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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 94 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 (94+145) 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 (UF₆) 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 building 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 at 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-option 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 NWFZ's; 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/PC.II/MP.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 it 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/SBI 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 8th 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/PC.21/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. Its 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.

Section 7

The 2015 NPT Review Cycle

Ed. Note – The following is a non-exhaustive summary of the 2012 and 2013 PrepComs. For a full description of the substantive content of these meetings, see *Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, First Session, Chairman's Factual Summary, Working Paper, NPT/CONF.2015/PC.IWP.53* and *Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty*

on the Non-Proliferation of Nuclear Weapons, Second session, Chairman's Factual Summary (Working Paper) [NPT/CONF.2015/PC.IIWP.49] reproduced in Section B.

The First PrepCom Session, Vienna, April 30-May 11 2012

The political context for this meeting included the resumption in mid-April 2012 of talks between Iran and the P5+1; renewed efforts by the

IAEA to resolve outstanding issues relating to the 'possible military dimensions' of Iran's nuclear programme; and ongoing consultations on the 2012 conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction, as mandated by the final document of the 2010 NPT Review Conference. A desire for this background activity to proceed unhindered produced a markedly sedate PrepCom session, notably for its procedural efficiency.

Thanks to thorough and inclusive prior consultations by the Chair, Ambassador Peter Woolcott of Australia, most of the key procedural business was concluded within the first half hour of the first day of the PrepCom. In particular, the agenda (NPT/CONF.2015/PC.I/3) was adopted without objection, avoiding the fight that had disrupted the corresponding PrepCom session in 2007. The date and venue for the second session of the 2015 cycle was also agreed: 22 April-3 May 2013, in Geneva. Because of a dispute within the Eastern Group there was no agreement on the next PrepCom Chair. [Romania was subsequently nominated for this post in November 2012.]

The PrepCom then commenced its general plenary debate. This was interrupted by the May-day public holiday and concluded on the Thursday, later than the time allotted in the Chair's indicative timetable (NPT/CONF.2015/PC.I/INF/3). However, debate on Cluster One issues (NPT/CONF.2010/1, annex V) – implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, disarmament and international peace and security; and security assurances – and the Cluster One specific issue, nuclear disarmament and security assurances, finished ahead of schedule, with the Chair's speaker list empty by the afternoon of the Friday, at which point the session was suspended for the weekend.

Debate on Cluster Two issues – implementation of the provisions of the Treaty relating to non-proliferation of nuclear weapons, safeguards and nuclear-weapon-free-zones – commenced on the Monday of the PrepCom session as scheduled. Discussion of the Cluster 2 specific issue – regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution – commenced on the morning of Tuesday with a statement from the Facilitator of the conference on a WMD-Free Zone in the Middle East, and continued through the day.

Cluster Three issues – 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 – were debated through to the end of Wednesday. The PrepCom session then broke earlier than scheduled on the Thursday after debating the Cluster Three specific issues: peaceful uses of nuclear energy and other provisions of the Treaty, and improving the effectiveness of the strengthened review process.

The first PrepCom session was concluded in short order on Friday with the adoption of the draft report (NPT/CONF.2015/PC.I/CRP.2) essentially unamended. As had become customary, the Chair's factual summary of the PrepCom session was not annexed to the formal report, but rather issued as a working paper. The Chair indicated that he had decided on this path early in the process, in recognition of the fact that agreeing a consensus final document to forward to the second session was an unlikely prospect. The Chair's summary was comprehensive and well-received, its substance only challenged on individual points.

Many state representatives had made reference, in statements and in informal discussions, to the 64-point action plan as a guide for the PrepCom's work, and this was reflected in the substantive debate. Moreover, the nuanced language ('states parties', 'many states parties', and 'some states parties') of the Chair's factual summary of the first PrepCom session, credited by many observers with ensuring the document's positive reception, was in part an extension of the language used in the review section of the 2010 RevCon final document, itself issued as a President's non-consensus summary (NPT/CONF.2010/50 (Vol. I), Part I). This was therefore seen by some as reinforcing the precedent set in 2010 for the separation of non-consensus and consensus Review Conference outcome documents.

The Second PrepCom Session, Geneva, 22 April-3 May 2013

The second PrepCom took place against a background of several ongoing negotiations. The 'P5+1' powers had met with Iran in Baghdad and Moscow in 2012, and in Almaty two weeks before the PrepCom. At the same time, the inability of the depository powers, the UN Secretary-General, and the designated facilitator to convene a conference to discuss a WMD-free zone in the Middle East (MEWMDZFZ) had resulted in the goal set out in the 2010 Final Document to hold it before the end 2012 not being met, and no new date being agreed-upon.. In East Asia the DPRK had tested a long-range rocket on 12 December 2012 (describing it as a satellite launch), and conducted a nuclear test on 12 February 2013, while the Six Party Talks over its nuclear disarmament remained stalled. P5 consultations on confidence-building measures to support their nuclear disarmament had been held on 27-29 June 2012 in Washington, DC, and in Geneva on 18-19 April 2013, immediately prior to the PrepCom. However, these states had been absent from a conference to discuss the humanitarian impacts of nuclear weapons held in Oslo on 4-5 March 2013.

The PrepCom opened with the swift adoption of a number of procedural items. Ambassador Cornel Feruta of Romania was confirmed as its Chair; the indicative timetable was approved; and Ambassador Enrique Roman-Morey of Peru was nominated to Chair the third PrepCom in New York in 2014. General debate commenced on the morning of the first day, and lasted until the afternoon of day three. Short national statements were made reaffirming the importance of the NPT and the significance of the treaty's three pillars. Emphasis was placed on implementation of the 2010 Action Plan, views were aired on inter alia, compliance and disarmament issues, and several states expressed regret over the postponement of the 2012 conference on a MEWMDZFZ. This was followed on the morning of day three by the contributions from Civil Society, which on this occasion started with a keynote address followed by a panel discussion and responses to questions from delegates.

Debate then began in the afternoon of day three on Cluster One issues, and lasted until the afternoon of day four, after which the PrepCom took up the Cluster One specific issue, *Nuclear disarmament and security assurances*. Despite the emphasis paid to these issues in national and group statements, debate on them ended early on both the afternoon session on day four and the morning one of day five. The debate did, however, include a significant statement by South Africa on behalf of 77 states on the humanitarian impacts of nuclear weapons.

The PrepCom then proceeded on the afternoon of the fifth day to examine issues under Cluster Two. Discussions on these issues, including debates on non-proliferation compliance, lasted until the end of the morning session on day six. The meeting then took up the Cluster Two specific issue, *Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution*. Unsurprisingly, a large proportion of time was devoted to reactions to, and explanations of, the postponement of the 2012 conference on a MEWMDZFZ, including a summary of developments to date from the facilitator, Ambassador Jaakko Laajava of Finland. Among other issues States also discussed the implications of the DPRK's recent missile and nuclear tests.

The afternoon session of day six closed with an announcement by the delegation of Egypt that it was withdrawing from the meeting "to protest [the] unacceptable and continuous failure to implement the 1995 Middle East Resolution." Egypt acknowledged in its statement that the Arab group had been debating a coordinated boycott of the PrepCom as a whole prior to the meeting, but only Egypt chose to implement it in what it described as a response to "flagrant non-fulfilment of agreed commitments". The chair of the PrepCom suspended debate on the Middle East issue in order to offer some time for Egypt to rejoin the meeting, but when this did not happen the debate on the Cluster Two specific issue was reopened and concluding at the end of the morning session of day seven.

Debate on Cluster Three, *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* began in the afternoon session on day seven and continued into day eight. This debate focussed on the right of all Parties to the Treaty to develop the use of nuclear energy for peaceful purposes, and also the safety issues arising from the Fukushima accident. The latter included the need for co-operative efforts to strengthen nuclear safety regimes, given that nuclear emergencies have no respect for state borders.

An innovation at this PrepCom was a final session in day nine on innovations which might strengthen the NPT review process. Suggestions for this included shortening the duration of the first two PrepComs; holding them in areas besides New York, Geneva and Vienna; making greater use of modern conference technology; and individual meetings having a more focussed Agendas. Also discussed were possible reforms to the mechanism for withdrawal from the NPT under Article X

The final day of the PrepCom session was occupied by consideration of the procedural report of the Preparatory Committee, issued as NPT/CONF.2015/PC.II/12, and the Chair's factual summary, which was adopted as a non-consensual working paper, NPT/CONF.2015/PC.II/WP.49.

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 2014]

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
Cabo 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
Libya	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 2014 NPT Preparatory Committee Meeting 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]

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)

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

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.

Report of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on its first session
(Vienna, 30 April-11 May 2012)

[Reproduced from NPT/CONF.2015/PC.II/14]

[Eds... See the 2013 Edition of the Briefing Book]

First Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Chairman's factual summary (Working paper)

[Reproduced from NPT/CONF.2015/PC.IWP.53
10 May 2012]

[Eds... See 2013 Edition of the Briefing Book]

Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Provisional Agenda (Geneva, 22 April – 3 May 2013)

[Reproduced from NPT/CONF.2015/PC.II/12,
14 May 2013]

1. Opening of the session.
2. Election of the Chair.
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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference.
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 2015 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 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons Indicative Timetable

[NPT/CONF.2015/PC.II/INF/4, 26 February 2013]

Monday, 22 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, 23 April

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

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

Thursday, 3 May

10:00 am – 1:00 pm Statements by NGOs (item 5)

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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 1 issues (NPT/CONF.2010/1, annex V), issues under point 1: implementation of the provisions of the Treaty relating to non-proliferation 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 (United Nations Security Council resolution 255 [1968] and 984 [1995]; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons).

