of Ambassador Desra Percaya of Indonesia on 15 and 24 June and 6 and 15 July 2010.

#### **G. Transparency in armaments**

50. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on the agenda item. These positions are duly recorded in the plenary records of the session.

51. In accordance with the schedule of informal meetings of the Conference on its agenda items during the second part of the 2010 session (CD/WP.560), and as updated (CD/WP.560/Amend.1), four informal meetings on agenda item 7 entitled “Transparency in armaments” were held under the chairmanship of Ambassador Hannu Himanen of Finland on 18 and 21 June and 9 and 12 July 2010.

#### **H. Consideration of other areas dealing with the cessation of the arms race and disarmament and other relevant measures**

52. No documents were submitted on this subject during the 2010 session of the Conference.

[Eds...]

### **Letter from the Secretary-General addressed to the President of the General Assembly**

[A/65/496 5 October 2010]

At the end of the high-level meeting on revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations, held in New York on 24 September 2010, I circulated a summary of the discussion which reflected my understanding, as convener and Chair of the high-level meeting, of the views expressed. I also indicated that I would present the Chair’s summary to the President of the General Assembly. As I noted in my concluding remarks, I was heartened by the resolve of Member States to revitalize the work of the Conference on Disarmament and take forward the multilateral disarmament agenda.

During the meeting, it was proposed that the General Assembly include in the agenda of its sixty-fifth session an item entitled “Follow-up to the high-level meeting held on 24 September 2010: revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations” and discuss it in plenary and in the First Committee. Consequently, on 4 October 2010, I wrote to the President of the General Assembly to request that the item be included in the agenda of the current session of the Assembly (see A/65/231). This demonstrates the determination of Member States to ensure that the high-level meeting marks both a continuation of the series of successful meetings over the past year and an important step towards the revitalization of the work of the multilateral disarmament machinery, and in particular of the Conference on Disarmament.

I am pleased to transmit to you the Chair’s summary of the high-level meeting (see annex) and should be grateful if you would bring it to the attention of the members of the General Assembly, under the aforementioned agenda item. The document could provide a basis for the consideration of this item in the First Committee and in plenary, as required.

I am grateful for your continued personal support to this crucial issue.

(Signed) BAN Ki-moon

#### **Annex to the letter dated 5 October 2010 from the Secretary-General addressed to the President of the General Assembly**

#### **High-level meeting on revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations**

##### **Chair’s summary**

*The high-level meeting was held on 24 September 2010 from 8 a.m. to 1 p.m. A total of 68 delegates spoke, including 37 Ministers for Foreign Affairs and representatives of three specialized organizations. The Secretary-General opened the meeting and invited the President of the General Assembly, Mr. Joseph Deiss, and the Minister of External Relations of Cameroon, Mr. Henri Eyebe Ayissi, representing the country holding the current presidency of the Conference on Disarmament, to address the meeting. At the end of the meeting, the Secretary-General, as convener and Chair of the high-level meeting, circulated a summary of the discussion which reflected his understanding of the views expressed.*

1. Today’s high-level meeting focused on the promotion of multilateral disarmament in general and the work of the Conference on Disarmament in particular, with a view to providing high-level political impetus to the work of the Conference. The Secretary-General’s initiative in convening this meeting was widely welcomed. In this connection, many Member States commended the Secretary-General’s active engagement in advancing nuclear disarmament and non-proliferation and in particular his five-point proposal. At the outset, the Secretary-General urged Member States to focus on identifying ways to revitalize the work of the Conference on Disarmament as well as further moving forward disarmament negotiations.

2. Participants stressed the importance of disarmament with regard to the strengthening of global security and the promotion of international stability. Throughout the discussions, many States reaffirmed that multilateralism was the core principle in negotiations

in the area of disarmament and non-proliferation. It was also stressed that multilaterally agreed solutions, in accordance with the Charter of the United Nations provide the only sustainable method of addressing disarmament and international security issues. Several Member States noted that promoting disarmament could also help to address other critical challenges facing the international community, including meeting the Millennium Development Goals.

3. Participants recognized and welcomed the momentum generated by renewed efforts to achieve a world free of nuclear weapons. In this respect, it was reiterated that the only guarantee of avoiding the use or threat of use of nuclear weapons was their elimination.

4. It was recognized that the political will to advance disarmament and non-proliferation had been strengthened in recent years. Statements by world leaders and former high-level statesmen of many countries, as well as voices from civil society, have underscored the urgent need for decisive action in this area. The Security Council summit held in September 2009, the Nuclear Security Summit held in Washington, D.C., in April 2010 and initiatives at both the multilateral and bilateral levels — including the signing of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START Treaty) in April 2010 — were noted as encouraging developments. A number of Member States lauded the agreement reached at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which contributed to restoring faith in the international non-proliferation regime.

5. Many Member States stressed that, in spite of recent positive developments, greater effort should be made to advance international peace and security, in particular in moving forward multilateral disarmament negotiations. In this regard, they expressed concern about the current status of the multilateral disarmament machinery.

6. Some Member States pointed out that the disarmament machinery dated back to 1978 and expressed support for the need for a comprehensive assessment, with a view to establishing a more effective functioning of multilateralism. In this connection, some States called for a review of the working methods of the existing multilateral disarmament bodies, in particular of the Conference on Disarmament and the United Nations Disarmament Commission, including their procedures and operational principles. A number of States, however, stressed the importance of preserving the nature, role and purpose of each part of the United Nations disarmament machinery.

7. Many Member States expressed support for the convening of the fourth special session of the General Assembly devoted to disarmament to revitalize the work of the Conference on Disarmament and to review the larger architecture of the disarmament machinery. Others noted the absence of consensus on this proposal and explained that the current impasse in multilateral disarmament diplomacy was due to the lack of political will and divergent views on priorities, rather than to the mechanisms of the disarmament machinery. It was also noted that a decision on the fourth special session was the prerogative of the General Assembly.

8. A number of Member States emphasized that disarmament and non-proliferation were mutually reinforcing and that as such, both aspects should be dealt with in tandem. Some expressed the concern that too much emphasis had been placed on issues related to nuclear weapons and other weapons of mass destruction. In this regard, it was stressed that the international community should not lose sight of the issue of conventional weapons, including small arms and light weapons. Some States emphasized the importance of promoting human security and the international humanitarian law dimension of disarmament.

9. A number of Member States presented their views on the work of the Conference on Disarmament, which has been paralysed for more than a decade, thereby undermining its effectiveness in addressing pressing security challenges. In this context, the necessity of addressing procedural matters by consensus was called into question. Some Member States proposed a review of the working methods of the Conference.

10. A number of Member States expressed their continued support and expectations for the Conference on Disarmament and its critical role as the single multilateral disarmament negotiating body. However, they deplored the failure by the Conference to implement its agreed 2009 programme of work. A number of Members voiced concern that the continued stalemate in the Conference would further damage its credibility. Many stressed the urgent need for the Conference to fulfil its mandate, as set forth by the first special session of the General Assembly devoted to disarmament, held in 1978. A number of States expressed the view that the Conference on Disarmament should be open to the participation of all States and relevant stakeholders. In this regard, calls were made for the appointment of a special coordinator on the expansion of the membership of the Conference.

11. Several Members expressed concern that, should the current stalemate continue, the relevance of the Conference on Disarmament would be called into question and Member States could resort to an alternate multilateral process. It was also noted that important conventions, such as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the Convention on Cluster Munitions were negotiated outside the Conference. Others underscored the need to prevent such a parallel process, as this would undermine the Conference.

12. A large number of Member States strongly urged the Conference on Disarmament to adopt a programme of work early in its 2011 session on the basis of the 2009 programme of work and subsequent proposals submitted during the 2010 session. Many noted that the 2009 programme of work (CD/1864) was the best way forward: starting negotiations on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices, beginning substantive work on nuclear disarmament, negative security assurances and preventing an arms race in outer space. However, some Members maintained that the Conference should treat all issues on its agenda in an equal and balanced manner. Several States called for a deadline for the Conference to start substantive work. It was suggested that such a deadline be included in a programme of work of the Conference or in a resolution of the General Assembly.

13. The majority of speakers underscored the urgent necessity of negotiating and bringing to a conclusion a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. Pending the conclusion of such a treaty, calls were made for moratoriums to be declared and upheld on the production of fissile material for nuclear weapons or other nuclear explosive devices. The nuclear-weapon States all expressed support for starting negotiations on such a treaty. Many expressed the hope that such negotiations would take place in the Conference on Disarmament. But in the absence of such a prospect, many suggested that alternative arrangements should be explored. Some voiced concern that exploring such a separate mechanism would undermine the Conference.

14. A number of Member States also expressed support for other important agenda items. They urged the Conference on Disarmament to establish an ad hoc committee on nuclear disarmament and start negotiations on a phased programme for the complete elimination of nuclear weapons within a specified time frame, including a nuclear weapons convention. Nuclear-weapon States, on their part, reaffirmed their commitment to nuclear disarmament, in particular their determination to implement the follow-on actions of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of nuclear weapons. Towards this end, the nuclear-weapon States announced their intention to convene a meeting in Paris in 2011.

15. Pending the achievement of the total elimination of nuclear weapons, some Member States called for negotiation of an instrument to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. A number of Member States expressed concern that the legal framework governing the use of outer space needed to be strengthened so as to prevent an arms race in outer space. A number of Member States called on the Conference on Disarmament to commence substantive work on these issues.

16. In discussing the need for a fresh review of the existing

multilateral disarmament bodies, divergent views were expressed on the validity of the working methods of the Conference on Disarmament. Some Member States held that its rules of procedure had contributed to the current paralysis of the Conference. It was noted that the consensus rule might have been appropriate for the cold war era, but that it was no longer suited to today's multipolar world. Others maintained that its rules of procedure had served the Conference well and advocated continued adherence to the consensus rule. Some Member States highlighted the vital role of political will in overcoming the current deadlock.

17. The participation of three United Nations-related organizations - the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons (OPCW) and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization - was recognized. A number of States took note of the joint ministerial statement issued by the Fifth Biennial Ministerial Meeting in Support of the Comprehensive Nuclear-Test-Ban Treaty. Several calls were made to bring into force the Comprehensive Nuclear-Test-Ban Treaty without further delay. Member States affirmed the goal of establishing a zone in the Middle East free of nuclear weapons. In this connection, some Member States welcomed the follow-on actions agreed to at the 2010 Review Conference and highlighted the support provided by the relevant international organizations, including IAEA and OPCW.

18. As a result of and encouraged by today's meeting, many Member States indicated that substantive follow-up actions were required to ensure that today's session marked both a continuation of the series of successful meetings over the past year, as mentioned above, and the beginning of the revitalization of the work of the multilateral disarmament machinery, in particular the Conference on Disarmament. In this regard, some States emphasized that any follow-up needed to be an inclusive process, driven by Member States, and should strengthen the role and work of the Conference and efforts aimed at achieving nuclear disarmament.

19. In this regard, the Secretary-General suggested the following actions based on today's deliberations:

(a) Taking into account the overwhelming call for greater flexibility to commence substantive work of the Conference on Disarmament without further delay, and noting that the programme of work adopted by consensus in 2009 is the most common denominator, it is strongly suggested that at its first plenary meeting in 2011, the Conference on Disarmament adopt the 2009 programme of work or any other similar subsequent proposal submitted during the 2010 session;

(b) It is proposed that the General Assembly include in the agenda of its sixty-fifth session an item entitled "Follow-up to the high-level meeting held on 24 September 2010; revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations", to be considered both directly in the plenary and in the First Committee;

(c) The Secretary-General will ask his Advisory Board on Disarmament Matters to undertake a thorough review of the issues raised here today, including, *inter alia*, the possible establishment of a high-level panel of eminent persons with a special focus on the functioning of the Conference on Disarmament. Based on its recommendations, the Secretary-General would consider further action in this regard;

(d) Given that the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of nuclear weapons invited the Secretary-General to convene the high-level meeting, the Secretary-General intends to submit his report on the meeting and its follow-up to the first session of the Preparatory Committee for the 2015 Review Conference, which will be held in 2012. The report will summarize the meeting's outcome and the Secretary-General's observations, taking into account any developments in the Conference on Disarmament, along with his suggestions as necessary.

20. The participation of the President of the General Assembly, Mr. Joseph Deiss, and the Minister of External Relations of Cameroon, Mr. Henri Eyebe Ayissi, in his capacity as representative of the country holding the current presidency of the Conference on

Disarmament, as well as that of the Director-General of the United Nations at Geneva, was gratefully acknowledged. It was noted that the President of the General Assembly had pledged to lend his personal support to this crucial issue, including his intention to follow up on the outcome of today's meeting.

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### Extract from Work of the Advisory Board on Disarmament Matters Report of the Secretary-General

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[A/66/125 11 July 2011]

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[Eds...]

#### II. Substantive discussions and recommendations

##### A. Issues raised at the high-level meeting, including the possible establishment of a high-level panel of eminent persons with special focus on the functioning of the Conference on Disarmament

4. The Chair's summary of the high-level meeting on "Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations", held on 24 September 2010, stated that the Secretary-General would ask the Advisory Board on Disarmament Matters to undertake a thorough review of the issues raised at the meeting, including the possible establishment of a high-level panel of eminent persons with special focus on the functioning of the Conference on Disarmament and that, based on its recommendations, the Secretary-General would consider further action in that regard. The Secretary-General therefore requested the Board to consider the matter as its main substantive agenda item for its two sessions in 2011.

5. At its fifty-fifth session, four Board members, Carlo Trezza, Adam Rotfeld, Nobuyasu Abe and François Rivasseau, presented food-for-thought papers on the agenda item. At the same meeting, a presentation was provided to the Board by an outside expert, Tim Caughley, Resident Senior Fellow of UNIDIR. Two Board members, Dewi Fortuna Anwar and Desmond Bowen, also provided food-for-thought papers at the fifty-sixth session.

6. The Board stressed that a political solution was required to break the stalemate at the Conference on Disarmament. The lack of political will, rather than the technical difficulties being encountered, was seen as the principal problem faced by the Conference, and it was mentioned that what appeared to be procedural problems were in fact political ones. Changing the method of work of the Conference was not seen as the ultimate solution that would make the body more efficient.

7. Some members stressed that the Conference on Disarmament was a consensus body. Several members stated that it would be difficult to make changes to the consensus rule and that the only way to develop treaties was through consensus. Other members referred to the need for flexibility on consensus in specific cases. It was also emphasized that the Conference should be maintained as a body since it was a valuable forum where States could articulate their positions. A comment was also made that, in view of the significant changes in the international environment in recent years, considerable changes were required within the Conference in order to accurately reflect the shift in the distribution of power within the global system.

8. There was agreement that a fissile material cut-off treaty was a priority, and the importance of the other core issues, including the peaceful uses of outer space and negative security assurances, were underlined by a number of members. The need to de-link negotiation of a fissile material cut-off treaty from the current technical problems of the Conference was also mentioned. It was stated that a cut-off treaty was an issue related to international security, which was quite different from some of the procedural problems faced by the Conference.

9. While certain Board members stated the need to consider alternative avenues for negotiations, for example the General Assembly or a forum of like-minded States, others commented that any attempts to negotiate a fissile material cut-off treaty outside the Conference on Disarmament would have little chance of success if nuclear-weapon States were not to join in such efforts.

10. Some members suggested the need for intermediate steps prior to negotiating treaties as a means of breaking the deadlock

and also for having discussions on issues other than a fissile material cut-off treaty, for example information security or the peaceful uses of outer space. It was mentioned that such partial work or activities could be devised but that any efforts to establish partial norms would be strongly opposed by certain States.

11. Many Board members expressed the need to further engage civil society on disarmament issues, including the involvement of civil society and non-governmental organizations in pressing the Conference on Disarmament to move forward on nuclear disarmament issues.

12. There were also differences of views on the part of some members on whether there was a need for the establishment of a high-level panel of eminent persons and whether such a group would be able to play a significant role. Members stressed the need for discussing a clear mandate for the high-level panel. Different opinions were also expressed over the size and composition of the panel. Some members called for a larger group while others commented that a smaller panel would be more efficient. There was consensus, however, that such a group should have adequate geographical representation as well as expertise in disarmament-related matters.

13. Other noteworthy comments included emphasis by most members on the need to establish an institutional link between the Advisory Board and the possible high-level panel. A comment was also made on the importance of educating Government officials and diplomats in multilateral disarmament issues within the overall context of disarmament education, on which the Board had conducted in-depth discussions in 2010.

14. At its fifty-sixth session, in Geneva, the Board continued its deliberations on the same agenda item. The Board was thus able to have a second in-depth exchange of views on the subject. The Board also attended an informal plenary meeting of the Conference on Disarmament on 30 June 2011.

15. Most members expressed growing frustration over the continuing stalemate at the Conference on Disarmament, that is its inability to move discussions forward. The Board considered that the root cause of the stagnation could be attributed both to political and procedural problems. Some members stated that the heart of the problem lay with the security concerns of States. The current working methods, including the need for consensus on procedural matters, the practice of linkages, the annual adoption of a programme of work and the limited time given to each presidency, were all cited as being non-productive. One member suggested that the Conference should be encouraged to adopt a simplified programme of work as was the practice during the 1980s and early 1990s.

16. A comment was made that the current impasse in the Conference on Disarmament was nothing new, and it was recalled that it took many years before the Comprehensive Nuclear-Test-Ban Treaty could be negotiated even though it was generally agreed to be an issue that most urgently needed negotiation. It was only after underground nuclear test explosions had become virtually superfluous to the nuclear-weapon States that there had been sufficient political will to begin talks on the Treaty. It was observed that a similar phenomenon was now in play at the Conference, but with a different set of players, and that therefore the institution itself and its working methods could not be solely blamed for the stalemate.

17. Several Board members supported the need for an incremental approach as the most feasible means of breaking the deadlock at the Conference. They also suggested the establishment of scientific or technical groups within the Conference to explore issues related to the four items contained in the above-mentioned decision of the Conference (CD/1864). One member expressed doubt, however, over the usefulness of such technical groups.

18. Some members stated that the regional groupings in the Conference were outdated, hindering cross-regional cooperation as well as the ability of individual Member States to break politically from their groups.

19. A number of noteworthy proposals for moving forward were suggested. One suggestion was that the range of solutions for revitalizing the Conference could be imagined along a continuum, from leaving the Conference to its own devices at one end of the

spectrum to very intrusive measures at the other.

20. In connection with the adoption of a fissile material cut-off treaty, as a confidence-building measure one member proposed a similar approach to the six-party talks on the Korean Peninsula in the case of the South Asian region through five-party talks between India, Pakistan, China, the Russian Federation and the United States of America. A number of Board members expressed interest in this proposal.

21. Many members cautioned the Secretary-General against encouraging efforts that seek to move negotiations outside the disarmament machinery of the Organization since it would be contrary to his responsibility to advance the use of United Nations bodies. Concerns were also expressed that if ever the Conference were to be suspended it would be most difficult to revive.

22. The need for convening a fourth special session of the General Assembly devoted to disarmament was again mentioned by some Board members while others emphasized that such a meeting, would require consensus in order to succeed and that convening it would not be productive at this time. It was also pointed out that any attempts at replacing the Conference on Disarmament would have to be done by the General Assembly at a fourth special session.

23. The Board members considered the idea of changing the dynamics between the Conference on Disarmament and the General Assembly by giving the Assembly greater oversight over the Conference. Given the difficulties of internal reform, some members suggested that the Conference needed to be modified through external processes within the United Nations. While a high-level panel of eminent persons could provide recommendations for its revitalization, it was suggested that the only possibility to reform the Conference would have to come from the Assembly.

24. There was a suggestion that the General Assembly be used to enable negotiations on a fissile material cut-off treaty through a parallel process. One Board member pointed out that the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemicals Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty were all negotiated over the objections of at least one State. It was mentioned that, in the past, States objecting to certain treaties had been requested to stand aside, and that the same could possibly be done again in the case of negotiations on a cut-off treaty. Nevertheless, in order to do this, the possibility of negotiating a cut-off treaty would first have to be exhausted within the Conference.

25. A number of Board members also underlined that the decision of the Conference contained in document CD/1864 could be used as a basis for future negotiations. It was also stated that the General Assembly could establish a negotiating body parallel to the Conference. It was stressed, however, that for such an effort to succeed, it would require a strong commitment to the negotiating process on the part of the Secretary-General, as well as the participation of relevant States. It was suggested that it would be important to test the waters first by seeing if the First Committee of the General Assembly would be willing and able to adopt a strong resolution on the revitalization of the Conference at the next session of the Assembly.

26. Members of the Board continued to express differing views on the establishment of a high-level panel of eminent persons. While the creation of such a panel could be valuable, the process was not certain to revitalize the Conference on Disarmament or the multilateral disarmament machinery in general. The risk of a proliferation of consultative bodies and of possible duplication of work was also mentioned.

27. Different opinions were also expressed on the composition of the high-level panel. One member suggested that the Advisory Board itself could act as the panel, and that, if not, at least some of its members should be included. Other members supported the inclusion of at least one or more current or former Board members on the panel. The Board agreed that there should be a link between the Advisory Board and any possible high-level panel. While the Board was considered to be a reservoir of disarmament expertise, many members noted the importance of having a highly visible panel that could draw broader international attention to the issue of revitalization of the Conference on Disarmament. One member suggested the appointment of a special envoy by the

Secretary-General who could offer more practical solutions and play a more operational role.

28. Another Board member elaborated that there were three different types of panels that could be considered: (a) a panel composed of qualified individuals who would provide a comprehensive report on the issue; (b) a panel that would be composed of political brokers who could operate behind the scenes to produce greater yields; and (c) a highly visible panel that could draw significant global attention to the issue of revitalizing the Conference.

29. The Board noted that a number of delegations to the Conference on Disarmament were also supportive of the establishment of a high-level panel of eminent persons. Some Board members expressed reservations, however, about the usefulness of the establishment of such a panel and questioned its ability to achieve any positive results. The Board also noted that the establishment of a high-level panel would have financial implications that would have to be clarified before its establishment. Should the Secretary-General consider that approach to be useful, most members agreed that the Board would concur and fully support the establishment of such a panel.

30. Some members also referred to the need to review the membership of the Conference on Disarmament. Members recalled the importance of opening up the Conference by allowing greater participation by civil society, which could both bring in new ideas and contribute to global awareness of the issues.

## B. Recommendations

### 31. The Board made the following recommendations:

(a) **The Secretary-General should persist in encouraging the Conference on Disarmament to seek all efforts to achieve a breakthrough to the continuing impasse. The Secretary-General might also wish to consider encouraging progress on a programme of work for the Conference that facilitates work on the four core issues based on the consensus reached in document CD/1864;**

(b) **Should a high-level panel of eminent persons be established, the Secretary-General should ask the panel, as an urgent task, to make recommendations on ways to revitalize the United Nations disarmament machinery as a whole, especially the Conference on Disarmament. The Secretary-General might also consider the need to establish an institutional link between the Advisory Board and the proposed high-level panel by inviting one or more current or former Board members to be part of the proposed panel. Prior consideration should be given to the financial implications of the establishment of such a panel;**

(c) **The Secretary-General should continue to raise public awareness and encourage civil society groups and non-governmental organizations to offer input on ways to overcome the prolonged stalemate at the Conference on Disarmament and move towards the ultimate goal of a world free of nuclear weapons.**

[Eds...]

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## Secretary-General Cites 'Growing Crisis of Confidence' in Remarks to General – Assembly Follow-Up To 2010 High-Level Multilateral Disarmament Meeting

[Department of Public Information, News and Media Division, New York – 27 July 2011]

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We meet in the midst of a growing crisis of confidence. For too long the United Nations multilateral disarmament machinery, in particular the Conference on Disarmament (CD), has failed us.

As we look ahead, we face two critical questions. First, what are we to do when the world's single multilateral disarmament negotiating forum is incapable of delivering its mandate? Second, how can the world resume the process of building disarmament norms that apply universally?

These questions led me to convene the High-Level Meeting last September on revitalizing the CD and taking forward multilateral disarmament negotiations. Concerns expressed at that Meeting,

coupled with the many initiatives that were proposed, testify to the importance that Member States attach to this challenge. I am also grateful to the President of the General Assembly for his own efforts to address this issue.

In the Chairman's Summary of that Meeting, I proposed four actions. First, I strongly suggested that the CD re-adopt its 2009 Programme of Work or a similar proposal submitted during the 2010 session. To encourage progress, I addressed the CD last January for my third time as Secretary-General. So far, the CD has been unable to respond. I look forward to a more action-oriented move from the membership, pending the final status of the CD's 2011 session.

Second, I proposed that the General Assembly include on the agenda of its sixty-fifth session an item to follow-up on the High-Level Meeting. The Assembly approved that request; it has also added the item to the agenda of its forthcoming sixty-sixth session.

Third, I asked my Advisory Board on Disarmament Matters to review the issues raised at the High-Level Meeting. The Board has completed its review, my report on the Board's work is now before you, and I look forward to your feedback.

Fourth, I stated that I would submit a report on the High-Level Meeting and its follow-up to next year's first session of the Preparatory Committee for the 2015 NPT [Treaty on the Non-Proliferation of Nuclear Weapons] Review Conference.

Member States have identified many options for revitalizing the CD and carrying multilateral disarmament negotiations forward. One option is the status quo approach — namely, to continue seeking consensus in the CD without fundamentally changing its mandate or rules. Many States, however, are understandably reluctant to follow such a course, given the years that have passed without result. Indeed, I am among the many who have warned that the status quo will simply render the CD irrelevant and obsolete.

A second set of options consists of various proposals for fundamental reforms in the multilateral disarmament machinery. Some feel these would be best addressed at a fourth special session of the General Assembly on disarmament. As yet, there is no consensus among Member States on convening such a gathering.

This leaves the third option, incremental change. Yet even these proposals, modest though they are, have encountered resistance. Various States argue strongly for or against changing the CD's rules of procedure. Proposals for ad hoc mechanisms have also found supporters and opponents. State policy priorities differ widely.

And States even disagree over where reforms should be implemented. In the CD? In the General Assembly and its First Committee? Or outside the United Nations, in a conference on a specific disarmament issue, or in an ad hoc forum organized by like-minded countries?

As Secretary-General, I see no fundamental flaw in the United Nations disarmament machinery that may be blamed for this deadlock, certainly none that cannot be overcome by changes in State policies. The problem lies not with the vehicle, but with the driver. What is needed most of all is a closer alignment between policy priorities and multilateral disarmament goals.

If differences persist, we could consider the appointment of a high-level panel of eminent persons, as I have suggested. Alternatively, States could conduct negotiations in an ad hoc committee of the General Assembly or a United Nations conference.

There are no quick fixes. The road ahead will not be easy. Yet we must never abandon multilateralism or our respect for universal norms. We must remain true to the ideals of the United Nations. In addressing disarmament, as with other global public goods, our goal is not to advance the preferences of the few, but the common interests of all.

If the CD remains deadlocked, the General Assembly has a responsibility to step in. As I have said before, the CD should not be held perpetually hostage by one or two members. Concerns should be addressed through negotiations.

The stakes are too high to continue falling short. The world expects progress. Let us defer no longer. Let us put an end to this long

cycle of stagnation.

For my part, I will do all I can to assist you in achieving our shared goals.

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**Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations – Statement by Mr. Kassym-Jomart Tokayev, Secretary-General of the Conference on Disarmament**

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[27 July 2011]

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It is an honour to address the General Assembly.

After the Secretary-General's strong statement which I consider a milestone in the efforts to advance multilateral disarmament, allow me to share some of my observations in my capacity as Secretary-General of the Conference on Disarmament.

I am impressed by the pool of expertise available in Geneva to address international security issues. Yet, the Conference is unable to tap into that resource for political and procedural reasons. While progress has been achieved in other bodies, within and outside the United Nations, the Conference has remained stagnant since 1998.

The Conference has immense value. It is irreplaceable as the single multilateral negotiating body in the field of disarmament and it has a lot of credits to its name in the disarmament area.

However, if it is to continue its role, its working methods, its composition and its agenda must be reviewed and overhauled. These key components of the Conference date back to 1978 and have largely been overtaken by changes in the international security context.

A majority of members feel that the status quo of the Conference is no longer acceptable. It not only damages its credibility but also has a negative impact on the current momentum in multilateral disarmament.

Worse still, the deadlock may encourage and enable further nuclear armament and proliferation. This is incompatible with the *raison d'être* of the Conference on Disarmament.

Even though I am also disappointed at the failure of the members to overcome their political differences and to start substantive negotiations, my assessment of the current situation in the Conference on Disarmament is that there is still a slight perspective of moving ahead. It is clear that the present situation in the Conference is an impact of the differences of geopolitical dimension. However, I remain convinced of the essential role of the Conference in the current security environment.

In this context, I would suggest to the General Assembly a two-pronged approach to the Conference.

First, we need to reform the Conference. It is necessary to seriously look into its procedures, membership and agenda.

Use of the consensus rule for procedural issues should also be revised. A Presidency that rotates every four weeks is simply unworkable. The annual adoption of a programme of work impairs continuity. These and other problems with the rules of procedure are the most urgent ones to be reconsidered and overhauled.

These matters need to be addressed for the Conference to reassume its critical role in the field of disarmament and non-proliferation. This could be pursued, as the United Nations Secretary-General already mentioned, through the establishment of a high-level panel of eminent persons.

Second, while we work on such reforms, the General Assembly should assume the responsibilities entrusted to it by the United Nations Charter in its Article 11. In this respect, I fully support the Secretary-General's idea of not excluding the possibility of conducting negotiations in an Ad Hoc Committee of the General Assembly or a United Nations Conference.

We must be realistic. The political divergences which prevent the beginning of negotiations are extremely difficult to overcome. Patience and persistence will be needed. At the same, procedural questions might be addressed as a first priority to allow the Conference to implement its mandate. [Eds..]

As Secretary-General Ban Ki-moon has previously pointed out, the limited membership of the Conference on Disarmament is a privilege. It is a privilege that comes with the responsibility to negotiate multilateral disarmament treaties and thereby enhance global security. The members of the Conference are accountable to the international community.

The world is going through important geopolitical transformations. It will take time for the Conference to adapt to these changes. But it remains my vision that a transformed and revitalized Conference on Disarmament could again play a crucial role in enhancing international security. [Eds..]

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**Extract from Draft Report of the Conference on Disarmament to the General Assembly of the United Nations**

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[CD/WP.568/Rev.I 15 September 2011]

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[Eds..]

## II. Organization of the work of the Conference

[Eds..]

### D. Agenda and programme of work for the 2011 session

12. At its 1198<sup>th</sup> plenary meeting on 25 January 2011, following a debate in which the content of the draft agenda presented by the President of the Conference, Ambassador Marius Grinius of Canada, was reviewed in accordance with rule 29 of the rules of procedure, the Conference on Disarmament, after considering different proposals, adopted its agenda for the 20<sup>th</sup> session (CD/PV.1198). The agenda (CDI1902) reads as follows:

"Taking into account, *inter alia*, the relevant provisions of the Final Document of the First Special Session of the General Assembly devoted to disarmament, and deciding to resume its consultations on the review of its agenda, and without prejudice to their outcome, the Conference adopts the following agenda for its 20<sup>th</sup> session:

1. Cessation of the nuclear arms race and nuclear disarmament.
2. Prevention of nuclear war, including all related matters.
3. Prevention of an arms race in outer space.
4. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons.
5. New types of weapons of mass destruction and new systems of such weapons; radiological weapons.
6. Comprehensive programme of disarmament.
7. Transparency in armaments.
8. Consideration and adoption of the annual report and any other report. As appropriate, to the General Assembly of the United Nations."

13. Subsequently, the President made the following statement: "In connection with the adoption of the agenda, I, as the President of the Conference, should like to state that it is my understanding that if there is a consensus in the Conference to deal with any issues, they could be dealt with within this agenda. The Conference will also take into consideration paragraphs 27 and 30 of the rules of procedure of the Conference."

14. Pursuant to paragraph 53 of the 2010 report of the Conference (CD/1900). The last President of the 2010 session (Cameroon) and the first President of the 2011 session (Canada) conducted informal consultations during the intersessional period with a view to commencing early substantive work during the 2011 session of the Conference. These consultations were conducted in cooperation with the five incoming Presidents of the 2011 session (Chile, China, Colombia, DPRK and Cuba).

15. Successive Presidents of the Conference conducted consultations to establish a programme of work, however the Conference did not reach consensus on a programme of work for the 2011 session.

16. At the plenary meeting on 25 January 2011, the President Ambassador Marius Grinius of Canada, proposed an indicative

timetable for discussion of all agenda items in plenary meetings of the Conference (CD/PV.1198). At the 1207th plenary meeting on 22 February 2011, the President, Ambassador Pedro Oyarce of Chile, circulated an indicative timetable (CD/WP.564) for an exchange of views on all agenda items in plenary meetings of the CD.

17. At the 1219th plenary meeting on 29 March 2011, under the Presidency of Ambassador Wang Qun of China. The Conference agreed upon a schedule of informal meetings of the Conference on its agenda items (CD/1907). Pursuant to CD/1907, these informal discussions were neither pre-negotiations nor negotiations, and complemented and in no case replaced the Conference on Disarmament's on-going activities. The chairs/coordinators were required to report orally, in their personal capacity, on the discussions of the various substantive agenda items to the President who, in conjunction with each of them, would finalize the reports, under his/her own responsibility. The reports would not affect in any way the positions of the members of the Conference on Disarmament.

[Eds...]

#### F. Review of the agenda of the Conference

21. The review of the agenda of the Conference was addressed by delegations in plenary meetings. Their views on the issue are duly reflected in the plenary records.

#### G. Improved and effective functioning of the Conference

22. The improved and effective functioning of the Conference was addressed by delegations in plenary meetings. Their views on the issue are duly reflected in the plenary records.

23. Members of the Conference expressed their views on the High-Level Meeting (HLM) held on 24 September 2010 on revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations and on its follow-up debates. They discussed the situation of the Conference on Disarmament and ways to strengthen it in informal plenary meetings held on 9 and 14 June 2011. On 30 June 2011, they had an informal plenary meeting in the presence of the Secretary-General's Advisory Board on Disarmament Matters, during which the issue of revitalizing the work of the CD and taking forward multilateral disarmament negotiations was discussed by the members of the Conference. During the plenary meeting of 4 August 2011, members of the Conference as well as the Secretary-General of the Conference expressed their views on the debate in the General Assembly meeting held from 27 to 29 July 2011 as the follow up plenary meeting to the 2010 HLM (CD/PV.1231). The various views and concerns of the delegations on the ongoing situation of impasse for over a decade, due to lack of consensus, are duly reflected in the plenary records of the Conference.