Thursday, 25 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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 1 issues (NPT/CONF.2010/1, annex V), issues under point 1: implementation of the provisions of the Treaty relating to non-proliferation 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 (United Nations Security Council resolution 255 [1968] and 984 [1995]; effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons).

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; the Final Document of the 2000 Review

Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 1 Specific issue - Nuclear disarmament and security assurances.

Friday, 26 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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 1 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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 2 issues (NPT/CONF.2010/1, annex V), issues under point 2: implementation of the provisions of the Treaty relating to non-proliferation 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).

Monday, 29 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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 2 issues (NPT/CONF.2010/1, annex V), issues under point 2: implementation of the provisions of the Treaty relating to non-proliferation 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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 2 Specific issue - Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution.

Tuesday, 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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 2 Specific issue - Regional issues, including with respect to the Middle East and the 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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 3 issues (NPT/CONF.2010/1, annex V), issues 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; article V); other provisions of the Treaty.

Wednesday, 1 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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 3 issues (NPT/CONF.2010/1, annex V), issues 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; 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; the Final Document of the 2000 Review

Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 3 Specific issue – Peaceful uses of nuclear energy and other provisions of the Treaty.

Thursday, 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; the Final Document of the 2000 Review Conference; and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference (item 6).

Cluster 3 Specific issue – Peaceful uses of nuclear energy and other provisions of the Treaty.

– Improving the effectiveness of the strengthened review process.

Friday, 3 May

10:00 am – 1:00 pm 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)

Report of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on its second session (Geneva, 22 April – 3 May 2013)

[NPT/CONF.2015/PC.II/1214 May 2013]

I. Introduction – [Eds...]

II. Substantive and procedural issues

A. Organization of work of the Preparatory Committee

8. The Preparatory Committee continued to conduct its work on the basis of the agenda (NPT/CONF.2015/PC.I/3) adopted at its first session, in 2012, which reads as follows:

[Eds...]

9. At its 1st meeting, on 22 April, the Preparatory Committee took note of the indicative timetable (NPT/CONF.2015/PC.II/INF/3).

10. In the course of the discussion on the organization of work of the Preparatory Committee (agenda item 7), the following decisions were taken:

(a) Election of officers

At its 1st meeting, on 22 April, the Preparatory Committee elected Enrique Román-Morey (Peru) to serve as Chair of its third session.

(b) Dates and venues for further sessions

Also at its 1st meeting, the Preparatory Committee decided to hold its third session in New York from 28 April to 9 May 2014.

(c) Methods of work

(ii) Participation – [Eds...]

11. The Preparatory Committee set aside five meetings for a general debate on issues related to all aspects of the work of the Preparatory Committee (agenda item 4), in the course of which 75 statements were made. The statements are reflected in the summary records of those meetings (NPT/CONF.2015/PC.II/SR.1-4 and 6).

12. At its 5th meeting, on 24 April, the Preparatory Committee heard 10 statements by non-governmental organizations.

13. The Preparatory Committee held a total of 11 meetings for a substantive discussion under agenda item 6.

14. The discussion was structured according to the indicative timetable (NPT/CONF.2015/PC.II/INF/3), which provided equal time for the consideration of three clusters of issues and three specific blocs of issues.

15. The Preparatory Committee considered the following three clusters of issues based on the allocation of items to the Main Committees of the 2010 Review Conference (NPT/CONF.2010/1, annex V):

(a) Implementation of the provisions of the Treaty relating to the non-proliferation 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 (Security Council resolutions 255 (1968) and 984 (1995); effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons);

(b) Implementation of the provisions of the Treaty relating to the non-proliferation 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);

(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 (articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5; article V); other provisions of the Treaty.

16. The Preparatory 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 resolution on the Middle East;

(c) Peaceful uses of nuclear energy and other provisions of the Treaty; and improving the effectiveness of the strengthened review process.

17. In accordance with paragraph 7 (b) of section IV, "The Middle East, particularly implementation of the 1995 resolution on the Middle East", of the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference, Jaakko Laajava (Finland), the facilitator appointed by the Secretary-General of the United Nations, and the co-sponsors of the 1995 resolution on the Middle East, in consultation with the States of the region, delivered a report (NPT/CONF.2015/PC.II/10) to the Preparatory Committee at its 11th meeting.

B. Organization of the 2015 Review Conference

18. In the course of the discussion on the organization of the 2015 Review Conference (agenda item 9), the following actions were taken:

(a) Dates and venue

At its 1st meeting, on 22 April, the Preparatory Committee decided to hold the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons in New York from 27 April to 22 May 2015.

(f) Financing of the Review Conference, including its Preparatory Committee

In response to a request made by the Preparatory Committee at its first session, the Secretariat provided the Committee with an estimate of the costs of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including its Preparatory Committee (see NPT/CONF.2015/PC.II/2). These costs are based on the estimated number of documents to be produced at the Review

Conference and its Preparatory Committee. Taking into consideration the actual documentation costs of the first and second sessions of the Preparatory Committee, the Secretariat will issue revised cost estimates before the third session of the Committee.

C. Documentation

19. During the session, the Preparatory Committee had before it the following documents: [Eds...]

Second Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Chair's Factual Summary (Working Paper)

[Reproduced from NPT/CONF.2015/PC.II/WP.49, 3 May 2013]

1. States parties reaffirmed their commitment to the Treaty on the Non-Proliferation of Nuclear Weapons. They recalled their resolve 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.

2. States parties underlined the fundamental importance of effective and balanced implementation of the Treaty across its three pillars, full compliance with all the Treaty's provisions, and universal adherence to the Treaty. They emphasised that strengthening implementation of the Treaty and of decisions taken by States parties, complying with the Treaty and effectively addressing compliance issues, and achieving universal adherence to the Treaty were key challenges for the review process.

3. In this context, States parties underlined the necessity of implementation of Decisions 1 and 2 and the Resolution on the Middle East adopted by the 1995 Extension and Review Conference, the Final Document adopted by the 2000 Review Conference, and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference.

4. States parties again called on India, Israel and Pakistan to accede to the Treaty as non-nuclear-weapon States promptly and without conditions and to bring into force comprehensive safeguards agreements as required by the Treaty. States parties also called on South Sudan to accede to the Treaty.

5. While acknowledging some progress in the implementation of the commitments contained in the conclusions and recommendations for follow-on actions adopted by the 2010 Review Conference, States parties recognised that greater implementation efforts were required. States parties recalled the importance of regular reporting of their implementation efforts.

6. Many States parties made a number of recommendations for further implementation efforts and to produce recommendations for possible consideration and adoption at the 2015 Review Conference in further pursuit of the Treaty's objectives, including a world without nuclear weapons.

7. States parties recalled 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. Many States parties emphasised that the indefinite extension of the Treaty at the 1995 Review and Extension Conference did not imply the indefinite possession of nuclear weapons. States parties recalled the need for the full implementation of concrete actions leading to nuclear disarmament as contained in the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference.

8. States parties recalled their commitment to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons. Some States parties underlined the ultimate objective of the efforts of States in the disarmament process is general and complete disarmament under effective international control. Some States underlined that the goal of nuclear disarmament should be achieved in the context of general and complete disarmament, as provided for in article VI. States parties recalled their commitment to apply the principles of

irreversibility, verifiability and transparency to the implementation of Treaty obligations. Many States parties considered that this applied particularly in the field of nuclear disarmament.

9. States parties recalled 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. They encouraged, in particular, those States with the largest nuclear arsenals to lead efforts in this regard. Many States parties expressed the expectation that significant reductions should be undertaken during the current review cycle for the Treaty. Some States parties noted the discussions and proposals aimed at increasing mutual understanding on non-strategic nuclear forces.

10. States parties recalled 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. It was emphasised that nuclear disarmament and non-proliferation were mutually reinforcing. Many States parties expressed their concern that the continued possession of nuclear weapons might provide an incentive for additional States to acquire nuclear weapons.

11. The nuclear-weapon States informed the States parties about the outcome of their conference, held in Geneva from 18 to 19 April 2013, under the chairmanship of the Russian Federation, which built upon their previous conferences, including in London in 2009, Paris in 2011 and in Washington, D.C. in 2012. At their April 2013 meeting, the nuclear-weapon States reviewed progress towards fulfilling their commitments made at the 2010 Review Conference and continued their discussions pertaining to issues related to the Treaty. In this context, they discussed, inter alia, an approach to reporting on their activities at the 2014 session of the Preparatory Committee, and progress towards the development of a glossary of key nuclear terms. They are working toward the establishment of a firm foundation for mutual confidence and further disarmament efforts. The nuclear-weapon States announced that they would continue to meet at all appropriate levels on nuclear issues and to follow up with a further conference in 2014.

12. States parties recalled their deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons. Many States parties referred to the unacceptable harm that would result from a detonation and expressed further concern about the wider and longer-term impact on socio-economic development and their expectation that the humanitarian consequences would continue to be addressed during the current review cycle. Many States parties referred to the Conference on the Humanitarian Impact of Nuclear Weapons held in Oslo from 4 to 5 March 2013. Following from the discussions at the Oslo Conference, those States parties stressed their serious concern that in such an event, these humanitarian consequences would be unavoidable and emergency relief could not be provided to affected areas. The same States parties looked forward to the follow-on conference to be hosted by Mexico in order to deepen understanding on this matter through a fact-based dialogue.

13. Many States parties expressed concern that any use or threat of use of nuclear weapons would be inconsistent with fundamental rules of international humanitarian law. Some nuclear-weapon States outlined that under their respective national policies any use of nuclear weapons would only be considered in extreme circumstances in accordance with applicable international humanitarian law. States parties reaffirmed the need for all States at all times to comply with applicable international law, including international humanitarian law.

14. Many States parties cited the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, issued at The Hague on 8 July 1996.

15. Many States parties stressed the need for the negotiation of a phased programme for the complete elimination of nuclear weapons within a specified time frame, including a nuclear weapons convention. Some States parties called for the elaboration of a comprehensive framework of mutually reinforcing instruments, backed by a strong system of verification and including clearly defined benchmarks and timelines, for the achievement and maintenance of a world without nuclear

weapons. It was recalled that achieving progress on nuclear disarmament was a shared responsibility of all States.

16. The nuclear-weapon States provided information on their efforts to implement their nuclear disarmament commitments and recalled their commitment to accelerate concrete progress on the steps leading to nuclear disarmament, in a way that promotes international stability, peace and undiminished and increased security. Certain nuclear-weapon States parties noted they are not pursuing new missions or new capabilities for their nuclear forces. States parties took note of these efforts. Increased transparency by some of the nuclear-weapon States was welcomed by many States parties, including by disclosing the total number of nuclear weapons they possess. States parties recalled that transparency was essential to building trust and confidence as an important part of the disarmament process. Non-nuclear-weapon States parties encouraged the nuclear-weapon States to enhance transparency on all nuclear weapons as an essential confidence-building measure. The nuclear-weapon States reaffirmed the contribution of the pragmatic, step-by-step process to nuclear disarmament and stressed the validity of this route.

17. Many States parties welcomed the steps taken to implement the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms. The Russian Federation and the United States of America provided information on steps taken to implement that Treaty. The Russian Federation and the United States of America were encouraged to continue negotiations to achieve greater reductions in their nuclear arsenals, including non-strategic nuclear weapons.

18. While acknowledging these efforts, many States parties expressed concern that the total estimated number of nuclear weapons, deployed and non-deployed, still amounted to several thousands.

19. The United Kingdom of Great Britain and Northern Ireland recalled the information provided on implementation of planned reductions of nuclear weapons. France recalled that it had achieved a number of planned reductions and dismantlement of related facilities.

20. Many States parties considered that multilateralism and multilaterally agreed solutions in accordance with the Charter of the United Nations provided the only sustainable method of addressing disarmament and international security issues. States parties recalled 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.

21. States parties recalled that at the 2010 Review Conference the nuclear-weapon States were called upon to report on certain nuclear disarmament undertakings to the 2014 session of the Preparatory Committee. Many States parties underlined the value and the importance of reporting by nuclear-weapon States and called for the reporting to be comprehensive and substantive and made specific proposals in this regard. States parties encouraged efforts by the nuclear-weapon States on a standard reporting form. Many States parties referred to specific suggestions they have made as to the content of a standard reporting form for use by the nuclear-weapon States and the frequency of that reporting. States parties noted positively the progress made by nuclear-weapon States on the development of a glossary of key nuclear terms.

22. Many States parties stressed that they remain deeply concerned at the maintenance of many nuclear weapons on a high alert level. Many States parties continued to call for reductions in the operational status of nuclear weapons and emphasised that concrete agreed measures to reduce further the operational status of nuclear weapons systems would increase human and international security and would represent an interim nuclear disarmament step. Many States parties expressed concern over the continued modernisation of nuclear weapons, their delivery systems and related infrastructure as well as plans to their plans to further invest in upgrading, refurbishing or extending the lives of nuclear weapons and related facilities.

23. Many States parties expressed concerns regarding the continued role of nuclear weapons in national and regional military doctrines, noting that quantitative reductions in nuclear weapons should be accompanied by steps to reduce the role of nuclear

weapons in all such concepts, doctrines and policies. Some States parties called for the reduction and elimination of nuclear weapons which continued to be stationed outside the territories of the nuclear-weapon States. Some States affirmed that they had reduced the role of nuclear weapons in their strategic doctrines.

24. States parties expressed deep concern at the continuing stalemate in the Conference on Disarmament, including the persistent failure to agree on, and implement, an agreed, comprehensive and balanced programme of work, despite further attempts to achieve consensus. States parties took note of the efforts and discussions in the United Nations General Assembly related to revitalizing the multilateral disarmament machinery.

25. States parties continued to call on the Conference on Disarmament to immediately begin negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable 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. Some States parties emphasised that negotiation of such a treaty was the next logical step on the negotiating agenda for the multilateral disarmament machinery. Pending the negotiation and entry into force of such a treaty, some States parties called for nuclear-weapon States and all other relevant States to maintain or implement declared moratoria on the production of fissile material for use in nuclear weapons or other nuclear explosive devices. States parties considered the group of governmental experts, to be established pursuant to General Assembly resolution A/RES/67/53 as an opportunity to contribute to such a treaty. Many States parties expressed interest in participating in the aforementioned group of governmental experts.

26. States parties recalled that the Conference on Disarmament should immediately establish a subsidiary body to deal with nuclear disarmament. Many States parties called for the establishment of a subsidiary body on nuclear disarmament at the 2015 Review Conference. They also called for the 2015 Review Conference to adopt a plan of action for the elimination of nuclear weapons within a specified time frame. A number of States parties called upon the open-ended working group established pursuant to General Assembly resolution A/RES/67/56 to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. Other States parties reaffirmed the contribution of a step by step process to nuclear disarmament. Many States parties welcomed the decision of the United Nations General Assembly to convene a high-level meeting on nuclear disarmament on 26 September 2013. They expressed hope that the meeting would contribute to achieving the goal of nuclear disarmament.

27. The achievement of steps by the Russian Federation and the United States of America to implement the Plutonium Management and Disposition Agreement and its Protocols, including discussion with the International Atomic Energy Agency for the application of verification arrangements, was acknowledged by many States parties.

28. A number of States parties continued to call for the earliest development of effective and credible multilateral verification arrangements, in the context of the IAEA, to ensure the irreversible removal of fissile material designated by each nuclear-weapon State as no longer required for military purposes. Those States parties called for the nuclear-weapon States to initiate or accelerate the development of such arrangements.

29. States parties maintained that the total elimination of nuclear weapons was the only absolute guarantee against the use or threat of use of nuclear weapons. States parties recalled that non-nuclear-weapon States parties had a legitimate interest in receiving unequivocal and legally binding security assurances from nuclear-weapon States not to use or threaten to use nuclear weapons against them. In this regard, many States parties emphasised that these assurances should be unconditional. States parties recalled that the Conference on Disarmament should immediately begin discussion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons, with a view to elaborating recommendations dealing with all aspects of this issue, not excluding an internationally legally binding instrument. Many States parties emphasised the need to conclude a universal, unconditional and legally binding instrument

to assure non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons by the nuclear-weapon States. Many States parties called for the establishment of a subsidiary body at the 2015 Review Conference on this issue.

30. Ahead of any such further steps, the nuclear-weapon States were called upon to respect fully and extend their existing commitments with regard to security assurances. China reaffirmed its policy of no-first-use of nuclear weapons and its unconditional commitment not to use or threaten to use nuclear weapons against non-nuclear-weapon States or nuclear-weapon-free zones.

31. States parties underlined the urgent importance of bringing the Comprehensive Nuclear-Test-Ban Treaty into force, as a core element of the international nuclear disarmament and non-proliferation regime. States parties welcomed the recent ratifications of the Treaty by Brunei Darussalam and Chad.

32. All States that have not yet done so were called upon to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty without delay, particularly the eight remaining States whose ratifications were necessary for the Treaty to enter into force. States parties recalled that positive decisions on the Treaty by the nuclear-weapon States would have a beneficial impact towards the ratification of the Treaty. Those States were called upon not to wait for other States to ratify that Treaty first. States parties reaffirmed the special responsibility of the nuclear-weapon States to encourage Annex 2 countries to sign and ratify the Comprehensive Nuclear-Test-Ban Treaty and called upon them to take initiative in this regard. States parties recognised the contribution of the Article XIV Conferences on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty to the process of the Treaty's universalization, and encouraged the use of this and other mechanisms for the promotion of the Treaty, including outreach activities and capacity-building initiatives. All States, particularly those that have recently ratified the Treaty, were urged to engage with States that have yet to ratify, to share their experiences of ratification and to encourage further ratifications of the Treaty.

33. Pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, all States were urged to maintain or implement declared moratoria on the conduct of nuclear weapon test explosions or other nuclear explosions.

34. Many States parties called for the immediate closure and dismantlement of any remaining sites for nuclear test explosions and their associated infrastructure, the prohibition of nuclear weapons research and development, as well as for all States to refrain from the use of alternate means of nuclear testing and the use of new technologies to upgrade nuclear weapon systems. Many States parties expressed concern that any development of new types of nuclear weapons might result in the resumption of nuclear testing and defeat the object and purpose of the Comprehensive Nuclear-Test-Ban Treaty.

35. States parties stressed the need to support the important work of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization to establish the verification system for the Treaty, and encouraged further development of related technical capacity in States. Support was expressed by a number of States parties for the civil use of data from the international monitoring system, particularly in the context of natural disasters and other emergency situations.

36. States parties described various initiatives they had made in the field of disarmament and non-proliferation education. They also stressed the need to raise awareness of the public, in particular of future generations, on all topics related to nuclear disarmament and non-proliferation, in support of achieving a world without nuclear weapons. States parties reaffirmed the importance of disarmament and non-proliferation education, including continued efforts to educate young people, the use of new information and communications technology, as well as collaboration among governments, international organisations, non-governmental organisations, academic institutions and the private sector, including industry.