24. The following documents dealing with this issue were submitted to the Conference:

(a) CD/1911, dated 21 June 2011, entitled "Letter of 16 June 2011 from the Permanent Representative of Austria addressed to the Secretary-General of the Conference on Disarmament transmitting the common statement of 29 delegations to the Conference on Disarmament on the HLM follow-up debate in the General Assembly, delivered on 9 June 2011;"

(b) CD/1913, dated 30 June 2011, entitled "Letter dated 27 June 2011 from the Permanent Representative of Colombia addressed to the Secretary-General of the Conference on Disarmament transmitting a document entitled "Thoughts on the current state of the Conference on Disarmament and how to strengthen it" as a contribution by Colombia, in its national capacity, concerning the way in which it perceived the reflection exercise carried out on this issue at the Conference on 9 and 14 June 2011". in which Colombia, in its national capacity, understood, registered and reflected the debate in the CD;

(c) CD/1920, dated 7 September 2011, entitled "Letter dated 1 September 2011 from the Permanent Representative of Austria addressed to the Secretary-General of the Conference on Disarmament transmitting the letter submitted to the Secretary-General of the United Nations and the President of the General Assembly under agenda item 162, on revitalizing the work of the Conference on Disarmament and taking forward multilateral

disarmament negotiations;"

(d) CD/1922, dated 13 September 2011, entitled "Nigeria on behalf of member States of G-21. Working paper. Work of the Conference on Disarmament"

[Eds..]

#### III, Substantive work of the Conference during its 2011 session

27. During its 2011 session, the Conference held a series of plenary meetings to discuss on all substantive agenda items, as follows: (a) from 1 to 17 February - five plenary meetings in accordance with the indicative timetable proposed by Ambassador Manus Grinius of Canada on 25 January 2011; and (b) from 24 February to 17 March – five plenary meetings in accordance with the indicative time table suggested by Ambassador Pedro Oyarce of Chile (CD/WP.564). In addition, from 29 March to 25 May the Conference held informal meetings on all substantive agenda items in accordance with the schedule contained in document CD/1907, adopted during the Presidency of Ambassador Wan Qun of China.

28. During the general debate of the Conference, delegations affirmed or further elaborated their respective position on the agenda items. These positions are duly recorded in the related official documents, as well as the plenary records of the session.

29. On 1 September 2011, pursuant to CD/1907, the President of the Conference on Disarmament, Ambassador Reyes Rodriguez of Cuba, addressed a letter to the Conference transmitting the oral reports of the five coordinators prepared in their personal capacity and finalized by the President under his own responsibility on the work done by these coordinators during the informal meetings (CD/1918).

30. The list of documents issued by the Conference, as well as the texts of those documents, are included as appendix I to this report. An index of the verbatim records, by country and by subject, listing the statements made by delegations during 2011 and the verbatim records of the formal plenary meetings of the Conference, is attached as appendix II to the report.

31. The Conference had before it a letter dated 17 January 2011 from the Secretary-General of the United Nations (CD/1901 and Add.I) transmitting the resolutions and decisions on disarmament and international security matters adopted by the General Assembly at its sixty-fifth session in 2010, including those making specific reference to the Conference on Disarmament. The latter are listed below:

65/43 Conclusion of effective international arrangements to assure non nuclear-weapon States against the use or threat of use of nuclear weapons (operative paragraphs 2, 4 and 5)

65/44 Prevention of an arms race in outer space (operative paragraphs 5, 6 and 8) 65/45 Regional disarmament (operative paragraphs 1 and 2)

65/56 Nuclear disarmament (operative paragraphs 15, 16, 19 and 20)

65/59 Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments (operative paragraph 7)

65/65 Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (operative paragraph 1)

65/68 Transparency and confidence-building measures in Outer space activities (operative paragraph 2)

65/72 United action towards the total elimination of nuclear weapons (operative paragraph 9)

65/80 Convention on the Prohibition of the Use of Nuclear Weapons (operative paragraphs 1 and 2)

65/81 United Nations Disarmament Information Programme (operative paragraph 5)

65/85 Report of the Conference on Disarmament (operative paragraphs 1, 2, 3, 4, 5, 6, 7 and 8)

65/86 Report of the Disarmament Commission (operative



paragraphs 5 and 9)

65/93 Follow-up to the high-level meeting held on 24 September 2010: revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations (operative paragraphs 1 and 4)

#### A. Cessation of the nuclear arms race and nuclear disarmament

32. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

33. The following documents were submitted to the Conference under this agenda item:

(a) CD/1904, dated 2 February 2011 entitled "Letter dated 1 February 2011 from the Permanent Representative of Pakistan addressed to the President of the Conference on Disarmament transmitting the text of the press statement issued by Pakistan's National Command Authority dated 14 December 2010";

(b) CD/1906, dated 14 March 2011 entitled "*Note verbale* dated 9 March 2011 from the Permanent Mission of Australia to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the Chair's report of the Australia-Japan experts side event On FMCT definitions, held at the Palais des Nations in Geneva on 14-16 February 2011";

(c) CD/1908, dated 17 May 2011, entitled "Letter dated 13 May 2011 from the Permanent Representative of Germany to the Conference on Disarmament addressed to the Deputy Secretary-General of the Conference transmitting the text of the Berlin statement on nuclear disarmament and non-proliferation issued by the Foreign Ministers of Australia, Canada, Chile, Germany, Japan, Mexico, Netherlands, Poland, Turkey and the United Arab Emirates on 30 April 2011";

(d) CD/1909, dated 27 May 2011, entitled "*Note verbale* dated 23 May 2011 from the Permanent Mission of Australia to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the Chair's report of the Australia-Japan experts side event On FMCT verification, held at the Palais des Nations in Geneva on 21-23 March 2011";

(e) CD/1910, dated 9 June 2011, entitled "Bulgaria, Germany, Mexico, Netherlands, Romania, Spain, Sweden and Turkey. Working paper. Fissile Material Cut-Off Treaty (FMCT)";

(f) CD/1914, dated 4 August 2011, entitled "Letter dated 19 July 2011 from the Chargé d'affaires of France addressed to the Secretary General of the Conference on Disarmament transmitting the text of the joint press release issued at the first meeting of the five permanent members of the Security Council in follow-up to the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), held in Paris on 30 June - 1 July 2011";

(g) CD/1915, dated 4 August 2011, entitled "*Note verbale* dated 3 August 2011 from the Permanent Mission of Cuba to the United Nations Office at Geneva addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the statement on peace and nuclear disarmament issued by the National Assembly of People's Power of the Republic of Cuba on 28 July 2011 in Havana";

(h) CD/1916, dated 15 August 2011, entitled "Letter dated 8 August 2011 from the Permanent Representatives of Argentina and Brazil to the Conference on Disarmament addressed to the Secretary-General of the Conference on Disarmament transmitting an article jointly authored by the Ministers for Foreign Affairs of those countries concerning the twentieth anniversary of the Agreement between Argentina and Brazil for the Exclusively Peaceful Use of Nuclear Energy;

(i) CD/1917, dated 2 September 2011, entitled "*Note verbale* dated 30 August 2011 from the Permanent Mission of Japan to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the report of Mr. Akio Suda, Ambassador of Japan to the Conference on Disarmament and Chair of the "Japan-Australia Experts Side Event on FMCT Verification" held at the Palais des Nations on 30 May and 1

June 2011";

(j) CD/1919, dated 12 September 2011 entitled "*Note verbale* dated 1 September 2011 from the Permanent Mission of Australia to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the report entitled "The 2011 Australia-Japan FMCT Experts Side Events: Chairs' Final Report, Mr. Peter Woolcott, Ambassador of Australia and Mr. Akio Suda, Ambassador of Japan";

(k) CD/1921, dated 13 September 2011, entitled "Letter dated 2 September 2011 from the Chargé d'affaires a.i. of the United States of America addressed to the Secretary General of the Conference on Disarmament transmitting a press release issued by the Department of State of the United States of America regarding the P-5 consultations on a fissile material cut-off treaty (FMCT) held in Geneva on 30 August 2011."

(l) CD/1923, dated 13 September 2011, entitled "Nigeria on behalf of member States of G-21. Working paper. Nuclear Disarmament"

34. In accordance with the schedule of meetings suggested by the President of the Conference (CD/PV.1198), two plenary meetings on agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" and 2 entitled "Prevention of nuclear war, including all related matters" were held on 1 and 3 February 2011 (CD/PV.1201 and CD/PV.1202). In accordance with the indicative timetable CD/WP.564, two plenary meetings on agenda items 1 and 2 were held on 24 February and 3 March 2011 (CD/PV.1208 and CD/PV.1213). In accordance with CD/1907, agenda items 1 and 2 were considered in informal plenary meetings on 29 March, 17 and 18 May 2011 under the chairmanship of Ambassador Kshenuka Senewiratne of Sri Lanka and Ambassador Giovanni Manfredi of Italy.

#### B. Prevention of nuclear war, including all related matters

35. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

36. The following documents were submitted to the Conference under this agenda item:

(a) CD/1904 dated 2 February 2011 entitled "Letter dated 1 February 2011 from the Permanent Representative of Pakistan addressed to the President of the Conference on Disarmament transmitting the text of the press statement issued by Pakistan's National Command Authority dated 14 December 2010";

(b) CD/1906, dated 14 March 2011 entitled "*Note verbale* dated 9 March 2011 from the Permanent Mission of Australia to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the Chair's report of the Australia-Japan experts side event on FMCT definitions, held at the Palais des Nations in Geneva on 14-16 February 2011";

(c) CD/1908, dated 17 May 2011, entitled "Letter dated 13 May 2011 from the Permanent Representative of Germany to the Conference on Disarmament addressed to the Deputy Secretary-General of the Conference transmitting the text of the Berlin statement on nuclear disarmament and non-proliferation issued by the Foreign Ministers of Australia, Canada, Chile, Germany, Japan, Mexico, Netherlands, Poland, Turkey and the United Arab Emirates on 30 April 2011";

(d) CD/1909 dated 27 May 2011, entitled "*Note verbale* dated 23 May 2011 from the Permanent Mission of Australia to the Conference on Disarmament addressed to the Secretary General of the Conference transmitting the Chair's report of the Australia-Japan experts side event on FMCT verification, held at the Palais des Nations in Geneva on 21-23 March 2011";

(e) CD/1910 dated 9 June 2011, entitled "Bulgaria, Germany, Mexico, Netherlands, Romania, Spain, Sweden and Turkey. Working paper. Fissile Material Cut Off Treaty (FMCT)";

(f) CD/1914, dated 4 August 2011, entitled "Letter dated 19 July 2011 from the Chargé d'affaires of France addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the joint press release issued at the first meeting of the five permanent members of the Security Council

in follow-up to the Review Conference of the Parties to the Treaty on the Non Proliferation of Nuclear Weapons (NPT), held in Paris on 30 June-1 July 2011";

(g) CD/1915, dated 4 August 2011 entitled "*Note verbale* dated 3 August 2011 from the Permanent Mission of Cuba to the United Nations Office at Geneva addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the statement on peace and nuclear disarmament issued by the National Assembly of People's Power of the Republic of Cuba on 28 July 2011 in Havana";

(h) CD/1916, dated 15 August 2011, entitled "Letter dated 8 August 2011 from the Permanent Representatives of Argentina and Brazil to the Conference on Disarmament addressed to the Secretary-General of the Conference on Disarmament transmitting an article jointly authored by the Ministers for Foreign Affairs of those countries concerning the twentieth anniversary of the Agreement between Argentina and Brazil for the Exclusively Peaceful Use of Nuclear Energy;

(i) CD/1917, dated 2 September 2011, entitled "*Note verbale* dated 30 August 2011 from the Permanent Mission of Japan to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the report of Mr. Akio Suda, Ambassador of Japan to the Conference on Disarmament and Chair of the "Japan-Australia Experts Side Event on FMCT Verification" held at the Palais des Nations on 30 May and 1 June 2011";

(j) CD/1919, dated 12 September 2011 entitled "*Note verbale* dated 1 September 2011 from the Permanent Mission of Australia to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the report entitled "The 2011 Australia-Japan FMCT Experts Side Events: Chairs' Final Report, Mr. Peter Woolcott, Ambassador of Australia and Mr. Akio Suda, Ambassador of Japan".

(k) CD/1921, dated 13 September 2011, entitled "Letter dated 2 September 2011 from the Chargé d'affaires a.i. of the United States of America addressed to the Secretary General of the Conference on Disarmament transmitting a press release issued by The Department of State of the United States of America regarding the P-5 consultations on a fissile material cut-off treaty (FMCT) held in Geneva on 30 August 2011."

(l) CD/1923, dated 13 September 2011, entitled "Nigeria on behalf of member States of G-21. Working paper. Nuclear Disarmament"

37. In accordance with the schedule of meetings suggested by the President of the Conference (CD/PV.1198), two plenary meetings on agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" and 2 entitled "Prevention of nuclear war, including all related matters" were held on 1 and 3 February 2011 (CD/PV.1201 and CD/PV.1202). In accordance with the indicative timetable CD/WP.564, two plenary meetings on agenda items 1 and 2 were held on 24 February and 3 March 2011 (CD/PV.1208 and CD/PV.1213). In accordance with CD/1907, agenda items 1 and 2 were considered in informal plenary meetings on 29 March, 17 and 18 May 2011 under the chairmanship of Ambassador Kshenuka Senewiratne of Sri Lanka and Ambassador Giovanni Manfredi of Italy.

### C. Prevention of an arms race in outer space

38. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

39. The following documents were submitted to the Conference under this agenda item:

(a) CD/1912, dated 23 August 2011, entitled "Letter dated 21 June 2011 from the Permanent Representative of Canada to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the summary report on the tenth annual space security conference entitled Space Security 2011: Building on the Past, Stepping toward the Future, organized by the United Nations Institute for Disarmament Research (UNIDIR) in April 2011";

(b) CD/1925, dated 13 September 2011, entitled "Nigeria on

behalf of member States of G-21. Working paper. Prevention of an Arms Race in Outer Space"

40. In accordance with the schedule of meetings suggested by the President of the Conference (CD/PV.1198), one plenary meeting on agenda item 3 entitled "Prevention of an arms race in outer space" was held on 8 February 2011 (CD/PV.1203). In accordance with the indicative timetable CD/WP.564, one plenary meeting on agenda item 3 was held on 8 March 2011 (CD/PV.1214). In accordance with CD/1907, agenda item 3 was considered in an informal plenary meeting on 31 March 2011 under the chairmanship of Ambassador Luiz Filipe de Macedo Soares of Brazil.

### D. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

41. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

42. The following document was submitted to the Conference under this agenda item:

CD/1924, dated 13 September 2011, entitled "Nigeria on behalf of member States of G-21. Working paper. Negative Security Assurances"

43. In accordance with the schedule of meetings suggested by the President of the Conference (CD/PV.1198), one plenary meeting on agenda item 4 entitled "Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons" was held on 10 February 2011 (CD/PV.1204). In accordance with the indicative timetable CD/WP.564, one plenary meeting on agenda item 4 was held 10 March 2011 (CD/PV.1215). In accordance with CD/1907, agenda item 4 was considered in an informal plenary meeting on 19 May 2011 under the chairmanship of Ambassador Fodé Seck of Senegal.

### E. New types of weapons of mass destruction and new systems of such weapons; radiological weapons

44. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

45. In accordance with the schedule of meetings suggested by the President of the Conference (CD/PV.1198) agenda item 5 entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons" was considered in a plenary meeting on 17 February 2011 (CD/PV.1206). In accordance with the indicative timetable CD/WP.564, agenda item 5 was considered in a plenary meeting on 17 March 2011 (CD/PV.1216). In accordance with CD/1907, agenda item 5 was considered in an informal plenary meeting on 25 May 2011 under the chairmanship of Ambassador Mikhail Khvostov of Belarus.

### F. Comprehensive programme of disarmament

46. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

47. In accordance with the schedule of meetings suggested by the President of the Conference (CD/PV.1198) agenda item 6 entitled "Comprehensive programme of disarmament" was considered in a plenary meeting on 17 February 2011 (CD/PV.1206). In accordance with the indicative timetable CD/WP.564, agenda item 6 was considered in a plenary meeting on 17 March 2011 (CD/PV.1216). In accordance with CD/1907, agenda item 6 was considered in an informal plenary meeting on 25 May 2011 under the chairmanship of Ambassador Mikhail Khvostov of Belarus.

### G. Transparency in armaments

48. During the general debate of the Conference, delegations reaffirmed or further elaborated their positions on the agenda item. These positions are duly recorded in the plenary records of the session.

49. In accordance with the schedule of meetings suggested by the:

President of the Conference (CD/PV.1198) agenda item 7 entitled "Transparency in armaments" was considered in a plenary meeting on 17 February 2011 (CD/PV.1206). In accordance with the indicative timetable CD/WP.564, agenda item 7 was considered in a plenary meeting on 17 March 2011 (CD/PV.1216). In accordance with CD/1907, agenda item 7 was considered in an informal plenary meeting on 25 May 2011 under the chairmanship of Ambassador Mikhail Khvostov of Belarus.