37. States parties recognised the valuable role played by civil society in the implementation of the objectives of the Treaty as well as in promoting accountability. They welcomed the increased interaction with the civil society during the specific session at the Committee. Appreciation was expressed for the information and

monitoring reports made available by civil society and academic organizations. A number of States parties expressed interest in intensifying engagement with non-governmental organizations in the context of the review process of the Treaty, as well as in the pursuit of nuclear disarmament and non-proliferation objectives.

38. States parties emphasized that IAEA safeguards were a fundamental component of the nuclear non-proliferation regime, played an indispensable role in the implementation of the Treaty and helped to create an environment conducive to nuclear cooperation.

39. States parties reaffirmed that the International Atomic Energy Agency (IAEA) was 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. A number of States parties emphasised the statutory role of the IAEA Board of Governors and the Director General in the full implementation of safeguards agreements.

40. Many States parties considered that safeguards should be implemented in a manner designed to comply with article IV of the Treaty and avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities.

41. States parties recalled the importance of 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. They welcomed that seven additional States had brought into force

comprehensive safeguards agreements with the IAEA since the 2010 Review Conference, and urged the 13 States parties that had not yet brought their comprehensive safeguards agreements into force to do so as soon as possible. States Parties also encouraged South Sudan to accede to the Treaty as soon as possible and conclude with the IAEA a comprehensive safeguards agreement.

42. States parties acknowledged that the revised small quantities protocol had been accepted by 55 States and encouraged all States with small quantities protocols either to amend or rescind them, as appropriate.

43. States parties welcomed the fact that 119 States parties had brought the additional protocol into force, including the fact that 18 States parties had brought the additional protocol into force since the 2010 Review Conference. They encouraged all States that had not yet done so to conclude and bring into force additional protocols and to implement them provisionally pending their entry into force as soon as possible.

44. Many States parties noted that comprehensive safeguards agreements were not sufficient for the IAEA to provide credible assurances regarding the absence of undeclared nuclear material and activities. They noted that implementation of an additional protocol provided the IAEA with additional information and access, strengthened the Agency's ability to provide assurances of the absence of undeclared nuclear material and activities in a State, and provided increased confidence about the State's compliance with its obligations under the Treaty. A number of those States parties considered that a comprehensive safeguards agreement, together with an additional protocol, represented the current verification standard.

45. Many States parties noted that it was the sovereign decision of any State to conclude an additional protocol, but once in force, the additional protocol was a legal obligation. Many States parties emphasised the need to distinguish between legal obligations and voluntary confidence-building measures and to ensure that such voluntary undertakings were not turned into legal safeguards obligations. They noted that additional measures related to safeguards should not affect the rights of the non-nuclear-weapon States parties to the Treaty.

46. In order to achieve greater adherence to the additional protocol, a number of States parties highlighted the need to provide guidance and assistance in order to develop national processes and to build the required legal and institutional domestic

infrastructure. Some States parties offered assistance towards that end.

47. Many States parties emphasised that adherence to the Treaty and to full-scope safeguards should be a condition for any cooperation in the nuclear area with States not party to the Treaty.

48. Some States parties noted the importance of the voluntary offer agreements and related additional protocols implemented by the nuclear-weapon States. They noted that such agreements provided the IAEA with valuable experience in implementing safeguards. Many States parties proposed that the nuclear-weapon States undertake to accept full-scope safeguards.

49. States parties recalled 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.

50. States parties acknowledged additional technical and financial contributions by States to help the IAEA meet its safeguards responsibilities, and to enhance the related technology base, including the construction of a new Safeguards Analytical Laboratory.

51. A number of States parties welcomed the work being undertaken by the IAEA in the conceptualisation and the development of State-level approaches to safeguards implementation and also welcomed the implementation of State-level integrated safeguards approaches by the IAEA.

52. Many States parties underlined the significance of maintaining and observing fully the principle of confidentiality with respect to safeguards information and underlined the responsibility of the IAEA in this regard. Given concerns about cases of leakage of such information, they emphasised that the confidentiality of such information should be fully respected and that the measures for its protection should be strengthened, with a view to preventing the leakage of sensitive or confidential information.

53. States parties reaffirmed the importance in complying with non-proliferation obligations, addressing all compliance matters in order to uphold the Treaty's integrity and the authority of the safeguards system. Many States parties expressed concern with respect to matters of non-compliance with safeguards obligations, including cases currently subject to resolutions by the United Nations Security Council and IAEA Board of Governors, and called on any non-compliant States to provide full cooperation with the IAEA and move promptly into full compliance with their obligations.

54. Many States parties underlined that the reporting of the IAEA on the implementation of safeguards should continue to be factual and technically based and reflect appropriate reference to the relevant provisions of safeguards agreements. It was stressed that, in accordance with article XII.C of the Statute of the IAEA and INFCIRC/153 (Corrected), the inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors, which shall call upon a State in question to remedy forthwith any non-compliance which it finds to have occurred, and shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations.

55. Many States parties emphasised the importance of access to the United Nations Security Council and the General Assembly by the IAEA, including its Director General, in accordance with article XII.C of the Statute of the IAEA and paragraph 19 of INFCIRC/153 (Corrected), and the role of the 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 the IAEA.

56. A number of States parties emphasised 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.

57. States parties recalled the need to ensure that their nuclear-related exports did not directly or indirectly assist the development

of nuclear weapons or other nuclear explosive devices and that such exports were in full conformity with the objectives and purposes of the Treaty as stipulated, particularly, in articles I, II and III, as well as the decision on principles and objectives of nuclear non-proliferation and disarmament adopted in 1995 by the Review and Extension Conference. A number of States parties expressed the view that export controls were a legitimate, necessary and desirable means of implementing the obligations of States parties under article III of the Treaty. States parties recalled their encouragement for the use of multilaterally negotiated and agreed guidelines and understandings by States parties in developing their own national export controls.

58. Many States parties expressed deep concern regarding limitations and restrictions on exports to developing countries of nuclear material, equipment and technology for peaceful purposes, which those States considered to be inconsistent with the provisions of the Treaty. They called for the immediate removal of any restrictions or limitations posed on peaceful uses of nuclear energy which were incompatible with the provisions of the Treaty. Many States parties expressed the view that effective export controls were essential for facilitating the fullest possible cooperation in the peaceful uses of nuclear energy in conformity with the Treaty.

59. Many States parties stressed that any 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 full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices. A number of States parties expressed the view that any such new supply arrangements should also require acceptance of an additional protocol based on INFCIRC/540 (Corrected).

60. States parties noted the importance of effective physical protection of all nuclear material and nuclear facilities and the need for strengthening international cooperation in this respect. States parties recognised that the primary responsibility for nuclear security rested with individual States. States parties recalled that, when developing nuclear energy, including nuclear power, the use of nuclear energy must be accompanied by appropriate and effective levels of security, consistent with States' national legislation and respective international obligations.

61. Some States parties considered that the IAEA had an essential role in efforts to improve the global nuclear security framework, and to promote its implementation. They also stressed the need to strengthen the coordination and complementarity of nuclear security activities. States parties welcomed the initiative of IAEA to organize the International Conference on Nuclear Security: Enhancing Global Efforts, to be held in Vienna in July 2013. States parties recalled their encouragement to States to maintain the highest possible standards of security and physical protection of nuclear material and facilities. States parties were encouraged to apply, as appropriate, the recommendations on the physical protection of nuclear material and nuclear facilities contained in IAEA document INFCIRC/225/Revision 5 and in other relevant international instruments at the earliest possible date. States parties were encouraged to take full advantage of the IAEA advisory services in the field of nuclear security.

62. States parties welcomed the recent accessions to the amendment to the Convention on the Physical Protection of Nuclear Material, and all States that had not yet done so were encouraged to ratify the amendment to the Convention at the earliest possible date. Some States parties welcomed the establishment of the Nuclear Security Guidance Committee in the IAEA and the continuing development of the Nuclear Security Series.

63. A number of States parties noted with serious concern the issue of illicit trafficking in nuclear and other radioactive materials. States parties recalled the need to improve their national capabilities to prevent, detect and respond to illicit trafficking in nuclear and other radioactive materials throughout their territories, in accordance with their relevant international obligations, and called upon those States parties in a position to do so to work to enhance international partnership and capacity-building in this

regard. The work of the IAEA in support of the efforts of States parties to combat such trafficking, including the IAEA's activities undertaken to provide for an enhanced exchange of information and the continued maintenance of its incident and trafficking database was noted. They also recalled the need for States parties to establish and enforce effective domestic controls to prevent the proliferation of nuclear weapons in accordance with their relevant international legal obligations. It was suggested that States parties could agree to share, subject to their respective national laws and procedures, information and expertise through bilateral and multilateral mechanisms. A number of States parties emphasised the importance of developing nuclear forensics as a tool in determining the origin of detected nuclear and other radioactive materials and in providing evidence for the prosecution of acts of illicit trafficking and malicious uses.

64. Many States parties expressed concerns related to the threat of terrorism and the risk that non-State actors might acquire nuclear weapons and their means of delivery. The contribution of the Global Partnership against the Spread of Weapons and Materials of Mass Destruction and the Global Initiative to Combat Nuclear Terrorism in enhancing the physical protection of nuclear facilities and fissile material worldwide was welcomed. The need to implement fully Security Council resolution 1540 (2004) was noted. States parties recalled that all States parties that had not done so should become party to the International Convention on the Suppression of Acts of Nuclear Terrorism.

65. Many States parties acknowledged the new national commitments made at the 2012 Nuclear Security Summit in Seoul and noted the continuing efforts to implement the Seoul Communiqué. A number of States parties looked forward to the 2014 Nuclear Security Summit in The Hague to further strengthen nuclear security.

66. States parties reaffirmed their support for internationally recognised nuclear-weapon-free zones established on the basis of arrangements freely arrived at among the States of the region concerned, and in accordance with the 1999 Guidelines of the United Nations Disarmament Commission. The contributions of 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 Southeast 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 towards attaining the objectives of nuclear disarmament and nuclear non-proliferation were recognised. States parties welcomed the efforts to consolidate the nuclear-weapon-free status of Mongolia and welcomed the parallel declarations adopted by the nuclear-weapon States and Mongolia, concerning Mongolia's nuclear-weapon-free status on 17 September 2012. States parties welcomed the increased cooperation amongst the parties to the zones and noted with satisfaction the preparations to convene in 2015 the Third Conference of the States Parties and Signatories to Treaties that Established Nuclear-Weapon-Free Zones and Mongolia.

67. States parties welcomed progress towards consolidating existing nuclear-weapon-free zones, including the progress towards operationalizing the African Commission on Nuclear Energy and the continuing efforts of the parties to the Treaty on the Southeast Asia Nuclear Weapon-Free Zone and the nuclear-weapon States pertaining to the Protocol to that Treaty. States parties looked forward to the nuclear-weapon States signing and ratifying the Protocol to that Treaty as soon as possible. States parties looked forward to continued consultations between the nuclear-weapon States and the parties to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia pertaining to the Protocol to that Treaty. Many States parties expressed concern that reservations and interpretive declarations with respect to the protocols to the nuclear-weapon-free zone treaties had yet to be withdrawn. Many States parties expressed the view that the establishment of nuclear-weapon-free zones did not substitute for legal obligations and unequivocal undertakings of the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals.

68. States parties recalled 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 and in the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference. They recalled that the resolution remained valid until the goals and objectives were achieved and that the resolution, which had been co-sponsored by the depositary States of the Treaty, was an essential element of the outcome of the 1995 Conference and of the basis on which the Treaty had been indefinitely extended without a vote in 1995. States parties recalled their resolve to undertake, individually

and collectively, all necessary measures aimed at its prompt implementation.

69. States parties recalled the importance of a process leading to the full implementation of the 1995 Resolution on the Middle East and the practical steps to that end endorsed at the 2010 Review Conference. In the context, States parties emphasized the importance of the agreement for the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, to 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.

70. States parties noted the report of the facilitator, Mr. Jaakko Laajava (Finland), contained in NPT/CONF.2015/PC.II/10 and expressed appreciation for his tireless efforts, including his extensive consultations with the States of the region and other stakeholders, aimed at supporting the implementation of the 1995 Resolution and undertaking preparations for the convening of the 2012 Conference. A number of States parties expressed support for the facilitator's efforts for multilateral preparatory consultations involving the States of the region.

71. The United Kingdom of Great Britain and Northern Ireland delivered a joint statement on behalf of itself, the Russian Federation and the United States of America, in which they fully endorsed the efforts of the facilitator to build consensus amongst the States of the region on next steps. They fully supported the preparations of the facilitator for the Conference as well as his tireless and creative efforts. They supported intensification of those efforts in order to bring the States of the region together to advance the objective of the Middle East zone through constructive dialogue.

72. States parties expressed disappointment and regret at the postponement of the 2012 Conference. A number of States parties noted the position paper circulated by the League of Arab States pertaining to the organization, agenda, outcome document, working methods and other issues related to the Conference. They expressed appreciation for the constructive engagement of the Arab States with the facilitator. They also rejected arguments for postponing the Conference, which a number of states consider a violation of commitments agreed to in the 2010 NPT final document. These states expressed concern about negative repercussions to the Treaty resulting from the uncertain situation pertaining to the Conference.

73. States parties reaffirmed their support for the convening of the Conference in accordance with the mandate agreed to in 2010. Many States parties expressed support for convening the Conference as soon as possible and no later than the end of 2013. The view was also expressed that a successful Conference attended by all the States of the region required direct engagement of the States of the region, including agreement by consensus on its agenda and date, and that a Conference could be convened immediately after such agreement was reached. States parties recognized that while the deadline for convening the Conference had not been met, the opportunity had not been lost.

74. States parties recalled the necessity of strict adherence by all States parties to their obligations and commitments under the Treaty and the need for all States in the region to take relevant steps and confidence-building measures to contribute to the realisation of the objectives of the 1995 Resolution. They recalled that all States should refrain from undertaking any measures that precluded the achievement of this objective.

75. States parties recalled the importance of Israel's accession to the Treaty and the placement of all its nuclear facilities under

comprehensive IAEA safeguards. States parties recalled the urgency and importance of achieving universality of the Treaty and the need for all States in the Middle East that had not yet done so to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date.

76. States parties recalled the need for India and Pakistan to accede to the Treaty as non-nuclear-weapon States promptly and without conditions and to bring into force comprehensive safeguards agreements as required by the Treaty. Some States parties called on India and Pakistan to restrain their nuclear weapon and missile programmes and, pending their accession to the Treaty, to take and advance practical nuclear disarmament and non-proliferation measures.

77. States parties condemned the nuclear test conducted by the Democratic People's Republic of Korea on 12 February 2013, and expressed serious concerns about the 12 December 2012 launch by the Democratic People's Republic of Korea. Serious concern was also expressed about its nuclear programme, including its uranium enrichment programme, as a challenge to the Treaty. States parties called on the Democratic People's Republic of Korea to refrain from restarting the operation of all nuclear facilities at Yongbyon. States parties emphasised that the Democratic People's Republic of Korea could not have the status of a nuclear-weapon State in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons in any case. States parties urged the Democratic People's Republic of Korea to fulfil the commitments under the Six-Party Talks, including the complete, verifiable and irreversible abandonment of all nuclear weapons and existing nuclear programmes, in accordance with the September 2005 joint statement, to return at an early date to the Treaty and to its NPT Safeguards Agreement with the IAEA. States parties urged the Democratic People's Republic of Korea to comply fully with its obligations under relevant United Nations Security Council resolutions. The Democratic People's Republic of Korea was called upon to refrain from further actions, including any further nuclear tests, which would cause security concerns in the region and beyond. States parties pledged to continue their efforts, including in the framework of Six-Party Talks, to find peaceful diplomatic solutions, so as to achieve the goal of the denuclearisation of the Korean Peninsula, as well as maintaining peace and security in the Korean Peninsula and Northeast Asia.

78. States parties welcomed the meetings held between the Islamic Republic of Iran and the E3+3 in Almaty, Kazakhstan, and noted that progress needs to be achieved. Many States parties reiterated the urgency to take concrete steps, guided by a step-by-step approach and the principle of reciprocity, to reach a sustainable solution which would effectively address the specific concerns articulated by many States parties and would restore international confidence in the exclusively peaceful purpose of the Iranian nuclear programme, while fully respecting that country's right to the peaceful use of nuclear energy in conformity with articles I, II, and III of the Treaty. States parties recognized and supported the essential role of the IAEA and called for the intensification of dialogue and cooperation between Iran and the IAEA in order to resolve all outstanding issues to this country's nuclear programme. Full implementation of the relevant resolutions adopted by the United Nations Security Council and the IAEA Board of Governors was stressed. The Islamic Republic of Iran reiterated that its nuclear programme was exclusively for peaceful purposes and in conformity with the Treaty, underlining its inalienable right under article IV of the Treaty.

79. Many States parties continued to stress that they sought specific outstanding issues in respect of the nuclear activities of the Syrian Arab Republic to be resolved, including through that country's full cooperation with the IAEA. The Syrian Arab Republic was called upon to remedy its non-compliance with its safeguards agreement. The Syrian Arab Republic stated that it was committed to its comprehensive safeguards agreement and to the implementation of a work plan with the Agency.

80. States parties recalled that nothing in the Treaty should 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 and III of the Treaty. This right constituted one of the fundamental objectives of the Treaty. States parties stressed that this right must be exercised in conformity with obligations under the

Treaty. States parties recalled that each country's choices and decisions in the field of peaceful uses of nuclear energy should be respected without jeopardising its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel cycle policies.

81. States parties recalled their undertaking to facilitate, and their 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 recalled the importance of facilitating transfers of nuclear technology and international cooperation among States parties in conformity with the Treaty, and eliminating in this regard any undue constraints inconsistent with the Treaty. Many States parties emphasised that the transfer of nuclear technology and international cooperation should be supported and pursued in good faith without discrimination. States parties recalled that, in promoting the peaceful uses of nuclear energy, preferential treatment should be given to the non-nuclear-weapon States parties to the Treaty, taking the needs of developing countries, in particular, into account.

82. Many States parties stressed the importance of nuclear knowledge sharing and the transfer of nuclear technology to developing States for the sustainment and further enhancement of their scientific and technological capabilities, thereby also contributing to their socio-economic development. States parties underscored the central role of the IAEA in the field of peaceful uses of nuclear energy. States parties emphasised the value and importance of the IAEA technical cooperation programme, particularly in the areas of human health, food and agriculture, water resources, environmental protection, industrial application, nuclear and radiation safety, and nuclear energy.

83. States parties recalled the need to strengthen the IAEA technical cooperation programme in assisting developing States parties in the peaceful uses of nuclear energy. States parties emphasised the need for continued efforts, within the IAEA, to enhance the effectiveness, efficiency and transparency of its technical cooperation programme and to ensure that IAEA resources for technical cooperation activities are sufficient, assured and predictable. Many States parties stressed that the technical cooperation and assistance provided by the IAEA should not be subject to any conditions incompatible with the provisions of its Statute.