**H. Consideration of other areas dealing with the cessation of the arms race and disarmament and other relevant measures**

50. No documents were submitted on this subject during the 2011 session of the Conference.

[Eds...]



## T – Other Documents and Declarations (in chronological order)

[Editorial Note: Earlier documents of relevance may be downloaded from <http://www.kcl.ac.uk/csss>]

### UN Security Council Declaration on Disarmament, Arms Control and Weapons of Mass Destruction

[Reproduced from S/PV.3046, 31 January 1992]

The members of the Council, while fully conscious of the responsibilities of other organs of the United Nations in the fields of disarmament, arms control and non-proliferation, reaffirm the crucial contribution which progress in these areas can make to the maintenance of international peace and security. They express their commitment to take concrete steps to enhance the effectiveness of the United Nations in these areas.

The members of the Council underline the need for all Member States to fulfil their obligations in relation to arms control and disarmament; to prevent the proliferation in all its aspects of all weapons of mass destruction; to avoid excessive and destabilizing accumulations and transfers of arms; and to resolve peacefully in accordance with the Charter any problems concerning these matters threatening or disrupting the maintenance of regional and global stability. They emphasize the importance of the early ratification and implementation by the States concerned of all international and regional arms control arrangements, especially the START and CFE Treaties.

The proliferation of all weapons of mass destruction constitutes a threat to international peace and security. The members of the Council commit themselves to working to prevent the spread of technology related to the research for or production of such weapons and to take appropriate action to that end.

On nuclear proliferation, they note the importance of the decision of many countries to adhere to the Non-Proliferation Treaty and emphasize the integral role in the implementation of that Treaty of fully effective IAEA safeguards, as well as the importance of effective export controls. The members of the Council will take appropriate measures in the case of any violations notified to them by the IAEA.

On chemical weapons, they support the efforts of the Geneva Conference with a view to reaching agreement on the conclusion, by the end of 1992, of a universal convention, including a verification regime, to prohibit chemical weapons.

### International Court of Justice: *Legality of the Threat or Use by a State of Nuclear Weapons in Armed Conflict* (Request for Advisory Opinion by the General Assembly of the United Nations)

[Reproduced from Communiqué No. 96/23, 8 July 1996]

#### Advisory Opinion

The Hague, July 8 1996. The International Court of Justice today handed down its Advisory Opinion on the request made by the General Assembly of the United Nations in the above case. The final paragraph of the Opinion reads as follows:

‘For these reasons,

THE COURT

- (1) By thirteen votes to one,  
Decides to comply with the request for an advisory opinion:  
IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins;  
AGAINST: *Judge* Oda.
- (2) *Replies* in the following manner to the question put by the General Assembly:
  - A. Unanimously,  
There is in neither customary nor conventional international law any specific authorization of the threat or use of nuclear weapons;
  - B. By eleven votes to three,  
There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons as such, IN FAVOUR: *President* Bedjaoui; *Vice-President* Schwebel; *Judges* Oda, Guillaume,

Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo, Higgins;

AGAINST: *Judges* Shahabuddeen, Weeramantry, Koroma.

- C. Unanimously,  
A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful;
- D. Unanimously,  
A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons;
- E. By seven votes to seven [see corrigendum below – ed.], It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law; However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake;  
IN FAVOUR: *President* Bedjaoui; *Judges* Ranjeva, Herczegh, Shi, Fleischhauer, Vereshchetin, Ferrari Bravo; AGAINST: *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Koroma, Higgins.
- F. Unanimously,  
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’.

The Court was composed as follows: *President* Bedjaoui, *Vice-President* Schwebel; *Judges* Oda, Guillaume, Shahabuddeen, Weeramantry, Ranjeva, Herczegh, Shi, Fleischhauer, Koroma, Vereshchetin, Ferrari Bravo, Higgins; *Registrar* Valencia-Ospi na.

*President* Bedjaoui, *Judges* Herczegh, Shi, Vereshchetin and Ferrari Bravo appended declarations to the Advisory Opinion of the Court; *Judges* Guillaume, Ranjeva and Fleischhauer appended separate opinions; *Vice-President* Schwebel, *Judges* Oda, Shahabuddeen, Weeramantry, Koroma and Higgins appended dissenting opinions.

...

#### *Corrigendum to Press Communiqué No. 96/23*

On page 2 of Press Communiqué No. 96/23, the first line of point (2) E. of the final paragraph of the Opinion should read as follows:

E. By seven votes to seven, by the President’s casting vote,

#### *Annex to Press Communiqué No. 96/23*

##### *Declaration of President Bedjaoui*

After having pointed out that paragraph E. of the operative part was adopted by seven votes to seven, with his own casting vote, President Bedjaoui began by stressing that the Court had been extremely meticulous and had shown an acute sense of its responsibilities when proceeding to consider all the aspects of the complex question put to it by the General Assembly. He indicated that the Court had, however, had to find that in the current state of international law, the question was one to which it was unfortunately not in a position to give a clear answer. In his view, the Advisory Opinion thus rendered does at least have the merit of pointing to the imperfections of international law and inviting the States to correct them.

President Bedjaoui indicated that the fact that the Court was unable to go any further should not ‘in any way be interpreted as leaving the way open to the recognition of the lawfulness of the threat or use of nuclear weapons’. According to him, the Court does no more than place on record the existence of a legal uncertainty. After having observed that the voting of the Members of the Court on paragraph E. of the operative part is not the reflection of any geographical dividing line, he gives the reasons that led him to approve the pronouncement of the Court.

To that end, he began by emphasizing the particularly exacting nature of international law and the way in which it is designed to be applied in all circumstances. More specifically, he concluded that *the very nature of this blind weapon therefore has a destabilizing effect on humanitarian law which regulates discernment in the type of weapon used. Nuclear weapons, the ultimate evil, destabilize humanitarian law which is the law of the lesser evil. The existence of nuclear weapons is therefore a challenge to the very existence of humanitarian law*, not to mention their long-term effects of damage to the human environment, in respect to which the *right to life* can be exercised.

President Bedjaoui considered that 'self-defence — if exercised under extreme circumstances in which the very survival of a State is in question — cannot engender a situation in which a State would exonerate itself from compliance with the 'intransgressible' norms of international humanitarian law'. According to him it would be very rash to accord, without any hesitation, a higher priority to the survival of a State than to the survival of humanity itself.

As the ultimate objective of any action in the field of nuclear weapons is nuclear disarmament, President Bedjaoui concludes by stressing the importance of the obligation to negotiate in good faith for nuclear disarmament — which the Court has moreover recognized. He considers for his part that it is possible to go beyond the conclusions of the Court in this regard and to assert 'that there in fact exists a twofold *general obligation*, opposable *erga omnes*, to negotiate in good faith and to achieve a specified result'; in other words, given the at least formally unanimous support for that object, that obligation has now — in his view — assumed customary force.

### The G-8 Action Plan on Nonproliferation

[Adopted on 9 June 2004 at G-8 Summit  
at Sea Island, Georgia, VS]

At Evian, we recognized the proliferation of weapons of mass destruction and their delivery systems, together with international terrorism, as the pre-eminent threat to international peace and security. This challenge requires a long-term strategy and multi-faceted approaches.

Determined to prevent, contain, and roll back proliferation, today, at Sea Island, we announce an action plan to reinforce the global nonproliferation regime. We will work together with other concerned states to realize this plan.

All states must fulfill their arms control, disarmament, and nonproliferation commitments, which we reaffirm, and we strongly support universal adherence to and compliance with these commitments under the relevant multilateral treaties. We will help and encourage states in effectively implementing their obligations under the multilateral treaty regimes, in particular implementing domestically their obligations under such treaties, building law enforcement capacity, and establishing effective export controls. We call on all states that have not already done so to subscribe to the Hague Code of Conduct against Ballistic Missile Proliferation.

We strongly support UN Security Council Resolution 1540, calling on all states to establish effective national export controls, to adopt and enforce effective laws to criminalize proliferation, to take cooperative action to prevent non-state actors from acquiring weapons of mass destruction, and to end illicit trafficking in such weapons, their means of delivery, and related materials. We call on all states to implement this resolution promptly and fully, and we are prepared to assist them in so doing, thereby helping to fight the nexus between terrorism and proliferation, and black markets in these weapons and related materials.

#### 1. Nuclear Nonproliferation

The trafficking and indiscriminate spread of sensitive nuclear materials, equipment, and technology that may be used for weapons purposes are a threat to us all. Some states seek uranium enrichment and plutonium reprocessing capabilities for weapons programs contrary to their commitments under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). We reaffirm our commitment to the NPT and to the declarations made at Kananaskis and Evian, and we will work to prevent the illicit diversion of nuclear materials and technology. We announce the following new actions to reduce the risk of nuclear weapons

proliferation and the acquisition of nuclear materials and technology by terrorists, while allowing the world to enjoy safely the benefits of peaceful nuclear technology.

- To allow the world to safely enjoy the benefits of peaceful nuclear energy without adding to the danger of weapons proliferation, we have agreed to work to establish new measures so that sensitive nuclear items with proliferation potential will not be exported to states that may seek to use them for weapons purposes, or allow them to fall into terrorist hands. The export of such items should only occur pursuant to criteria consistent with global nonproliferation norms and to states rigorously committed to those norms. We shall work to amend appropriately the Nuclear Suppliers Group (NSG) guidelines, and to gain the widest possible support for such measures in the future. We aim to have appropriate measures in place by the next G-8 Summit. In aid of this process, for the intervening year, we agree that it would be prudent not to inaugurate new initiatives involving transfer of enrichment and reprocessing equipment and technologies to additional states. We call on all states to adopt this strategy of prudence. We will also develop new measures to ensure reliable access to nuclear materials, equipment, and technology, including nuclear fuel and related services, at market conditions, for all states, consistent with maintaining nonproliferation commitments and standards.
- We seek universal adherence to IAEA comprehensive safeguards and the Additional Protocol and urge all states to ratify and implement these agreements promptly. We are actively engaged in outreach efforts toward this goal, and ready to offer necessary support.
- The Additional Protocol must become an essential new standard in the field of nuclear supply arrangements. We will work to strengthen NSG guidelines accordingly. We aim to achieve this by the end of 2005.
- We support the suspension of nuclear fuel cycle cooperation with states that violate their nuclear nonproliferation and safeguards obligations, recognizing that the responsibility and authority for such decisions rests with national governments or the Security Council.
- To enhance the IAEA's integrity and effectiveness, and strengthen its ability to ensure that nations comply with their NPT obligations and safeguards agreements, we will work together to establish a new Special Committee of the IAEA Board of Governors. This committee would be responsible for preparing a comprehensive plan for strengthened safeguards and verification. We believe this committee should be made up of member states in compliance with their NPT and IAEA commitments.
- Likewise, we believe that countries under investigation for non-technical violations of their nuclear nonproliferation and safeguards obligations should elect not to participate in decisions by the IAEA Board of Governors or the Special Committee regarding their own cases.

#### 2. Proliferation Security Initiative

We reiterate our strong commitment to and support for the Proliferation Security Initiative (PSI) and the Statement of Interdiction Principles, which is a global response to a global problem. We will continue our efforts to build effective PSI partnerships to interdict trafficking in weapons of mass destruction, their delivery systems, and related materials. We also will prevent those that facilitate proliferation from engaging in such trafficking and work to broaden and strengthen domestic and international laws supporting PSI. We welcome the increasing level of support worldwide for PSI, which now includes all G-8 members. The Krakow meeting commemorating PSI's first anniversary, attended by 62 countries, evidences growing global support.

We will further cooperate to defeat proliferation networks and coordinate, where appropriate, enforcement efforts, including by stopping illicit financial flows and shutting down illicit plants, laboratories, and brokers, in accordance with national legal authorities and legislation and consistent with international law. Several of us are already developing mechanisms to deny access to our ports and airports for companies and impose visa bans on individuals involved in illicit trade.

We encourage all states to strengthen and expand national and

international measures to respond to clandestine procurement activities. Directly, and through the relevant international mechanisms, we will work actively with states requiring assistance in improving their national capabilities to meet international norms.

**3. The Global Partnership Against Weapons and Materials of Mass Destruction**

Since its launch by G-8 Leaders two years ago at Kananaskis, the Global Partnership has become a significant force worldwide to enhance international safety and security. Global Partnership member states, including the six new donors that joined at Evian, have in the past year launched new cooperative projects in Russia and accelerated progress on those already underway. While much has been accomplished, significant challenges remain. We recommit ourselves to our Kananaskis Statement, Principles, and Guidelines as the basis for Global Partnership cooperation.

- We recommit ourselves to raising up to \$20 billion for the Global Partnership through 2012.
- Expanding the Partnership to include additional donor countries is essential to raise the necessary resources and to ensure the effort is truly global. Today we welcome the decisions of Australia, Belgium, the Czech Republic, Denmark, Ireland, the Republic of Korea, and New Zealand to join.
- We will continue to work with other former Soviet states to discuss their participation in the Partnership. We reaffirm that Partnership states will participate in projects according to their national interests and resources.
- We reaffirm that we will address proliferation challenges worldwide. We will, for example, pursue the retraining of Iraqi and Libyan scientists involved in past WMD programs. We also support projects to eliminate over time the use of highly-enriched uranium fuel in research reactors worldwide, secure and remove fresh and spent HEU fuel, control and secure radiation sources, strengthen export control and border security, and reinforce biosecurity. We will use the Global Partnership to coordinate our efforts in these areas.

**4. Nonproliferation Challenges**

- The DPRK's announced withdrawal from the NPT, which is unprecedented; its continued pursuit of nuclear weapons, including through both its plutonium reprocessing and its uranium enrichment programs, in violation of its international obligations; and its established history of missile proliferation are serious concerns to us all. We strongly support the Six-Party Process, and strongly urge the DPRK to dismantle all of its nuclear weapons-related programs in a complete, verifiable, and irreversible manner, a fundamental step to facilitate a comprehensive and peaceful solution.
- We remain united in our determination to see the proliferation implications of Iran's advanced nuclear program resolved. Iran must be in full compliance with its NPT obligations and safeguards agreement. To this end, we reaffirm our support for the IAEA Board of Governors' three Iran resolutions. We note that since Evian, Iran has signed the Additional Protocol and has committed itself to cooperate with the Agency, and to suspend its enrichment and reprocessing related activities. While we acknowledge the areas of progress reported by the Director General, we are, however, deeply concerned that Iran's suspension of enrichment-related activity is not yet comprehensive. We deplore Iran's delays, deficiencies in cooperation, and inadequate disclosures, as detailed in IAEA Director General reports. We therefore urge Iran promptly and fully to comply with its commitments and all IAEA Board requirements, including ratification and full implementation of the Additional Protocol, leading to resolution of all outstanding issues related to its nuclear program.
- We welcome Libya's strategic decision to rid itself of its weapons of mass destruction and longer-range missiles, to fully comply with the NPT, the Additional Protocol, the Biological and Toxin Weapons Convention (BWC), and the Chemical Weapons Convention (CWC), and to commit not to possess missiles subject to the Missile Technology Control Regime. We note Libya has cooperated in the removal of nuclear equipment and materials and taken steps to eliminate chemical weapons. We call on Libya to continue to cooperate fully with the IAEA and the Organization for the Prohibition of Chemical Weapons.

**7. Implementation of the Evian Initiative on Radioactive Source Security**

At Evian we agreed to improve controls on radioactive sources to prevent their use by terrorists, and we have made substantial progress toward that goal. We are pleased that the IAEA approved a revised Code of Conduct on the Safety and Security of Radioactive Sources in September 2003. We urge all states to implement the Code and recognize it as a global standard.

We have agreed to export and import control guidance for high-risk radioactive sources, which should only be supplied to authorized end-users in states that can control them. States should ensure that no sources are diverted for illicit use. We seek prompt IAEA approval of this guidance to ensure that effective controls are operational by the end of 2005 and applied in a harmonized and consistent manner. We support the IAEA's program for assistance to ensure that all countries can meet the new standards.

**8. Nuclear Safety and Security**

[Eds...].

An effective, efficient nuclear regulatory system is essential for our safety and security. We affirm the importance for national regulators to have sufficient authority, independence, and competence.