84. A number of States parties continued to express their support for the IAEA Peaceful Uses Initiative (PUI). Some States parties provided information on contributions to the PUI since 2010, and called upon all States in a position to do so to help further expand access to nuclear technologies and applications. 85. States parties acknowledged that the primary responsibility for nuclear safety rested with individual States. States parties recalled that, when developing nuclear energy, including nuclear power, use of nuclear energy must be accompanied by appropriate and effective levels of safety, consistent with States' national legislation and respective international obligations.

86. Many States parties emphasised the IAEA's central role in promoting international cooperation and in coordinating international efforts to strengthen global nuclear safety, including its role in the development and promotion of nuclear safety standards.

87. States parties reaffirmed the importance of continuing international efforts to strengthen the global nuclear safety, including the robust implementation of the IAEA Action Plan on Nuclear Safety. They emphasized the important role of IAEA in sharing the lessons learned from the accident at the Fukushima Daiichi nuclear power station and in promoting international cooperation as well as in coordinating international efforts to strengthen global nuclear safety, including its role in the development and promotion of nuclear safety standards.

88. States parties welcomed the convening of the second extraordinary meeting of the contracting parties to the Convention on Nuclear Safety, in August 2012, and noted the establishment of an effectiveness and transparency working group. States parties also welcomed the outcome of the Fukushima Ministerial Conference on Nuclear Safety, hosted by the Government of Japan, in co-sponsorship with IAEA, and held in Fukushima Prefecture, in December 2012.

89. Many States parties expressed the view that measures and initiatives aimed at strengthening nuclear safety and security must not be used to deny or restrict the right of developing countries to nuclear energy for peaceful purposes.

90. States parties that had not yet done so were called upon to become a 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. States parties welcomed new ratifications to these conventions since 2010. Further, States parties that had not yet done so were called upon to implement the Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export of Radioactive Sources.

91. States parties encouraged further voluntary steps to minimise the use of high-enriched uranium in the civilian sector, where technically and economically feasible. Some States parties provided information on their efforts to minimise the use of high-enriched uranium and to return all their stockpiles of high-enriched uranium to the countries of origin. These efforts were welcomed. Some States parties encouraged the further use of low-enriched uranium targets for radioisotope production.

92. States parties recalled that it was in the interests of all States parties that the transport of radioactive materials continues to be conducted consistent with international safety, security and environmental protection standards and guidelines. A number of States parties welcomed the informal discussions on communication between shipping States and coastal States with IAEA involvement regarding concerns over potential accidents or incidents during the transport of radioactive materials.

93. Many States parties noted the continuing efforts of IAEA related to implement the decisions of the Board of Governors pertaining to assurances of supply, including the reserve of low-enriched uranium in the Russian Federation and the Model Nuclear Fuel Assurance Agreement. Preparations for Kazakhstan to host the low-enriched uranium bank under the auspices of the IAEA were also noted. A number of States parties encouraged further discussions on the development of multilateral approaches to the nuclear fuel cycle. Many States parties noted that such discussions should take place in a non-discriminatory and transparent manner 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.

94. States parties recalled that all States should 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.

95. States parties recalled the need for States to 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.

96. States parties recalled that each State party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of the Treaty, have jeopardized the supreme interest of its country, in accordance with article X.1 of the Treaty.

97. A number of States parties called for further discussion pertaining to article X.1 of the Treaty, including possible responses to a notice of withdrawal, and the continued application of IAEA safeguards and the disposition of equipment and materials acquired or developed under safeguards while Party to the Treaty, in the event of a withdrawal. Some States parties stressed that a State party remained responsible under international law for violations committed while Party to the Treaty.

98. States parties affirmed that they did not support efforts to reinterpret or restrict the sovereign right of withdrawal, as these could be detrimental to the implementation of the Treaty. A number of States parties emphasised the importance of encouraging States to remain in the Treaty by variously reaffirming the role of

the Treaty and achieving its universality, implementing all the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference, and addressing the root causes that might lead a State party to withdraw. Many States parties expressed interest in the discussions aimed at broadening consensus among States parties on this issue during the current review cycle.

99. States parties continued their examination of means to improve the effectiveness of the strengthened review process of the Treaty. They welcomed the implementation of the PaperSmart documentation system and encouraged its further development. Many States parties expressed support for measures aimed at reducing costs and increasing the efficiency of the review process. States parties exchanged views on a number of specific proposals, including, inter alia, the venue of meetings, transitioning from summary records to digital audio recordings, making better use of information technology and webcasting, enhancing interactive discussions and engagement with civil society, focusing discussions on the implementation of commitments undertaken at previous Review Conferences and enhancing the link between each session of the Preparatory Committee as well as with the Review Conference. A number of States parties looked forward to the continued development and consideration of various proposals over the remainder of the review cycle as well as for appropriate action at the 2015 Review Conference.

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

[NPT/CONF.2010/PC.I/15, 8 May 2007]

[Editors: What follows has been included to offer some guidance on how the 2014 PrepCom session may differ in structure, organisation and content from its two predecessors.]

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.
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

[NPT/CONF.2010/PC.III/INF.3, 1 April 2009]
[Edited]

Monday, 4 May

[Eds...]

Tuesday, 5 May

[Eds...]

Wednesday, 6 May

10:00 am – 1:00 pm Organization of the 2010 Review Conference (item 9)

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 [Eds...]

Thursday, 7 May

10:00 am – 1:00 pm [Eds...] – **Specific issue** – Nuclear disarmament and security assurances

3:00 pm – 6:00 pm [Eds...] – **Cluster 2 issues** [Eds.]

Friday, 8 May

10:00 am – 1:00 pm [Eds...] – **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 [Eds...] (item 6) – **Cluster 3 issues** [Eds.]

Monday, 11 May

10:00 am – 1:00 pm [Eds...] (item 6) -Specific issue - Other provisions of the Treaty, including Article X

3:00 pm – 6:00 pm Organization of the 2010 Review Conference (item 9)

Tuesday, 12 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty (item 6)

3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty (item 6)

Wednesday, 13 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty (item 6)

3:00 pm – 6:00 pm Organization of the 2010 Review Conference (item 9)

Preparatory work for the review of the operation of the Treaty (item 6)

Thursday, 14 May

10:00 am – 1:00 pm Organization of the 2010 Review Conference (item 9)

Preparatory work for the review of the operation of the Treaty (item 6)

3:00 pm – 6:00 pm Consideration of the draft final report and recommendations (item 10)

Friday, 15 May

10:00 am – 1:00 pm Consideration of the draft final report and recommendations (item 10)

3:00 pm – 6:00 pm Adoption of the Final report and recommendations (item 10)

Any other matters (item 11)

Draft Recommendations to the 2010 Review Conference

[Reproduced from NPT/CONF.2010/PC.III/CRP.4
New York, 7 May 2009]

The Preparatory Committee conveys to the 2010 Review Conference the following recommendations concerning the implementation of the Treaty, which build upon the three Decisions as well as the Resolution on the Middle East adopted at the 1995 Review and Extension Conference, and the Final Document adopted at the 2000 Review Conference. The Preparatory Committee believes that these recommendations, which were based on statements and working papers by States parties, identify practical initiatives that stand a reasonable prospect of producing a consensus. These recommendations are conveyed without regard to their priority, without prejudice to other initiatives that States parties may wish to offer, and without any intention to represent a comprehensive summary of all initiatives proposed in Preparatory Committee sessions.

1. Declaration on the universality of disarmament and non-proliferation principles.

a. Declare that the Treaty is an expression of fundamental principles of nuclear disarmament and nonproliferation that are universal in scope. Affirm the legally binding nature of the obligations of the treaty. Recognize the fundamental importance of full compliance with all the provisions of the Treaty and the relevant IAEA safeguards agreements. Emphasize that responses to concerns over compliance with obligations under the Treaty should be pursued by peaceful diplomatic means.

b. Declare that the Treaty remains the cornerstone of the global nuclear disarmament and non-proliferation regime and that its full implementation is vital to international peace and security. Further declare that the Treaty provides a legal foundation for the strengthening of the international nuclear non-proliferation regime, and for the achievement of nuclear disarmament and the ultimate objective of general and complete disarmament under effective international control.

c. Reaffirm the commitment shared by States parties to achieving universal membership and call upon all states that are not parties to adhere to the Treaty promptly and without preconditions. Resolve to engage nonparties with a view to achieving this goal.

2. An action plan to achieve nuclear disarmament, including specific practical measures.

a. Reaffirm the commitments of States parties under Article VI relating to nuclear disarmament, and to general and complete disarmament. Recognize growing expectations for progress to achieve nuclear disarmament, and indicate support for ongoing and future efforts in these fields.

b. Acknowledge that several commitments relating to disarmament made at the 1995 Review and Extension Conference and at the

2000 Review Conference have not yet been fulfilled. Consider the adoption of an action plan, drawing inter alia upon commitments made at these earlier Conferences, setting practical, achievable and specified goals, and measures leading to the elimination of nuclear weapons.

c. Identify several practical disarmament initiatives, including: the entry into force of the Comprehensive Nuclear- Test-Ban Treaty and, pending its achievement, maintaining the moratoria on nuclear testing; commencing negotiations at the Conference on Disarmament on a verifiable fissile material treaty and, pending the conclusion of negotiations, encouraging a moratorium on the further production of weapon-usable fissile material; achieving deep and verifiable reductions in the nuclear arsenals; expanding the transparency in implementing disarmament commitments; ensuring the irreversibility of disarmament activities; reducing the operational status of the nuclear forces; diminishing further the role of nuclear weapons in security policies; refraining from the qualitative improvement of nuclear weapons; reducing nonstrategic nuclear weapons pending their elimination; and placing fissile material recovered from dismantled nuclear weapons under IAEA monitoring and verification. Examine, inter alia, ways and means to commence negotiations, in accordance with article VI, on a convention or framework of agreements to achieve global nuclear disarmament, and to engage non-parties to the Treaty.