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**UN Security Council Resolution 1673**

[Reproduced from S/RES/1673 (2006),  
adopted 27 April 2006]

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*The Security Council,*

*Having considered* the report of the Security Council Committee established pursuant to resolution 1540 (2004), hereafter the 1540 Committee (S/2006/257), and reaffirming its resolution 1540 (2004) of 28 April 2004,

*Reaffirming* that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

*Endorsing* the work already carried out by the 1540 Committee, particularly in its consideration of the national reports submitted by States pursuant to resolution 1540 (2004),

*Recalling* that not all States have presented to the 1540 Committee their reports on the steps they have taken or intend to take to implement resolution 1540 (2004),

*Reaffirming* its decision that none of the obligations in resolution 1540 (2004) shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons,

*Noting* that the full implementation of resolution 1540 (2004) by all States, including the adoption of national laws and measures to ensure the implementation of these laws, is a long-term task that will require continuous efforts at national, regional and international levels,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Reiterates* its decisions in and the requirements of resolution 1540 (2004) and *emphasizes* the importance for all States to implement fully that resolution;
2. *Calls upon* all States that have not yet presented a first report on steps they have taken or intend to take to implement resolution 1540 (2004) to submit such a report to the 1540 Committee without delay;
3. *Encourages* all States that have submitted such reports to provide, at any time or upon the request of the 1540 Committee, additional information on their implementation of resolution 1540 (2004);
4. *Decides* to extend the mandate of the 1540 Committee for a period of two years, with the continued assistance of experts, until 27 April 2008;

5. *Decides* that the 1540 Committee shall intensify its efforts to promote the full implementation by all States of resolution 1540 (2004) through a work programme which shall include the compilation of information on the status of States' implementation of all aspects of resolution 1540 (2004), outreach, dialogue, assistance and cooperation, and which shall address in particular all aspects of paragraphs 1 and 2 of that resolution, as well as of paragraph 3 which encompasses (a) accountability, (b) physical protection, (c) border controls and law enforcement efforts and (d) national export and trans-shipment controls including controls on providing funds and services such as financing to such export and trans-shipment, and in that regard:

(a) *encourages* the pursuit of the ongoing dialogue between the 1540 Committee and States on the full implementation of resolution 1540 (2004), including on further actions needed from States to that end and on technical assistance needed and offered;

(b) *invites* the 1540 Committee to explore with States and international, regional and subregional organizations experience-sharing and lessons learned in the areas covered by resolution 1540 (2004), and the availability of programmes which might facilitate the implementation of resolution 1540 (2004);

6. *Decides* that the 1540 Committee will submit to the Security Council a report no later than 27 April 2008 on compliance with resolution 1540 (2004) through the achievement of the implementation of its requirements;

7. *Decides* to remain seized of the matter.

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### **Proliferation Security Initiative, Chairman's Statement**

[Warsaw, 23 June 2006]

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Members of the international community from around the globe gathered on 23<sup>rd</sup> June, 2006 in Warsaw at the invitation of the Government of Poland to reaffirm publicly their strong commitment to the Proliferation Security Initiative (Cracow PSI), the PSI Statement of Interdiction Principles, and the goal of proactively combating WMD-related trafficking.

This gathering of nations is a resounding testament to the combined will and cooperative spirit of the international community of nations to work together to prevent the proliferation of weapons of mass destruction, their delivery systems, and related materials to states and non-state actors of proliferation concern. This gathering further demonstrates the consensus of the international community that the nexus of the proliferation of weapons of mass destruction and terrorism constitutes one of the gravest dangers to the global community and demands constant vigilance. This gathering supports enhanced cooperation against proliferation networks and implementation of innovative measures, which will not only stop the transfer of these dangerous items but also act as a deterrent against those who would seek to facilitate such proliferation activities.

The Proliferation Security Initiative was announced on May 31<sup>st</sup>, 2003 in Cracow. Today, a few short weeks after only the third anniversary of the initiative, participants noted that much has been accomplished, and that PSI is globally recognized as making an important contribution to international efforts to address the security threats posed by WMD and missile proliferation.

First, the Proliferation Security Initiative and the Statement on Interdiction Principles have provided an effective platform, consistent with national legal authorities and relevant international law and frameworks, for impeding and stopping the trafficking in weapons of mass destruction and their means of delivery. The PSI Participating States note in this context that UN Security Council resolution 1540 (2004) calls upon all states, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.[KP1]

Second, the network of PSI participating states is constantly expanding across the globe. In just three years, the number of states that have expressed support for the PSI Principles and have

committed to actively supporting interdiction efforts whenever necessary has increased to more than 75. PSI participating states now hail from every region of the world and, most importantly, from the regions of greatest concern for WMD-related trafficking. This is a vital accomplishment, because the national legal authorities and operational capabilities of PSI participating states serve as the basis for successful interdictions.

Third, PSI participating states have greatly improved their national capacities to interdict shipments of proliferation concern. Over the last three years, countries have undertaken robust efforts to:

- Proactively identify and use existing laws to conduct interdictions, and strengthen laws where necessary,
- Improve interdiction capabilities through multinational training efforts such as live exercises and gaming exercises,
- Improve their national organization for decision-making and operational execution in support of PSI interdictions,
- Establish relationships with key industries to facilitate their cooperation on PSI interdictions, and
- Continue to reach out to those states that have yet to endorse the PSI Statement of Interdiction Principles and to ensure that all PSI participating states can achieve the full benefits of involvement in the Initiative.

Finally, PSI is achieving results. Like-minded nations, working cooperatively, have utilized their national legal authorities and international legal frameworks to successfully stop shipments of WMD- and missile-related materials that, had they reached their destination and end-use, would have aided states and possibly non-state actors of proliferation concern in the development of weapons of mass destruction.

During this meeting, PSI participating states focused on deepening their on-going efforts in all these regards. They stressed the importance of maintaining the operational focus and nature of the PSI Operational Experts process and further developing its regional dimension. They also discussed the efforts of several PSI participating states to disrupt the financial mechanisms that support proliferators. They concluded that each participant should consider how their own national laws and authorities might be utilized or strengthened to identify, track or freeze the assets and transactions of WMD proliferators and their supporters. In addition, the PSI participating states undertook to explore how PSI states can work cooperatively to prevent and disrupt proliferation finance, in furtherance of their obligations under UNSCR 1540 and 1673.

PSI partners will continue to work together toward the objective of stopping the trafficking in WMD, their delivery systems, and related materials. They will also continue to work with those nations that have yet to indicate their support for the PSI, to further broaden the reach of willing partners. PSI Participants recognized that their actions under the PSI in preventing the spread of WMD-related material are having a positive impact on the world in which we live.

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### **Text of President Barack Obama's Remarks in Prague**

[Prague, 5 April 2009]

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[Eds...]

Now, one of those issues that I'll focus on today is fundamental to the security of our nations and to the peace of the world — that's the future of nuclear weapons in the 21st century.

The existence of thousands of nuclear weapons is the most dangerous legacy of the Cold War. No nuclear war was fought between the United States and the Soviet Union, but generations lived with the knowledge that their world could be erased in a single flash of light. Cities like Prague that existed for centuries, that embodied the beauty and the talent of so much of humanity, would have ceased to exist.

Today, the Cold War has disappeared but thousands of those weapons have not. In a strange turn of history, the threat of global nuclear war has gone down, but the risk of a nuclear attack has gone up. More nations have acquired these weapons. Testing has continued. Black market trade in nuclear secrets and nuclear materials abound. The technology to build a bomb has spread. Terrorists are determined to buy, build or steal one. Our efforts to contain these dangers are centered on a global non-proliferation



regime, but as more people and nations break the rules, we could reach the point where the center cannot hold.

Now, understand, this matters to people everywhere. One nuclear weapon exploded in one city — be it New York or Moscow, Islamabad or Mumbai, Tokyo or Tel Aviv, Paris or Prague — could kill hundreds of thousands of people. And no matter where it happens, there is no end to what the consequences might be — for our global safety, our security, our society, our economy, to our ultimate survival.

Some argue that the spread of these weapons cannot be stopped, cannot be checked — that we are destined to live in a world where more nations and more people possess the ultimate tools of destruction. Such fatalism is a deadly adversary, for if we believe that the spread of nuclear weapons is inevitable, then in some way we are admitting to ourselves that the use of nuclear weapons is inevitable.

Just as we stood for freedom in the 20th century, we must stand together for the right of people everywhere to live free from fear in the 21st century. And as nuclear power — as a nuclear power, as the only nuclear power to have used a nuclear weapon, the United States has a moral responsibility to act. We cannot succeed in this endeavor alone, but we can lead it, we can start it.

So today, I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons. I'm not naive. This goal will not be reached quickly — perhaps not in my lifetime. It will take patience and persistence. But now we, too, must ignore the voices who tell us that the world cannot change. We have to insist, "Yes, we can."

Now, let me describe to you the trajectory we need to be on. First, the United States will take concrete steps towards a world without nuclear weapons. To put an end to Cold War thinking, we will reduce the role of nuclear weapons in our national security strategy, and urge others to do the same. Make no mistake: As long as these weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies — including the Czech Republic. But we will begin the work of reducing our arsenal.

To reduce our warheads and stockpiles, we will negotiate a new Strategic Arms Reduction Treaty with the Russians this year. President Medvedev and I began this process in London, and will seek a new agreement by the end of this year that is legally binding and sufficiently bold. And this will set the stage for further cuts, and we will seek to include all nuclear weapons states in this endeavor.

To achieve a global ban on nuclear testing, my administration will immediately and aggressively pursue U.S. ratification of the Comprehensive Test Ban Treaty. After more than five decades of talks, it is time for the testing of nuclear weapons to finally be banned.

And to cut off the building blocks needed for a bomb, the United States will seek a new treaty that verifiably ends the production of fissile materials intended for use in state nuclear weapons. If we are serious about stopping the spread of these weapons, then we should put an end to the dedicated production of weapons-grade materials that create them. That's the first step.

Second, together we will strengthen the Nuclear Non-Proliferation Treaty as a basis for cooperation. The basic bargain is sound: Countries with nuclear weapons will move towards disarmament, countries without nuclear weapons will not acquire them, and all countries can access peaceful nuclear energy. To strengthen the treaty, we should embrace several principles. We need more resources and authority to strengthen international inspections. We need real and immediate consequences for countries caught breaking the rules or trying to leave the treaty without cause.

And we should build a new framework for civil nuclear cooperation, including an international fuel bank, so that countries can access peaceful power without increasing the risks of proliferation. That must be the right of every nation that renounces nuclear weapons, especially developing countries embarking on peaceful programs. And no approach will succeed if it's based on the denial of rights to nations that play by the rules. We must harness the power of nuclear energy on behalf of our efforts to combat climate change, and to advance peace opportunity for all people.

But we go forward with no illusions. Some countries will break the rules. That's why we need a structure in place that ensures when any nation does, they will face consequences.

Just this morning, we were reminded again of why we need a new and more rigorous approach to address this threat. North Korea broke the rules once again by testing a rocket that could be used for long range missiles. This provocation underscores the need for action — not just this afternoon at the U.N. Security Council, but in our determination to prevent the spread of these weapons.

Rules must be binding. Violations must be punished. Words must mean something. The world must stand together to prevent the spread of these weapons. Now is the time for a strong international response -- now is the time for a strong international response, and North Korea must know that the path to security and respect will never come through threats and illegal weapons. All nations must come together to build a stronger, global regime. And that's why we must stand shoulder to shoulder to pressure the North Koreans to change course.

Iran has yet to build a nuclear weapon. My administration will seek engagement with Iran based on mutual interests and mutual respect. We believe in dialogue. But in that dialogue we will present a clear choice. We want Iran to take its rightful place in the community of nations, politically and economically. We will support Iran's right to peaceful nuclear energy with rigorous inspections. That's a path that the Islamic Republic can take. Or the government can choose increased isolation, international pressure, and a potential nuclear arms race in the region that will increase insecurity for all.

So let me be clear: Iran's nuclear and ballistic missile activity poses a real threat, not just to the United States, but to Iran's neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven. If the Iranian threat is eliminated, we will have a stronger basis for security, and the driving force for missile defense construction in Europe will be removed.

So, finally, we must ensure that terrorists never acquire a nuclear weapon. This is the most immediate and extreme threat to global security. One terrorist with one nuclear weapon could unleash massive destruction. Al Qaeda has said it seeks a bomb and that it would have no problem with using it. And we know that there is unsecured nuclear material across the globe. To protect our people, we must act with a sense of purpose without delay.

So today I am announcing a new international effort to secure all vulnerable nuclear material around the world within four years. We will set new standards, expand our cooperation with Russia, pursue new partnerships to lock down these sensitive materials.

We must also build on our efforts to break up black markets, detect and intercept materials in transit, and use financial tools to disrupt this dangerous trade. Because this threat will be lasting, we should come together to turn efforts such as the Proliferation Security Initiative and the Global Initiative to Combat Nuclear Terrorism into durable international institutions. And we should start by having a Global Summit on Nuclear Security that the United States will host within the next year.

Now, I know that there are some who will question whether we can act on such a broad agenda. There are those who doubt whether true international cooperation is possible, given inevitable differences among nations. And there are those who hear talk of a world without nuclear weapons and doubt whether it's worth setting a goal that seems impossible to achieve.

But make no mistake: We know where that road leads. When nations and peoples allow themselves to be defined by their differences, the gulf between them widens. When we fail to pursue peace, then it stays forever beyond our grasp. We know the path when we choose fear over hope. To denounce or shrug off a call for cooperation is an easy but also a cowardly thing to do. That's how wars begin. That's where human progress ends.

There is violence and injustice in our world that must be confronted. We must confront it not by splitting apart but by standing together as free nations, as free people. I know that a call to arms can stir the souls of men and women more than a call to

lay them down. But that is why the voices for peace and progress must be raised together.

[Eds...]

## UN Resolution 1887 (2009)

[S/RES/1887 24 September 2009]

Adopted by the Security Council at its 6191st meeting, on 24 September

*The Security Council,*

*Resolving* to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in a way that promotes international stability, and based on the principle of undiminished security for all,

*Reaffirming* the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

*Recalling also* that the above Statement (S/23500) underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

*Reaffirming* that proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security,

*Bearing* in mind the responsibilities of other organs of the United Nations and relevant international organizations in the field of disarmament, arms control and non-proliferation, as well as the Conference on Disarmament, and supporting them to continue to play their due roles,

*Underlining* that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy,

*Reaffirming* its firm commitment to the NPT and its conviction that the international nuclear non-proliferation regime should be maintained and strengthened to ensure its effective implementation, and *recalling* in this regard the outcomes of past NPT Review Conferences, including the 1995 and 2000 final documents,

*Calling* for further progress on all aspects of disarmament to enhance global security,

*Recalling* the Statement by its President adopted at the Council's meeting held on 19 November 2008 (S/PRST/2008/43),

*Welcoming* the decisions of those non-nuclear-weapon States that have dismantled their nuclear weapons programs or renounced the possession of nuclear weapons,

*Welcoming* the nuclear arms reduction and disarmament efforts undertaken and accomplished by nuclear-weapon States, and *underlining* the need to pursue further efforts in the sphere of nuclear disarmament, in accordance with Article VI of the NPT,

*Welcoming* in this connection the decision of the Russian Federation and the United States of America to conduct negotiations to conclude a new comprehensive legally binding agreement to replace the Treaty on the Reduction and Limitation of Strategic Offensive Arms, which expires in December 2009,

*Welcoming* and *supporting* the steps taken to conclude nuclear-weapon-free zone treaties and *reaffirming* 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, and in accordance with the 1999 United Nations Disarmament Commission guidelines, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes toward realizing the objectives of nuclear disarmament,

*Noting* its support, in this context, for the convening of the Second

Conference of States Parties and signatories of the Treaties that establish Nuclear-Weapon-Free Zones to be held in New York on 30 April 2010,

*Reaffirming* its resolutions 825 (1993), 1695 (2006), 1718 (2006), and 1874 (2009),

*Reaffirming* its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008),

*Reaffirming* all other relevant non-proliferation resolutions adopted by the Security Council,

*Gravely concerned* about the threat of nuclear terrorism, and *recognizing* the need for all States to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists,

*Noting* with interest the initiative to convene, in coordination with the International Atomic Energy Agency (IAEA), an international conference on the peaceful uses of nuclear energy,

*Expressing* its support for the convening of the 2010 Global Summit on Nuclear Security,

*Affirming* its support for the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism,

*Recognizing* the progress made by the Global Initiative to Combat Nuclear Terrorism, and the G-8 Global Partnership,

*Noting* the contribution of civil society in promoting all the objectives of the NPT,

*Reaffirming* its resolution 1540 (2004) and the necessity for all States to implement fully the measures contained therein, and *calling upon* all Member States and international and regional organizations to cooperate actively with the Committee established pursuant to that resolution, including in the course of the comprehensive review as called for in resolution 1810 (2008),

1. *Emphasizes* that a situation of non-compliance with non-proliferation obligations shall be brought to the attention of the Security Council, which will determine if that situation constitutes a threat to international peace and security, and *emphasizes* the Security Council's primary responsibility in addressing such threats;
2. *Calls upon* States Parties to the NPT to comply fully with all their obligations and fulfil their commitments under the Treaty,
3. *Notes* that enjoyment of the benefits of the NPT by a State Party can be assured only by its compliance with the obligations thereunder;
4. *Calls upon* all States that are not Parties to the NPT to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date, and pending their accession to the Treaty, to adhere to its terms;
5. *Calls upon* the Parties to the NPT, pursuant to Article VI of the Treaty, to undertake to pursue negotiations in good faith on effective measures relating to nuclear arms reduction and disarmament, and on a Treaty on general and complete disarmament under strict and effective international control, and *calls on* all other States to join in this endeavour;
6. *Calls upon* all States Parties to the NPT to cooperate so that the 2010 NPT Review Conference can successfully strengthen the Treaty and set realistic and achievable goals in all the Treaty's three pillars: non-proliferation, the peaceful uses of nuclear energy, and disarmament;
7. *Calls upon* all States to refrain from conducting a nuclear test explosion and to sign and ratify the Comprehensive Nuclear Test Ban Treaty (CTBT), thereby bringing the treaty into force at an early date;
8. *Calls upon* the Conference on Disarmament to negotiate a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as soon as possible, *welcomes* the Conference on Disarmament's adoption by consensus of its Program of Work in 2009, and *requests* all Member States to cooperate in guiding the Conference to an early commencement of substantive work;
9. *Recalls* the statements by each of the five nuclear-weapon