3. Ways and means to strengthen non-proliferation; promote and strengthen safeguards.

a. Reaffirm that the proliferation of nuclear weapons is a global challenge requiring a global response and underscore the urgent need for States parties to pursue strengthened ways and means to achieve the objectives of articles I, II, and III.

b. Reaffirm that IAEA safeguards are a fundamental pillar of the nuclear non-proliferation regime, play an essential role in the implementation of the Treaty and contribute to create an environment conducive to achieving nuclear disarmament and cooperation in the peaceful uses of nuclear energy.

c. Reaffirm that the International Atomic Energy Agency is the sole competent authority responsible for verifying and assuring compliance with its safeguards agreements undertaken in fulfilment of article III, paragraph 1, of the Treaty. Welcome the efforts of the Agency to strengthen safeguards as well as the steps taken to assist states in their application. Identify specific measures that would serve to promote the universalization and strengthening of the IAEA safeguards system.

d. Affirm the need for additional multilateral cooperation to prevent the establishment, perpetuation, or growth of clandestine nuclear supply networks, in accordance with international law.

e. Affirm that export controls are best addressed and implemented in a transparent and non-discriminatory manner, and without hampering the development of nuclear energy for peaceful uses, in conformity with articles I, II, III, and IV of the Treaty.

f. Affirm the importance of effective assurances that nuclear-weapon States will not use or threaten to use nuclear weapons against non-nuclear-weapon States parties. Examine ways and means to achieve additional assurances that are legally binding.

4. Measures to advance peaceful uses of nuclear energy, safety, and security.

a. Reaffirm the inalienable right of States parties under article IV 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. Welcome growing applications of nuclear technology in health care, industry, agriculture, and environmental protection.

b. Reiterate that restrictions on the peaceful uses of nuclear energy should not be applied for political purposes.

c. Commend the importance of the IAEA's Technical Cooperation Programme, underlining that such cooperation has played an important role in facilitating the application of nuclear energy for peaceful purposes especially in developing countries. Stress the need to support such cooperation with adequate financial and human resources in an assured and predictable manner.

d. Stress the need to intensify consideration of multilateral approaches to the nuclear fuel cycle and assurances of the supply of nuclear fuel and technology. Indicate that such proposals should be addressed in a multilateral, economically viable and nondiscriminatory manner under the auspices of IAEA, without restrictions on access to nuclear material, equipment, and technology for peaceful purposes as provided for in the Treaty. Confirm 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 fuelcycle policies.

e. Highlight 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. Underscore the need to maintain the highest standards of safety at civilian nuclear installations through national measures and international cooperation.

f. Emphasize that the acquisition of nuclear weapons or related materials by non-State actors would constitute a threat to international peace and security that could potentially jeopardize the Treaty. Affirm the importance of the full implementation of Security Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008), as well as the International Convention for the Suppression of Acts of Nuclear Terrorism.

g. Stress the importance of combating nuclear terrorism and endorse the IAEA action plan on protection against nuclear terrorism. Endorse the IAEA's work in support of States' efforts to prevent the illicit trafficking in nuclear and other radioactive material and underscore the importance of contributions to the Nuclear Security Fund of IAEA. Urge the careful consideration of measures of control and monitoring of global stocks of materials directly usable in nuclear weapons and the capacity to produce such materials.

h. Welcome the contributions of the IAEA in the promotion of the physical protection of nuclear material and safety in all its aspects. Call upon all states that had not yet done so 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. Support efforts to enhance the security of stockpiles of weaponusable fissile materials, while minimizing their use in the civilian nuclear sector. Stress the importance of maintaining dialogue on facilitating safe maritime transport of radioactive material.

5. Ways and means to implement regional non-proliferation and disarmament initiatives, including the 1995 Resolution on the Middle East, and to explore future initiatives.

a. Reaffirm that nuclear-weapon-free zones have made and continue to make an important contribution to the strengthening of the international nuclear non-proliferation regime in all its aspects, and to the achievement of nuclear disarmament and the ultimate objective of general and complete disarmament under effective international control. Support increased cooperation among the parties to all the zones. Consider calling for the consideration of the establishment of new zones in regions with nuclear facilities or materials. Recognize the importance of the establishment of regional zones free of weapons of mass destruction.

b. Welcome the establishment of the Central Asia Nuclear-Weapon-Free Zone and also recognize and affirm the nuclear-weapon-free status of Mongolia. Endorse and reaffirm the goal of achieving the early entry into force of the Pelindaba Treaty. Encourage the nuclear-weapon States to adhere to the Protocols of all treaties establishing nuclear-weapon-free zones. Note the existence of strong support for the creation of a nuclear-weaponfree zone in the Southern Hemisphere, consistent with international law and the law of the sea.

c. Recall that the Resolution on the Middle East was integrally linked to the Decision by the 1995 Review and Extension Conference to extend indefinitely the duration of the Treaty. Underscore the need for increased efforts to implement the Resolution. Consider the proposal to call upon the nuclear-weapon States to convene a conference of all states of the Middle East region to address ways and means to implement the Resolution.

Invite all States parties to undertake consultations with a view to facilitating the convening of such a conference. Call upon all States parties to issue periodic reports to each of the Preparatory Committees and the Review Conference on their efforts implement the Resolution.

6. Measures to address the risk of Treaty withdrawals.

a. Acknowledge the right to withdraw from the Treaty, in accordance with article X.

b. Consider the proposals presented in the Preparatory Committee that identified modalities under which States parties could collectively respond to notifications of withdrawal.

7. Initiatives to strengthen the review process, including possible institutional measures.

a. Affirm the essential role of the strengthened review process in ensuring the effectiveness of the Treaty in changing international security environments, in enhancing transparency, in strengthening accountability in the implementation of all the provisions of the Treaty, and in promoting its universality. View the decisions and the resolution adopted in the 1995 Review and Extension Conference and the Final Document adopted at the 2000 Review Conference as embodying principles, objectives, or means to serve this goal.

b. Affirm that the strengthened review process has become an indispensable, dynamic mechanism for the interpretation of the Treaty and for evaluating its operation and implementation. Recognize that several proposals advocating the need for certain institutional and procedural reforms have been submitted by States parties, including the need for securing the adequate financial support for and the cost-efficiency of the review process. Give due consideration and undertake a thorough evaluation of these proposals with a view to achieving a consensus on agreed measures to strengthen further the review process.

c. Stress that enhancing transparency and accountability among all States parties in regard to their obligations under the Treaty should remain a constant endeavor of the States parties. Consider establishing a uniform, practical and cost-efficient reporting system for the implementation of the Treaty.

8. Ways and means to promote engagement with civil society in strengthening NPT norms and in promoting disarmament and non-proliferation education.

a. Commend the contributions of the civil society and especially of Non-Governmental Organizations (NGO) to the strengthened review process of the Treaty and in the efforts to promote the vision of a world free of nuclear weapons by developing proposals on practical measures to achieve this vision. Consider the substantive proposals made during the Preparatory Committee sessions for the enhanced participation of NGOs in this process.

b. Underscore the importance of disarmament and nonproliferation education as a useful and effective means to advance the goals of the Treaty in addressing both current and emerging challenges. Encourage States parties to implement the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the UN study on disarmament and non-proliferation education.

Draft Recommendations to the Review Conference – Revision 1

[NPT/CONF.2010/PC.III/CRP.4/Rev.1, 13 May 2009]

The Preparatory Committee has considered principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality. The States parties reaffirm the need to maintain a balance between the three mutually reinforcing pillars of the Treaty: nuclear disarmament, nuclear non-proliferation, and the peaceful uses of nuclear energy. The Preparatory Committee conveys to the 2010 Review Conference the following elements for its consideration in evaluating the implementation of undertakings of the States parties under the Treaty. It has also identified areas in which, and the means through which, further progress should be sought in the future. These elements build upon the three Decisions and the Resolution on the Middle East adopted at the 1995 Review and Extension Conference, the Final Document adopted at the 2000 Review Conference, and subsequent

deliberations and discussion within the NPT review process. The Preparatory Committee believes that these elements, which were drawn from statements and working papers by States parties, identify a practical framework in which the Review Conference could achieve a consensus. These elements are conveyed without regard to their priority, without prejudice to other initiatives that States parties may wish to offer, and without any intention to represent a comprehensive summary of all initiatives proposed in Preparatory Committee sessions.

I. Universality of the treaty, and of principles of disarmament, non-proliferation, and the peaceful uses of nuclear energy.

a. Reaffirm the existence of fundamental principles of nuclear disarmament, non-proliferation, and peaceful uses of nuclear energy that are universal in scope. Reaffirm that the Treaty is an expression of these principles. Recognize the fundamental importance of full compliance with all the provisions of the Treaty and the relevant IAEA safeguards agreements, and of consequences for breaches of Treaty obligations. Emphasize that responses to concerns over compliance with any obligation under the Treaty should be pursued by diplomatic means.

b. Declare that the Treaty remains the cornerstone of the global nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, and that its full and effective implementation is vital to international peace and security. Reaffirm that the Treaty fosters the development of the peaceful uses of nuclear energy.

c. Reaffirm the commitment shared by States parties to achieving universal membership. Call upon all states that are not parties to join the Treaty promptly as non-nuclear-weapon States and without conditions. Engage non-parties with a view to achieving this goal.