States, noted by resolution 984 (1995), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon State Parties to the NPT, and *affirms* that such security assurances strengthen the nuclear non-proliferation regime;

10. *Expresses* particular concern at the current major challenges to the non-proliferation regime that the Security Council has acted upon, *demands* that the parties concerned comply fully with their obligations under the relevant Security Council resolutions, and *reaffirms* its call upon them to find an early negotiated solution to these issues;

11. *Encourages* efforts to ensure development of peaceful uses of nuclear energy by countries seeking to maintain or develop their capacities in this field in a framework that reduces proliferation risk and adheres to the highest international standards for safeguards, security, and safety;

12. *Underlines* that the NPT recognizes in Article IV the inalienable right of the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II, and *recalls* in this context Article III of the NPT and Article II of the IAEA Statute;

13. *Calls upon* States to adopt stricter national controls for the export of sensitive goods and technologies of the nuclear fuel cycle;

14. *Encourages* the work of the IAEA on multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply and related measures, as effective means of addressing the expanding need for nuclear fuel and nuclear fuel services and minimizing the risk of proliferation, and *urges* the IAEA Board of Governors to agree upon measures to this end as soon as possible;

15. *Affirms* that effective IAEA safeguards are essential to prevent nuclear proliferation and to facilitate cooperation in the field of peaceful uses of nuclear energy, and in that regard:

a. *Calls upon* all non-nuclear-weapon States party to the NPT that have yet to bring into force a comprehensive safeguards agreement or a modified small quantities protocol to do so immediately,

b. *Calls upon* all States to sign, ratify and implement an additional protocol, which together with comprehensive safeguards agreements constitute essential elements of the IAEA safeguards system,

c. *Stresses* the importance for all Member States to ensure that the IAEA continue to have all the necessary resources and authority to verify the declared use of nuclear materials and facilities and the absence of undeclared activities, and for the IAEA to report to the Council accordingly as appropriate;

16. *Encourages* States to provide the IAEA with the cooperation necessary for it to verify whether a state is in compliance with its safeguards obligations, and *affirms* the Security Council's resolve to support the IAEA's efforts to that end, consistent with its authorities under the Charter;

17. *Undertakes* to address without delay any State's notice of withdrawal from the NPT, including the events described in the statement provided by the State pursuant to Article X of the Treaty, while noting ongoing discussions in the course of the NPT review on identifying modalities under which NPT States Parties could collectively respond to notification of withdrawal, and *affirms* that a State remains responsible under international law for violations of the NPT committed prior to its withdrawal;

18. *Encourages* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate, withdraw from, or be found by the IAEA Board of Governors to be in non-compliance with its IAEA safeguards agreement, the supplier state would have a right to require the return of nuclear material and equipment provided prior to such termination, non-compliance or withdrawal, as well as any special nuclear material produced through the use of such material or equipment;

19. *Encourages* States to consider whether a recipient State has signed and ratified an additional protocol based on the model additional protocol in making nuclear export decisions;

20. *Urges* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate its IAEA safeguards agreement, safeguards shall continue with respect to any nuclear material and equipment provided prior to such termination, as well as any special nuclear material produced through the use of such material or equipment;

21. *Calls for* universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism;

22. *Welcomes* the March 2009 recommendations of the Security Council Committee established pursuant to resolution 1540 (2004) to make more effective use of existing funding mechanisms, including the consideration of the establishment of a voluntary fund, and *affirms* its commitment to promote full implementation of resolution 1540 (2004) by Member States by ensuring effective and sustainable support for the activities of the 1540 Committee;

23. *Reaffirms* the need for full implementation of resolution 1540 (2004) by Member States and, with an aim of preventing access to, or assistance and financing for, weapons of mass destruction, related materials and their means of delivery by non-State actors, as defined in the resolution, *calls upon* Member States to cooperate actively with the Committee established pursuant to that resolution and the IAEA, including rendering assistance, at their request, for their implementation of resolution 1540 (2004) provisions, and in this context *welcomes* the forthcoming comprehensive review of the status of implementation of resolution 1540 (2004) with a view to increasing its effectiveness, and *calls upon* all States to participate actively in this review;

24. *Calls upon* Member States to share best practices with a view to improved safety standards and nuclear security practices and raise standards of nuclear security to reduce the risk of nuclear terrorism, with the aim of securing all vulnerable nuclear material from such risks within four years;

25. *Calls upon* all States to manage responsibly and minimize to the greatest extent that is technically and economically feasible the use of highly enriched uranium for civilian purposes, including by working to convert research reactors and radioisotope production processes to the use of low enriched uranium fuels and targets;

26. *Calls upon* all States to improve their national capabilities to detect, deter, and disrupt illicit trafficking in nuclear materials throughout their territories, and *calls upon* those States in a position to do so to work to enhance international partnerships and capacity building in this regard;

27. *Urges* all States to take all appropriate national measures in accordance with their national authorities and legislation, and consistent with international law, to prevent proliferation financing and shipments, to strengthen export controls, to secure sensitive materials, and to control access to intangible transfers of technology;

28. *Declares* its resolve to monitor closely any situations involving the proliferation of nuclear weapons, their means of delivery or related material, including to or by non-State actors as they are defined in resolution 1540 (2004), and, as appropriate, to take such measures as may be necessary to ensure the maintenance of international peace and security;

29. *Decides* to remain seized of the matter.

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### Report of the International Commission on Nuclear Non-proliferation and Disarmament

[November 2009. Synopsis: full report available online at [www.icnnd.org](http://www.icnnd.org)]

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This Synopsis is a highly abbreviated and selective distillation of the very much more detailed analysis and argument in the Commission's Report. The references given are to sections and paragraphs in that full report, which is available online at [www.icnnd.org](http://www.icnnd.org).

#### A COMPREHENSIVE ACTION AGENDA

A. WHY THIS REPORT, AND WHY NOW – [Eds...]

B. NUCLEAR THREATS AND RISKS

- **Existing Nuclear-Armed States.** Twenty years after the end of the Cold War there are at least 23,000 nuclear warheads still in existence, with a combined blast capacity equivalent to 150,000 Hiroshima bombs. The U.S. and Russia together have over 22,000, and France, the UK, China, India, Pakistan and Israel around 1,000 between them. Nearly half of all warheads are still operationally deployed, and the U.S. and Russia each have over 2,000 weapons on dangerously high alert, ready to be launched immediately – within a decision window of just 4-8 minutes for each president – in the event of perceived attack. The command and control systems of the Cold War years were repeatedly strained by mistakes and false alarms. With more nuclear-armed states now, and more system vulnerabilities, the near miracle of no nuclear exchange cannot continue in perpetuity.
- **New Nuclear-Armed States.** The Nuclear Non-Proliferation Treaty (NPT) system has been under severe strain in recent years, with the International Atomic Energy Agency (IAEA) struggling with verification, compliance and enforcement failures, and backward steps occurring in the world's most volatile regions. India and Pakistan joined the undeclared Israel as fully-fledged nuclear-armed states in 1998; North Korea is now likely to have some half-dozen nuclear explosive devices; and Iran probably now has weapon-making capability, with real potential for generating a regional proliferation surge should it choose to cross the weaponization red-line.
- **Nuclear Terrorism.** Terrorist groups exist with the intent, and capacity, to create massive nuclear destruction. With manageable technology long in the public domain, and black market sourcing, a Hiroshima-sized nuclear device could possibly be detonated from a truck or small boat inside any major city. A “dirty bomb”, combining conventional explosives with radioactive materials like medical isotopes, would be a much easier option: while not generating anything like the casualties of a fission or fusion bomb, it would have a psychological impact at least equal to 9/11.
- **Peaceful Uses of Nuclear Energy.** The likely rapid expansion of civil nuclear energy in the decades ahead, not least in response to climate-change concerns, will present some additional proliferation and security risks. Particularly if accompanied by the construction of new national facilities for enrichment at the front end of the fuel cycle and reprocessing at the back end, it could mean a great deal more fissile material becoming potentially available for destructive purposes.

### C. MEETING THE CHALLENGE OF NUCLEAR DISARMAMENT

#### BASIC THEMES

- **Delegitimizing nuclear weapons.** The critical need is to finally transform perceptions of the role and utility of nuclear weapons, from occupying a central place in strategic thinking to being seen as quite marginal, and ultimately wholly unnecessary. There are good answers to all the familiar deterrence and other justifications for retaining nuclear weapons.
  - It is neither defensible nor sustainable for some states to argue that nuclear weapons are an indispensable, legitimate and open-ended guarantor of their own and allies' security, but that others have no right to acquire them to protect their own perceived security needs.
  - “Extended deterrence” does not have to mean extended nuclear deterrence.]
  - **A phased approach.** Achieving a nuclear weapon free world will be a long, complex and formidably difficult process, most realistically pursued as a two-phase process, with minimization the immediate goal and elimination the ultimate one.
  - Short term (to 2012) and medium term (to 2025) efforts should focus on achieving as soon as possible, and no later than 2025, a “minimization point” characterised by very low numbers of warheads (less than 10 per cent of present arsenals), agreed “no first use” doctrine, and force deployments and alert status reflecting that doctrine.
  - Analysis and debate should commence now on the conditions necessary to move from the minimization point to elimination, even if a target date for getting to zero cannot at this stage be credibly specified.

#### KEY POLICIES

- **Action Consensus.** The 2010 NPT Review Conference should agree on a 20-point statement, “A New International Consensus for Action on Nuclear Disarmament”, updating and extending the “Thirteen Practical Steps” agreed in 2000.
- **Numbers.** No later than 2025 U.S. and Russian arsenals should be reduced to a total of 500 nuclear warheads each, with at least no increases, and desirably significant reductions, in the arsenals – now totalling some 1,000 warheads – of the other nuclear-armed states. A global maximum of 2,000 warheads would represent a more than 90 per cent reduction in present arsenals
- All nuclear-armed states should now explicitly commit not to increase the number of their nuclear weapons.
- **Doctrine.** Pending the ultimate elimination of nuclear weapons, every nuclear-armed state should make as soon as possible, and no later than 2025, an unequivocal “no first use” (NFU) declaration.
  - If not prepared to go so far now, each such state – and in particular the U.S. in its Nuclear Posture Review – should at the very least accept the principle that the “sole purpose” of possessing nuclear weapons is to deter others from using such weapons against that state or its allies.
  - Allied states affected by such declarations should be given firm assurances that they will not be exposed to other unacceptable risks, including from biological and chemical weapons.
  - New and unequivocal negative security assurances (NSAs) should be given by all nuclear-armed states, supported by binding Security Council resolution, that they will not use nuclear weapons against NPT-compliant non-nuclear weapon states.
- **Force Deployment and Alert Status.** Changes should be made as soon as possible to ensure that, while remaining demonstrably survivable to a disarming first strike, nuclear forces are not instantly useable. Stability should be maximized by deployments and launch alert status being transparent.
  - The decision-making fuse for the launch of any nuclear weapons must be lengthened, and weapons taken off launch-on-warning alert as soon as possible.
- **Parallel Security Issues.** *Missile defence* should be revisited, with a view to allowing the further development of theatre ballistic missile defence systems, including potential joint operations in areas of mutual concern, but setting severe limits on strategic ballistic missile defences.
- *Conventional arms imbalances*, both quantitative and qualitative, between the nuclear-armed states, and in particular the relative scale of U.S. capability, need to be seriously addressed if this issue is not to become a significant impediment to future bilateral and multilateral nuclear disarmament negotiations.
  - Continuing strong efforts should be made to develop more effective ways of defending against potential *biological* attacks including building a workable verification regime, and to promote universal adherence to the Biological and Toxin Weapons Convention and the Chemical Weapons Convention.
  - Ongoing attempts to prevent an arms race in outer space (PAROS) should be strongly supported.
  - **Testing.** All states that have not already done so should sign and ratify the Comprehensive Nuclear-Test-Ban Treaty (CTBT) unconditionally and without delay. U.S. ratification is a critically needed circuit-breaker: it would have an immediate impact on other hold-out states, and add major new momentum to both disarmament and non-proliferation efforts.
  - Pending the CTBT's entry into force, all states should continue to refrain from nuclear testing.
  - **Availability of Fissile Material.** All nuclear-armed states should declare or maintain a moratorium on the production of fissile material for weapon purposes pending the negotiation and entry into force as soon as possible of a Fissile Material Cut-off Treaty (FMCT).

- On the question of pre-existing stocks, a phased approach should be adopted, with the first priority a cap on production; then an effort to ensure that all fissile material other than in weapons becomes subject to irreversible, verified non-explosive use commitments; and with fissile material released through dismantlement being brought under these commitments as weapon reductions are agreed.

- As an interim step, all nuclear-armed states should voluntarily declare their fissile material stocks and the amount they regard as excess to their weapons needs, place such excess material under IAEA safeguards as soon as practicable, and convert it as soon as possible to forms that cannot be used for nuclear weapons.

D. MEETING THE CHALLENGE OF NON-PROLIFERATION

BASIC THEMES

- Nuclear non-proliferation efforts should focus both on the demand side – persuading states that nuclear weapons will not advance their national security or other interests – and the supply side, through maintaining and strengthening a comprehensive array of measures designed to make it as difficult as possible for states to buy or build such weapons.

KEY POLICIES

- **NPT Safeguards and Verification.** All states should accept the application of the IAEA Additional Protocol. To encourage universal take-up, acceptance of it should be a condition of all nuclear exports.

- The Additional Protocol and its annexes should be updated and strengthened to make clear the IAEA's right to investigate possible weaponization activity, and by adding specific reference to dual-use items, reporting on export denials, shorter notice periods and the right to interview specific individuals.

- **NPT Compliance and Enforcement.** In determining compliance, the IAEA should confine itself essentially to technical criteria, applying them with consistency and credibility, and leaving the political consequences for the Security Council to determine.

- The UN Security Council should severely discourage withdrawal from the NPT by making it clear that this will be regarded as *prima facie* a threat to international peace and security, with all the punitive consequences that may follow from that under Chapter VII of the UN Charter.

- A state withdrawing from the NPT should not be free to use for non-peaceful purposes nuclear materials, equipment and technology acquired while party to the NPT. Any such material provided before withdrawal should so far as possible be returned, with this being enforced by the Security Council.

- **Strengthening the IAEA.** The IAEA should make full use of the authority already available to it, including special inspections, and states should be prepared to strengthen its authority as deficiencies are identified.

- The IAEA should be given a one-off injection of funds to refurbish the Safeguards Analytical Laboratory; a significant increase in its regular budget support, without a "zero real growth" constraint; and sufficient security of future funding to enable effective medium to long term planning.

- **Non-NPT Treaties and Mechanisms.** The Nuclear Suppliers Group (NSG) should develop a criteria-based approach to cooperation agreements with states outside the NPT, taking into account factors such as ratification of the CTBT, willingness to end unsafeguarded fissile material production, and states' record in securing nuclear facilities and materials and controlling nuclear-related exports.

- The Proliferation Security Initiative (PSI) should be reconstituted within the UN system as a neutral organization to assess intelligence, coordinate and fund activities, and make both generic and specific recommendations or decisions concerning the interdiction of suspected materials being carried to or from countries of proliferation concern.

- **Extending Obligations to Non-NPT States.** Recognising the reality that the three nuclear-armed states now outside the NPT – India, Pakistan and Israel – are not likely to become members

any time soon, every effort should be made to achieve their participation in parallel instruments and arrangements which apply equivalent non-proliferation and disarmament obligations.

- Provided they satisfy strong objective criteria demonstrating commitment to disarmament and non-proliferation, and sign up to specific future commitments in this respect, these states should have access to nuclear materials and technology for civilian purposes on the same basis as an NPT member.

- These states should participate in multilateral disarmament negotiations on the same basis as the nuclear-weapon state members of the NPT, and not be expected to accept different treatment because of their non-membership of that treaty.

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E. MEETING THE CHALLENGE OF NUCLEAR TERRORISM

BASIC THEMES

- Effectively countering terrorism of any kind involves a complex mix of nationally and internationally coordinated protection and policing strategies (most immediately important in dealing with the threat of nuclear terrorism), and also political, peacebuilding and psychological strategies (necessary to address the underlying causes of terrorist behaviour).

- At the 2010 Nuclear Security Summit, and in related policy deliberations, the main need is to focus on the effective implementation of existing agreed measures rather than the development of new ones.

KEY POLICIES

- All states should agree to take effective measures to strengthen the security of nuclear materials and facilities, including by adopting and implementing the 2005 amendment to the Convention on the Physical Protection of Nuclear Material, accelerating delivery of the Cooperative Threat Reduction and associated programs worldwide, and making a greater commitment to international capacity building and information sharing.

- On the control of material useable for "dirty bombs", further efforts need to be made to cooperatively implement the Code of Conduct on the Safety and Security of Radioactive Sources, with assistance to states in updating legislation and licensing practice and promoting awareness among users.

- Strong support should be given to the emerging science of nuclear forensics, designed to identify the sources of materials found in illicit trafficking or used in nuclear explosions.

F. MEETING THE CHALLENGE OF CIVIL NUCLEAR ENERGY

BASIC THEMES

- The use of nuclear energy for peaceful purposes should continue to be strongly supported as one of the three fundamental pillars of the NPT, along with disarmament and non-proliferation. Increased resources should be provided, including through the IAEA's Technical Cooperation Programme, to assist developing states in taking full advantage of peaceful nuclear energy for human development.

- Proliferation resistance should be endorsed by governments and industry as an essential objective in the design and operation of nuclear facilities, and promoted through both institutional and technical measures – neither is sufficient without the other.

KEY POLICIES

- **Nuclear Energy Management.** Support should be given to the initiative launched at the 2008 Hokkaido Toyako G8 Summit for international cooperation on nuclear energy infrastructure, designed to raise awareness worldwide of the importance of the three Ss – safeguards, security and safety – and assist countries concerned in developing the relevant measures.

- New technologies for spent fuel treatment should be developed to avoid current forms of reprocessing altogether.

- The increasing use of plutonium recycle, and the prospective introduction of fast neutron reactors, must be pursued in ways which enhance non-proliferation objectives and avoid adding to

proliferation and terrorism risks.

- International measures such as spent fuel take-back arrangements by fuel suppliers, are desirable to avoid increasing spent fuel accumulations in a large number of states.
- **Multilateralizing the Nuclear Fuel Cycle** – in particular through fuel banks and multilateral management of enrichment, reprocessing and spent fuel storage facilities – should be strongly supported. Such arrangements would play an invaluable role in building global confidence in the peaceful uses of nuclear energy, and provide an important foundation for a world free of nuclear weapons, for which a necessary requirement will be multilateral verification and control of all sensitive fuel cycle activities.

#### G. MOBILIZING AND SUSTAINING POLITICAL WILL

##### BASIC THEMES

- The will to do something difficult, sensitive or expensive will rarely be a given in international or domestic politics. It usually has to be painfully and laboriously constructed, case by case, context by context, with four main elements needing to come together:
  - *leadership*: without which inertia will always prevail – top down (from the major nuclear-armed states, particularly the U.S. and Russia), from peer groups (like-minded states worldwide) and bottom up (from civil society);
  - *knowledge*: both specialist and general, of the nature, magnitude and urgency of the nuclear problem: requiring better education and training in schools and universities, and stronger advocacy directed to policymakers, and those in the media and elsewhere who most influence them;
  - *strategy*: having a confident sense that there is a productive way forward: not just general objectives, but realistic action plans with detailed paths mapped and target benchmarks set; and
  - *process*: having the institutional and organisational means at hand – “campaign treaties”, or other research and advocacy structures – to advance the relevant strategy in practice.

##### KEY POLICIES

- **Nuclear Weapons Convention.** Work should commence now, supported by interested governments, on further refining and developing the concepts in the model convention now in circulation, making its provisions as workable and realistic as possible, with the objective of having a fully-worked through draft available to inform and guide multilateral disarmament negotiations as they gain momentum.
- **Report Card.** To help sustain political will over time, a regular “report card” should be published in which a distinguished international panel, with appropriately professional and broad based research support, would evaluate the performance of both nuclear-armed and non-nuclear-armed states against the action agendas identified in this report.
- **Monitoring and Advocacy Centre.** Consideration should be given to the establishment of a “Global Centre on Nuclear Non-proliferation and Disarmament” to act as a focal point and clearing house for the work being done on nuclear non-proliferation and disarmament issues by many different institutions and organizations in many different countries, to provide research and advocacy support both for like-minded governments and for civil society organisations, and to prepare the “report card” described above.

#### THE COMPREHENSIVE ACTION AGENDA

##### THE SHORT TERM ACTION AGENDA TO 2012: ACHIEVING INITIAL BENCHMARKS

###### On Disarmament

- Early agreement on a Strategic Arms Reduction Treaty (START) follow-on treaty, with the U.S. and Russia agreeing to deep reductions in deployed strategic weapons, addressing the issue of strategic missile defence and commencing negotiations on further deep cuts in all classes of weapons.
- Early movement on nuclear doctrine, with all nuclear-armed states declaring at least that the sole purpose of retaining the

nuclear weapons they have is to deter others from using such weapons against them or their allies (while giving firm assurances to such allies that they will not be exposed to unacceptable risk from other sources, including in particular chemical and biological weapons).

- All nuclear-armed states to give strong negative security assurances to complying non-nuclear weapon states parties to the NPT, supported by binding Security Council resolution, that they will not use nuclear weapons against them.
- Early action on nuclear force postures, with particular attention to the negotiated removal to the extent possible of weapons from “launch-on-warning” status.
- Early commitment by all nuclear-armed states to not increasing their nuclear arsenals.
- Prepare the ground for a multilateral disarmament process by all nuclear-armed states conducting relevant studies; engaging in strategic dialogues with the U.S., Russia and each other; and commencing a joint dialogue within the framework of the Conference on Disarmament work program.

###### On Non-Proliferation

- A positive outcome for the May 2010 NPT Review Conference, with member states reaching agreement on measures to strengthen the NPT regime, including improved safeguards, verification, compliance and enforcement; measures to strengthen the effectiveness of the IAEA; “A New International Consensus for Action on Nuclear Disarmament” statement on disarmament issues; and measures to advance the implementation of the Middle East and other existing and proposed Nuclear Weapon Free Zones.
- Satisfactory negotiated resolution of the North Korea and Iran nuclear program problems.
- Movement toward strengthening non-proliferation regimes outside the NPT, and applying equivalent disciplines to NPT non-members.

###### On Both Disarmament and Non-Proliferation

- Bring into force the Comprehensive Nuclear-Test-Ban Treaty.
- Conclude negotiations on an Fissile Material Cut-off Treaty.

###### On Nuclear Security

- Bring into force the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material, accelerate implementation of the cooperative threat reduction and associated programs designed to secure dangerous nuclear weapons, materials and technology worldwide, and achieve greater commitment to international capacity building and information sharing.

###### On Peaceful Uses of Nuclear Energy

- Movement toward greater multilateralization of the nuclear fuel cycle, and government-industry cooperation on proliferation-resistant technologies and other measures designed to reduce any risks associated with the expansion of civil nuclear energy.
- Promotion of international cooperation on nuclear energy infrastructure to raise awareness worldwide of the importance of the three Ss – safeguards, security and safety – and assist countries concerned in developing relevant measures.

#### THE MEDIUM TERM ACTION AGENDA TO 2025: GETTING TO THE MINIMIZATION POINT

- Progressive achievement of interim disarmament objectives, culminating by 2025 in a “minimization point” characterized by:
  - low numbers: a world with no more than 2,000 nuclear warheads (less than 10 per cent of today’s arsenals);
  - agreed doctrine: every nuclear-armed state committed to no first use;
  - credible force postures: verifiable deployments and alert status reflecting that doctrine.
- Progressive resolution of parallel security issues likely to impact on nuclear disarmament negotiations:
  - missile delivery systems and strategic missile defence;

- space based weapons systems;
- biological weapons;
- conventional arms imbalances.
- Development and building of support for a comprehensive Nuclear Weapons Convention to legally underpin the ultimate transition to a nuclear weapon free world.
- Complete implementation (to extent already not achieved by 2012) of short term objectives crucial for both disarmament and non proliferation:
  - Comprehensive Nuclear-Test-Ban Treaty in force;
  - Fissile Material Cut-off Treaty negotiated and in force, and a further agreement negotiated to put all fissile material not in weapons under international safeguards;
  - Measures to strengthen the NPT regime and the IAEA agreed and in force;
  - Nuclear security measures in force, and cooperative threat reduction and associated programs fully implemented;
  - Progressive implementation of measures to reduce the proliferation risks associated with the expansion of civil nuclear energy.

**THE LONGER TERM ACTION AGENDA BEYOND 2025: GETTING TO ZERO**

- Create political conditions, regionally and globally, sufficiently cooperative and stable for the prospect of major war or aggression to be so remote that nuclear weapons are seen as having no remaining deterrent utility.
- Create the military conditions in which conventional arms imbalances, missile defence systems or any other national or intergovernmental-organisation capability is not seen as so inherently destabilizing as to justify the retention of a nuclear deterrent capability.
- Create verification conditions that will ensure confidence that any violation of the prohibition of nuclear weapons would be readily detected.
- Create the international legal regime and enforcement conditions that will ensure that any state breaching its prohibition obligations not to retain, acquire or develop nuclear weapons will be effectively penalized.
- Create fuel cycle management conditions that will ensure complete confidence that no state has the capacity to misuse uranium enrichment or plutonium reprocessing for weapons development purposes.
- Create personnel oversight conditions to ensure confidence that individuals' know-how in the design and building of nuclear weapons will not be misapplied in violation of prohibition obligations.

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**Nuclear Posture Review Report**

[US Department of Defense, April 2010]

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**Executive Summary**

[Eds...]

The 2010 Nuclear Posture Review (NPR) outlines the Administration's approach to promoting the President's agenda for reducing nuclear dangers and pursuing the goal of a world without nuclear weapons, while simultaneously advancing broader U.S. security interests. The NPR reflects the President's national security priorities and the supporting defense strategy objectives identified in the 2010 Quadrennial Defense Review.

After describing fundamental changes in the international security environment, the NPR report focuses on five key objectives of our nuclear weapons policies and posture:

1. Preventing nuclear proliferation and nuclear terrorism;
2. Reducing the role of U.S. nuclear weapons in U.S. national security strategy;
3. Maintaining strategic deterrence and stability at reduced

- nuclear force levels;
4. Strengthening regional deterrence and reassuring U.S. allies and partners; and
5. Sustaining a safe, secure, and effective nuclear arsenal.

[Eds...]

**Implications for U.S. Nuclear Weapons Policies and Force Posture**

The massive nuclear arsenal we inherited from the Cold War era of bipolar military confrontation is poorly suited to address the challenges posed by suicidal terrorists and unfriendly regimes seeking nuclear weapons. Therefore, it is essential that we better align our nuclear policies and posture to our most urgent priorities – preventing nuclear terrorism and nuclear proliferation.

This does not mean that our nuclear deterrent has become irrelevant. Indeed, as long as nuclear weapons exist, the United States will sustain safe, secure, and effective nuclear forces. These nuclear forces will continue to play an essential role in deterring potential adversaries and reassuring allies and partners around the world.

But fundamental changes in the international security environment in recent years – including the growth of unrivaled U.S. conventional military capabilities, major improvements in missile defenses, and the easing of Cold War rivalries – enable us to fulfill those objectives at significantly lower nuclear force levels and with reduced reliance on nuclear weapons. Therefore, without jeopardizing our traditional deterrence and reassurance goals, we are now able to shape our nuclear weapons policies and force structure in ways that will better enable us to meet our most pressing security challenges.

- By reducing the role and numbers of U.S. nuclear weapons – meeting our NPT Article VI obligation to make progress toward nuclear disarmament – we can put ourselves in a much stronger position to persuade our NPT partners to join with us in adopting the measures needed to reinvigorate the non-proliferation regime and secure nuclear materials worldwide.
- By maintaining a credible nuclear deterrent and reinforcing regional security architectures with missile defenses and other conventional military capabilities, we can reassure our non-nuclear allies and partners worldwide of our security commitments to them and confirm that they do not need nuclear weapons capabilities of their own.
- By pursuing a sound Stockpile Management Program for extending the life of U.S. nuclear weapons, we can ensure a safe, secure, and effective deterrent without the development of new nuclear warheads or further nuclear testing.
- By modernizing our aging nuclear facilities and investing in human capital, we can substantially reduce the number of nuclear weapons we retain as a hedge against technical or geopolitical surprise, accelerate dismantlement of retired warheads, and improve our understanding of foreign nuclear weapons activities.
- By promoting strategic stability with Russia and China and improving transparency and mutual confidence, we can help create the conditions for moving toward a world without nuclear weapons and build a stronger basis for addressing nuclear proliferation and nuclear terrorism.
- By working to reduce the salience of nuclear weapons in international affairs and moving step-by-step toward eliminating them, we can reverse the growing expectation that we are destined to live in a world with more nuclear-armed states, and decrease incentives for additional countries to hedge against an uncertain future by pursuing nuclear options of their own.

**Preventing Nuclear Proliferation and Nuclear Terrorism**

As a critical element of our effort to move toward a world free of nuclear weapons, the United States will lead expanded international efforts to rebuild and strengthen the global nuclear nonproliferation regime – and for the first time, the 2010 NPR places this priority atop the U.S. nuclear agenda. Concerns have grown in recent years that we are approaching a nuclear tipping point – that unless today's dangerous trends are arrested and

reversed, before very long we will be living in a world with a steadily growing number of nuclear-armed states and an increasing likelihood of terrorists getting their hands on nuclear weapons.

The U.S. approach to preventing nuclear proliferation and nuclear terrorism includes three key elements. First, we seek to bolster the nuclear non-proliferation regime and its centerpiece, the NPT, by reversing the nuclear ambitions of North Korea and Iran, strengthening International Atomic Energy Agency safeguards and enforcing compliance with them, impeding illicit nuclear trade, and promoting the peaceful uses of nuclear energy without increasing proliferation risks. Second, we are accelerating efforts to implement President Obama's initiative to secure all vulnerable nuclear materials worldwide in four years.

And third, we are pursuing arms control efforts – including the New Strategic Arms Reduction Treaty (New START), ratification and entry into force of the Comprehensive Nuclear Test Ban Treaty, and negotiation of a verifiable Fissile Material Cutoff Treaty – as a means of strengthening our ability to mobilize broad international support for the measures needed to reinforce the non-proliferation regime and secure nuclear materials worldwide.

Among key Administration initiatives are:

- Pursuing aggressively the President's Prague initiative to secure all vulnerable nuclear materials worldwide, including accelerating the Global Threat Reduction Initiative and the International Nuclear Material Protection and Cooperation Program. This includes increasing funding in fiscal year (FY) 2011 for Department of Energy nuclear nonproliferation programs to \$2.7 billion, more than 25 percent.
- Enhancing national and international capabilities to disrupt illicit proliferation networks and interdict smuggled nuclear materials, and continuing to expand our nuclear forensics efforts to improve the ability to identify the source of nuclear material used or intended for use in a terrorist nuclear explosive device.
- Initiating a comprehensive national research and development program to support continued progress toward a world free of nuclear weapons, including expanded work on verification technologies and the development of transparency measures.
- Renewing the U.S. commitment to hold fully accountable any state, terrorist group, or other non-state actor that supports or enables terrorist efforts to obtain or use weapons of mass destruction, whether by facilitating, financing, or providing expertise or safe haven for such efforts.

### Reducing the Role of U.S. Nuclear Weapons

The role of nuclear weapons in U.S. national security and U.S. military strategy has been reduced significantly in recent decades, but further steps can and should be taken at this time.

The fundamental role of U.S. nuclear weapons, which will continue as long as nuclear weapons exist, is to deter nuclear attack on the United States, our allies, and partners.

During the Cold War, the United States reserved the right to use nuclear weapons in response to a massive conventional attack by the Soviet Union and its Warsaw Pact allies. Moreover, after the United States gave up its own chemical and biological weapons (CBW) pursuant to international treaties (while some states continue to possess or pursue them), it reserved the right to employ nuclear weapons to deter CBW attack on the United States and its allies and partners.

Since the end of the Cold War, the strategic situation has changed in fundamental ways. With the advent of U.S. conventional military preeminence and continued improvements in U.S. missile defenses and capabilities to counter and mitigate the effects of CBW, the role of U.S. nuclear weapons in deterring non-nuclear attacks – conventional, biological, or chemical – has declined significantly. The United States will continue to reduce the role of nuclear weapons in deterring non-nuclear attacks.

To that end, the United States is now prepared to strengthen its long-standing "negative security assurance" by declaring that the United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the NPT and in compliance with their nuclear non-proliferation obligations.

This revised assurance is intended to underscore the security benefits of adhering to and fully complying with the NPT and persuade non-nuclear weapon states party to the Treaty to work with the United States and other interested parties to adopt effective measures to strengthen the non-proliferation regime.

In making this strengthened assurance, the United States affirms that any state eligible for the assurance that uses chemical or biological weapons against the United States or its allies and partners would face the prospect of a devastating conventional military response – and that any individuals responsible for the attack, whether national leaders or military commanders, would be held fully accountable. Given the catastrophic potential of biological weapons and the rapid pace of bio-technology development, the United States reserves the right to make any adjustment in the assurance that may be warranted by the evolution and proliferation of the biological weapons threat and U.S. capacities to counter that threat.

In the case of countries not covered by this assurance – states that possess nuclear weapons and states not in compliance with their nuclear non-proliferation obligations – there remains a narrow range of contingencies in which U.S. nuclear weapons may still play a role in deterring a conventional or CBW attack against the United States or its allies and partners. The United States is therefore not prepared at the present time to adopt a universal policy that deterring nuclear attack is the sole purpose of nuclear weapons, but will work to establish conditions under which such a policy could be safely adopted.

Yet that does not mean that our willingness to use nuclear weapons against countries not covered by the new assurance has in any way increased. Indeed, the United States wishes to stress that it would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners. It is in the U.S. interest and that of all other nations that the nearly 65-year record of nuclear non-use be extended forever.

Accordingly, among the key conclusions of the NPR:

- The United States will continue to strengthen conventional capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks, with the objective of making deterrence of nuclear attack on the United States or our allies and partners the sole purpose of U.S. nuclear weapons.
- The United States would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners.
- The United States will not use or threaten to use nuclear weapons against non-nuclear weapons states that are party to the NPT and in compliance with their nuclear nonproliferation obligations.

### Maintaining Strategic Deterrence and Stability at Reduced Nuclear Force Levels

Since the end of the Cold War, the United States and Russia have reduced operationally deployed strategic nuclear weapons by about 75 percent, but both still retain many more nuclear weapons than they need for deterrence. The Administration is committed to working with Russia to preserve stability at significantly reduced force levels.

**New START.** The next step in this process is to replace the now-expired 1991 START I Treaty with another verifiable agreement, New START. An early task for the NPR was to develop U.S. positions for the New START negotiations and to consider how U.S. forces could be structured in light of the reductions required by the new agreement. The NPR reached the following conclusions:

- Stable deterrence can be maintained while reducing U.S. strategic delivery vehicles – intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and nuclear-capable heavy bombers – by approximately 50 percent from the START I level, and reducing accountable strategic warheads by approximately 30 percent from the Moscow Treaty level.
- Building on NPR analysis, the United States agreed with Russia to New START limits of 1,550 accountable strategic



warheads, 700 deployed strategic delivery vehicles, and a combined limit of 800 deployed and non-deployed strategic launchers.

- The U.S. nuclear Triad of ICBMs, SLBMs, and nuclear-capable heavy bombers will be maintained under New START.
- All U.S. ICBMs will be “de-MIRVed” to a single warhead each to increase stability.
- Contributions by non-nuclear systems to U.S. regional deterrence and reassurance goals will be preserved by avoiding limitations on missile defenses and preserving options for using heavy bombers and long-range missile systems in conventional roles.

**Maximizing Presidential decision time.** The NPR concluded that the current alert posture of U.S. strategic forces – with heavy bombers off full-time alert, nearly all ICBMs on alert, and a significant number of SSBNs at sea at any given time – should be maintained for the present. It also concluded that efforts should continue to diminish further the possibility of nuclear launches resulting from accidents, unauthorized actions, or misperceptions and to maximize the time available to the President to consider whether to authorize the use of nuclear weapons. Key steps include:

- Continuing the practice of “open-ocean targeting” of all ICBMs and SLBMs so that, in the highly unlikely event of an unauthorized or accidental launch, the missile would land in the open ocean, and asking Russia to re-confirm its commitment to this practice.
- Further strengthening the U.S. command and control system to maximize Presidential decision time in a nuclear crisis.
- Exploring new modes of ICBM basing that enhance survivability and further reduce any incentives for prompt launch.

**Reinforcing strategic stability.** Given that Russia and China are currently modernizing their nuclear capabilities – and that both are claiming U.S. missile defense and conventionally-armed missile programs are destabilizing – maintaining strategic stability with the two countries will be an important challenge in the years ahead.

- The United States will pursue high-level, bilateral dialogues on strategic stability with both Russia and China which are aimed at fostering more stable, resilient, and transparent strategic relationships.

A strategic dialogue with Russia will allow the United States to explain that our missile defenses and any future U.S. conventionally-armed long-range ballistic missile systems are designed to address newly emerging regional threats, and are not intended to affect the strategic balance with Russia. For its part, Russia could explain its modernization programs, clarify its current military doctrine (especially the extent to which it places importance on nuclear weapons), and discuss steps it could take to allay concerns in the West about its non-strategic nuclear arsenal, such as further consolidating its non-strategic systems in a small number of secure facilities deep within Russia.

With China, the purpose of a dialogue on strategic stability is to provide a venue and mechanism for each side to communicate its views about the other’s strategies, policies, and programs on nuclear weapons and other strategic capabilities. The goal of such a dialogue is to enhance confidence, improve transparency, and reduce mistrust. As stated in the 2010 Ballistic Missile Defense Review Report, “maintaining strategic stability in the U.S.-China relationship is as important to this Administration as maintaining strategic stability with other major powers.”

**Future nuclear reductions.** The President has directed a review of post-New START arms control objectives, to consider future reductions in nuclear weapons. Several factors will influence the magnitude and pace of future reductions in U.S. nuclear forces below New START levels.

First, any future nuclear reductions must continue to strengthen deterrence of potential regional adversaries, strategic stability vis-à-vis Russia and China, and assurance of our allies and partners. This will require an updated assessment of deterrence

requirements; further improvements in U.S., allied, and partner non-nuclear capabilities; focused reductions in strategic and nonstrategic weapons; and close consultations with allies and partners. The United States will continue to ensure that, in the calculations of any potential opponent, the perceived gains of attacking the United States or its allies and partners would be far outweighed by the unacceptable costs of the response.

Second, implementation of the Stockpile Stewardship Program and the nuclear infrastructure investments recommended in the NPR will allow the United States to shift away from retaining large numbers of non-deployed warheads as a hedge against technical or geopolitical surprise, allowing major reductions in the nuclear stockpile. These investments are essential to facilitating reductions while sustaining deterrence under New START and beyond.

Third, Russia’s nuclear force will remain a significant factor in determining how much and how fast we are prepared to reduce U.S. forces. Because of our improved relations, the need for strict numerical parity between the two countries is no longer as compelling as it was during the Cold War. But large disparities in nuclear capabilities could raise concerns on both sides and among U.S. allies and partners, and may not be conducive to maintaining a stable, long-term strategic relationship, especially as nuclear forces are significantly reduced. Therefore, we will place importance on Russia joining us as we move to lower levels.

Key NPR recommendations include:

- Conduct follow-on analysis to set goals for future nuclear reductions below the levels expected in New START, while strengthening deterrence of potential regional adversaries, strategic stability vis-à-vis Russia and China, and assurance of our allies and partners.
- Address non-strategic nuclear weapons, together with the non-deployed nuclear weapons of both sides, in any post-New START negotiations with Russia.
- Implement U.S. nuclear force reductions in ways that maintain the reliability and effectiveness of security assurances to our allies and partners. The United States will consult with allies and partners in developing its approach to post-New START negotiations.

**Strengthening Regional Deterrence and Reassuring U.S. Allies and Partners**

The United States is fully committed to strengthening bilateral and regional security ties and working with allies and partners to adapt these relationships to 21st century challenges. Such security relationships are critical in deterring potential threats, and can also serve our nonproliferation goals – by demonstrating to neighboring states that their pursuit of nuclear weapons will only undermine their goal of achieving military or political advantages, and by reassuring non-nuclear U.S. allies and partners that their security interests can be protected without their own nuclear deterrent capabilities.

U.S. nuclear weapons have played an essential role in extending deterrence to U.S. allies and partners against nuclear attacks or nuclear-backed coercion by states in their region that possess or are seeking nuclear weapons. A credible U.S. “nuclear umbrella” has been provided by a combination of means – the strategic forces of the U.S. Triad, non-strategic nuclear weapons deployed forward in key regions, and U.S.-based nuclear weapons that could be deployed forward quickly to meet regional contingencies. The mix of deterrence means has varied over time and from region to region.

In Europe, forward-deployed U.S. nuclear weapons have been reduced dramatically since the end of the Cold War, but a small number of U.S. nuclear weapons remain. Although the risk of nuclear attack against NATO members is at an historic low, the presence of U.S. nuclear weapons – combined with NATO’s unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons – contribute to Alliance cohesion and provide reassurance to allies and partners who feel exposed to regional threats. The role of nuclear weapons in defending Alliance members will be discussed this year in connection with NATO’s revision of its Strategic Concept. Any changes in NATO’s nuclear posture should only be

taken after a thorough review within – and decision by – the Alliance.

In Asia and the Middle East – where there are no multilateral alliance structures analogous to NATO – the United States has maintained extended deterrence through bilateral alliances and security relationships and through its forward military presence and security guarantees. When the Cold War ended, the United States withdrew its forward deployed nuclear weapons from the Pacific region, including removing nuclear weapons from naval surface vessels and general purpose submarines. Since then, it has relied on its central strategic forces and the capacity to redeploy nuclear systems in East Asia in times of crisis.

Although nuclear weapons have proved to be a key component of U.S. assurances to allies and partners, the United States has relied increasingly on non-nuclear elements to strengthen regional security architectures, including a forward U.S. conventional presence and effective theater ballistic missile defenses. As the role of nuclear weapons is reduced in U.S. national security strategy, these non-nuclear elements will take on a greater share of the deterrence burden. Moreover, an indispensable ingredient of effective regional deterrence is not only non-nuclear but also non-military – strong, trusting political relationships between the United States and its allies and partners.

**Non-strategic nuclear weapons.** The United States has reduced non-strategic (or “tactical”) nuclear weapons dramatically since the end of the Cold War. Today, it keeps only a limited number of forward deployed nuclear weapons in Europe, plus a small number of nuclear weapons stored in the United States for possible overseas deployment in support of extended deterrence to allies and partners worldwide. Russia maintains a much larger force of non-strategic nuclear weapons, a significant number of which are deployed near the territories of several North Atlantic Treaty Organization (NATO) countries.

The NPR concluded that the United States will:

- Retain the capability to forward-deploy U.S. nuclear weapons on tactical fighter-bombers and heavy bombers, and proceed with full scope life extension for the B-61 bomb including enhancing safety, security, and use control.
- Retire the nuclear-equipped sea-launched cruise missile (TLAM-N).
- Continue to maintain and develop long-range strike capabilities that supplement U.S. forward military presence and strengthen regional deterrence.
- Continue and, where appropriate, expand consultations with allies and partners to address how to ensure the credibility and effectiveness of the U.S. extended deterrent. No changes in U.S. extended deterrence capabilities will be made without close consultations with our allies and partners.

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#### Looking Ahead: Toward a World without Nuclear Weapons

Pursuing the recommendations of the 2010 Nuclear Posture Review will strengthen the security of the United States and its allies and partners and bring us significant steps closer to the President’s vision of a world without nuclear weapons.

The conditions that would ultimately permit the United States and others to give up their nuclear weapons without risking greater international instability and insecurity are very demanding. Among those conditions are success in halting the proliferation of nuclear weapons, much greater transparency into the programs and capabilities of key countries of concern, verification methods and technologies capable of detecting violations of disarmament obligations, enforcement measures strong and credible enough to deter such violations, and ultimately the resolution of regional disputes that can motivate rival states to acquire and maintain nuclear weapons. Clearly, such conditions do not exist today.

But we can – and must – work actively to create those conditions. We can take the practical steps identified in the 2010 NPR that will not only move us toward the ultimate goal of eliminating all nuclear weapons worldwide but will, in their own right, reinvigorate the global nuclear non-proliferation regime, erect higher barriers to the acquisition of nuclear weapons and nuclear materials by terrorist

groups, and strengthen U.S. and international security.

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### China’s National Defense in 2010

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[Information Office of the State Council of the People’s Republic of China January 2010, Beijing]

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[Eds...]

#### X. Arms Control and Disarmament

China attaches importance to and takes an active part in international efforts in the field of arms control, disarmament and non-proliferation. It adheres to the complete fulfillment of the UN’s role in this area, and that of other related international organizations and multilateral mechanisms, and considers that existing multilateral arms control, disarmament and non-proliferation systems should be consolidated and strengthened, that the legitimate and reasonable security concerns of all countries should be respected and accommodated, and that global strategic balance and stability should be maintained.

##### Nuclear Disarmament

China has always stood for the complete prohibition and thorough destruction of nuclear weapons. China maintains that countries possessing the largest nuclear arsenals bear special and primary responsibility for nuclear disarmament. They should further drastically reduce their nuclear arsenals in a verifiable, irreversible and legally-binding manner, so as to create the necessary conditions for the complete elimination of nuclear weapons. When conditions are appropriate, other nuclear-weapon states should also join in multilateral negotiations on nuclear disarmament. To attain the ultimate goal of complete and thorough nuclear disarmament, the international community should develop, at an appropriate time, a viable, long-term plan with different phases, including the conclusion of a convention on the complete prohibition of nuclear weapons.

China holds that, before the complete prohibition and thorough destruction of nuclear weapons, all nuclear-weapon states should abandon any nuclear deterrence policy based on first use of nuclear weapons, make an unequivocal commitment that under no circumstances will they use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones, and negotiate an international legal instrument in this regard. In the meantime, nuclear-weapon states should negotiate and conclude a treaty on no-first-use of nuclear weapons against each other.

China has played a constructive role in the review process of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). Together with other signatories to the NPT, China is willing to sincerely implement the positive achievements of the Eighth NPT Review Conference in 2010. China supports the early entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT) and the early commencement of negotiations on the Fissile Material Cut-off Treaty (FMCT) at the Conference on Disarmament (CD) in Geneva.

As a permanent member of the UN Security Council and a nuclear-weapon state signatory of the NPT, China has never evaded its obligations in nuclear disarmament and pursues an open, transparent and responsible nuclear policy. It has adhered to the policy of no-first-use of nuclear weapons at any time and in any circumstances, and made the unequivocal commitment that under no circumstances will it use or threaten to use nuclear weapons against non-nuclear-weapon states or nuclear-weapon-free zones. China has never deployed nuclear weapons in foreign territory and has always exercised the utmost restraint in the development of nuclear weapons, and has never participated in any form of nuclear arms race, nor will it ever do so. It will limit its nuclear capabilities to the minimum level required for national security.

China has strictly abided by its commitment to a moratorium on nuclear testing and has actively participated in the work of the Preparatory Commission of the Comprehensive Nuclear Test Ban Treaty Organization, and is steadily preparing for the national implementation of the Treaty. China is responsible for setting up 12 international monitoring stations and laboratories. At present, six primary seismological monitoring stations, three radionuclide stations, the Beijing Radionuclide Laboratory and the China

National Data Center have been set up, and one infrasound station is under construction.

China consistently supports the efforts of non-nuclear-weapon states in establishing nuclear-weapon-free zones, has already signed and ratified all the relevant protocols which have been opened for signature of any nuclear-weapon-free zone treaties, and has reached agreement with the ASEAN countries on relevant issues under the Protocol of the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone. China supports the Treaty on a Nuclear-Weapon-Free Zone in Central Asia and its protocols signed by Central Asian countries, and supports the establishment of a nuclear-weapon-free zone in the Middle East.

China maintains that the global missile defense program will be detrimental to international strategic balance and stability, will undermine international and regional security, and will have a negative impact on the process of nuclear disarmament. China holds that no state should deploy overseas missile defense systems that have strategic missile defense capabilities or potential, or engage in any such international collaboration.

#### **Non-Proliferation**

China firmly opposes the proliferation of weapons of mass destruction (WMD) and their means of delivery, and consistently deals with non-proliferation issues in a highly responsible manner. China maintains that, in order to prevent proliferation at source, efforts should be made to foster a global and regional security environment featuring mutual trust and cooperation, and the root causes of WMD proliferation should be eliminated. It holds that non-proliferation issues should be resolved through political and diplomatic means. It holds that the authority, effectiveness and universality of the international non-proliferation regime should be upheld and enhanced. The international community should ensure fairness and prevent discrimination in international non-proliferation efforts, strike a balance between non-proliferation and the peaceful use of science and technology, and abandon double standards. China has joined all international treaties and international organizations in the field of non-proliferation, and supports the role played by the United Nations in this regard, and has conscientiously implemented any relevant resolutions of the UN Security Council.

China advocates resolving the nuclear issue in the Korean Peninsula peacefully through dialogues and consultations, endeavoring to balance common concerns through holding six-party talks in order to realize the denuclearization on the Korean

Peninsula and maintain peace and stability of the Korean Peninsula and the Northeast Asia. China, always considering the whole situation in the long run, painstakingly urges related countries to have more contacts and dialogues in order to create conditions for resuming six-party talks as early as possible. China is for the peaceful resolution of the Iranian nuclear issue through dialogue and negotiation, and for maintaining the peace and stability of the Middle East. China has been dedicated to promoting dialogue and negotiation, and has actively engaged with relevant parties to promote non-proliferation. China has attended the meetings of foreign ministers and political directors of the P5+1, and has participated in the deliberations on the Iranian nuclear issue at the UN Security Council and at the International Atomic Energy Agency (IAEA) in a constructive manner.

Since 2009, China has held arms control and non-proliferation consultations with a dozen countries, including the US, Russia, the UK, Germany, Brazil, Canada, Pakistan, the Republic of Korea, the EU, Australia and Israel, and continues to strengthen dialogue and exchanges with multinational export control mechanisms. It has conducted discussions with the Missile Technology Control Regime (MTCR) and participated in its technical outreach meeting. China has cosponsored inter-sessional meetings on non-proliferation and disarmament with relevant countries within the framework of the ARF, and taken part in discussions on biological security and counter-biological terrorism.

China attaches great importance to non-proliferation export control, and has established a comprehensive legal system for export control of nuclear, biological, chemical, missile and related sensitive items and technologies, as well as all military products. It has adopted the relevant international universal export control measures, including the licensing system, end-user and end-use certificate, list control, and "catch-all" principle. In 2009, the Ministry of Commerce promulgated the Measures for Administration of Dual-use Items and Technologies Subject to Export General License to further strengthen the licensing system for export control.

China attaches great importance to the issue of nuclear security, opposes nuclear terrorism, adopts effective nuclear security measures and maintains a good record in this field. China observes in good faith its international obligations and takes an active part in international nuclear security cooperation. It agrees in principle to set up a nuclear security "Center of Excellence" in China in cooperation with relevant countries.