2. Action plan for the three pillars of the Treaty.

2.1 Nuclear disarmament, including specific practical measures.

a. Reaffirm the obligations of States parties under Article VI relating to nuclear disarmament, and to general and complete disarmament under strict and effective international control. Indicate support for ongoing and future efforts in these fields. Recognize the importance of practical-nuclear disarmament by all nuclear-weapon States.

b. Reaffirm and update commitments relating to disarmament made at the 1995 Review and Extension Conference and at the 2000 Review Conference. Recommend, on the basis of the principles of promotion of international stability and undiminished security for all, several practical disarmament measures and goals contributing to the fulfilment of article VI, including, but not limited to: facilitating the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and, pending its achievement; maintaining the moratoria on nuclear test explosions; commencing negotiations at the Conference on Disarmament on a verifiable fissile material [cutoff] treaty, building upon the positive momentum of efforts by its 2009 Presidents to adopt a programme of work; implementing an immediate moratorium on the further production of fissile material for weapons pending conclusion of the treaty; and pursuing deep reductions in nuclear arsenals.

c. Discuss related ways and means to ensure the irreversibility, verifiability, and transparency of disarmament activities. Recognize the benefits for disarmament of reducing the operational status of nuclear forces, reducing non-strategic nuclear weapons pending their elimination, and reducing reliance on nuclear weapons in security policies. Affirm the importance of effective assurances that nuclear-weapon States will not use or threaten to use nuclear weapons against non-nuclear-weapon States parties. Examine ways and means to achieve additional assurances that are legally binding.

d. Commence open-ended discussions to identify possibilities available to establish an international legal framework for the achievement of global nuclear disarmament. Engage non-parties to the Treaty with the aim of attaining a world free of nuclear weapons.

2.2 Non-proliferation; promote and strengthen safeguards.

a. Reaffirm that the proliferation of nuclear weapons is a threat to international peace and security requiring a global response and

underscore the urgent need for States parties to pursue strengthened ways and means to achieve the objectives of articles I, II, and III.

b. Affirm that export controls are best addressed and implemented in a transparent and non-discriminatory manner, and without hampering the development of nuclear energy for peaceful uses, in conformity with the Treaty. Recommend that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States Party to the Treaty. Recognize 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 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.

c. Underscore the importance of the verifiable de-nuclearization of the Korean peninsula. Support diplomatic efforts to achieve this goal.

d. Affirm the need for full cooperation with the International Atomic Energy Agency to resolve any outstanding verification issues.

e. Reaffirm that IAEA safeguards are a fundamental pillar of the nuclear non-proliferation regime; play an essential role in the implementation of the Treaty and contribute to create an environment conducive to achieving nuclear disarmament and cooperation in the peaceful uses of nuclear energy.

f. Reaffirm that the International Atomic Energy Agency is the competent authority responsible for verifying compliance with its safeguards agreements undertaken in fulfilment of article III, paragraph 1, of the Treaty, and, in this context, reaffirm the importance of acceptance of the Agency's full-scope safeguards. Identify specific measures that would serve to promote the universalisation of the IAEA safeguards system. Welcome the efforts of the Agency to strengthen safeguards and to increase the Agency's ability to detect undeclared nuclear activities, as well as the steps taken to assist states in their application.

d. Affirm the need for multilateral cooperation to prevent the establishment, perpetuation, or growth of clandestine nuclear supply networks, in accordance with international law.

2.3. Advance peaceful uses of nuclear energy.

a. Reaffirm the inalienable right of States parties under article IV 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. Note the contribution that growing applications of nuclear technology in health care, industry, agriculture, power generation, and environmental protection can make in advancing development worldwide.

b. Commend the important role of the IAEA's Technical Cooperation Programme in facilitating the application of nuclear energy for peaceful purposes, especially in developing countries. Stress the need to support such cooperation with adequate financial and human resources in an assured and predictable manner.

c. Stress the importance of extensive and transparent consultations in the consideration of multilateral approaches to the nuclear fuel cycle and assurances of the supply. Indicate that such proposals should be addressed in a multilateral, economically viable and nondiscriminatory manner under the auspices of IAEA, without infringement of the rights of States parties under article IV the Treaty. Confirm 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.

d. Recognize the importance of bilateral and international cooperation programmes to assist countries considering the development of nuclear energy for the first time. Stress the need to develop the adequate infrastructures, with appropriate assistance in the field of human resources training.

3. Ways and means to strengthen nuclear safety and security.

a. Highlight 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. Underscore the need to maintain the highest standards of safety at civilian nuclear installations through national measures and international cooperation.

b. Emphasize that the acquisition of nuclear weapons or related materials by non-State actors would constitute a threat to international peace and security. Affirm the importance of the full implementation of Security Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008), as well as the International Convention for the Suppression of Acts of Nuclear Terrorism.

c. Stress the importance of combating nuclear terrorism and support the IAEA Nuclear Security Plan. Welcome the contributions of the IAEA in the promotion of the physical protection of nuclear material and safety in all its aspects. Endorse the IAEA's work in assisting States' efforts to prevent the illicit trafficking in nuclear and other radioactive material. Underscore the importance of regular contributions to the IAEA Nuclear Security Fund.

d. Call upon all states that have not yet done so, to accede to all relevant conventions on nuclear safety, on safety of spent fuel, on safety of radioactive waste management, and on physical protection of nuclear material and facilities. Also call upon all states to follow the guidelines in the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. Stress the importance of maintaining dialogue on facilitating the safe maritime transport of radioactive material.

4. Ways and means to implement regional non-proliferation and disarmament initiatives and to explore future initiatives.

a. Reaffirm that nuclear-weapon-free zones have made and continue to make an important contribution to the strengthening of the international nuclear non-proliferation regime in all its aspects, and to the achievement of nuclear disarmament and the ultimate objective of general and complete disarmament under effective international control. Support increased cooperation among the parties to all the zones. Consider calling for the consideration of the establishment of new zones in regions with nuclear facilities or materials. Recognize the importance of the establishment of regional zones free of weapons of mass destruction.

b. Note the establishment of the Central Asia Nuclear- Weapon-Free Zone and also recognize and affirm the nuclear-weapon-free status of Mongolia. Endorse and reaffirm the goal of achieving the early entry into force of the Pelindaba Treaty. Underline the importance of the 1999 Guidelines of the United Nations Disarmament Commission on the establishment of nuclear-weapon-free zones. Encourage zonal parties and the nuclear-weapon States to engage in dialogue to enable their adherence to the Protocols of all treaties establishing nuclear-weapon-free zones.

5. Ways and means to implement the 1995 Resolution on the Middle East.

a. Recall that the Resolution on the Middle East was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty was indefinitely extended. Underscore the need for increased efforts to implement the Resolution.

b. Consider the proposal to convene a conference of all states concerned to address ways and means to implement the Resolution and undertake consultations with a view to facilitating the convening of such a conference. Establish a subsidiary body to Main Committee II of the 2010 Review Conference to consider concrete practical steps to promote the earliest implementation of the Resolution on the Middle East. Consider the appointment of a special coordinator to hold consultations with the countries in the region and report on their outcome during the course of the review process. Call upon all States parties to issue periodic reports to each of the Preparatory Committees and the Review Conference on their efforts to implement the Resolution.

6. Measures to address the risks and implications of Treaty withdrawals.

a. Acknowledge the right to withdraw from the Treaty, in accordance with article X.

b. Consider the proposals presented in the Preparatory Committee that identified modalities under which States parties could

collectively respond to notifications of withdrawal.

7. Initiatives to strengthen the review process, including possible institutional measures.

a. Affirm the essential role of the strengthened review process in ensuring the effectiveness of the Treaty in improving international security environments, in enhancing transparency, in strengthening accountability in the implementation of all the provisions of the Treaty, and in promoting its universality. View the decisions and the resolution adopted in the 1995 Review and Extension Conference and the Final Document adopted at the 2000 Review Conference as embodying principles, objectives, or means to serve this goal.

b. Affirm that the strengthened review process has become an indispensable, dynamic mechanism for evaluating the Treaty's operation and implementation. Recognize that several proposals advocating the need for certain institutional and procedural reforms have been submitted by States parties, including the need for securing the adequate financial support for and the cost-efficiency of the review process. Give due consideration and undertake a thorough evaluation of these proposals with a view to achieving a consensus on agreed measures to strengthen further the review process.

c. Stress that enhancing transparency and accountability among all States parties in regard to their obligations under the Treaty should remain a constant endeavour of the States parties.

8. Ways and means to promote engagement with civil society in strengthening NPT norms and in promoting disarmament and non-proliferation education.

a. Commend the contributions of the civil society and especially of Non-Governmental Organizations (NGO) to the strengthened review process of the Treaty and in the efforts to promote the vision of a world free of nuclear weapons by developing proposals on practical measures to achieve this vision. Note the proposals made during the Preparatory Committee sessions for the enhanced participation of NGOs in this process.

b. Underscore the importance of disarmament and nonproliferation education as a useful and effective means to advance the goals of the Treaty in addressing both current and emerging challenges. Consider the recommendations contained in the report of the Secretary-General of the United Nations (A/57/1124) regarding the UN study on disarmament and non-proliferation education.

Final Draft Version of Chair's Recommendations to the 2010 NPT Review Conference

[Reproduced from NPT/CONF.2010/PC.III/CRP.4/Rev.2., 15 May 2009 – proposed changes not incorporated]

The Preparatory Committee has considered principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality. The States parties reaffirm the need to maintain a balance between the three mutually reinforcing pillars of the Treaty: nuclear disarmament, nuclear non-proliferation, and the peaceful uses of nuclear energy. The Preparatory Committee conveys to the 2010 Review Conference the following elements for its consideration in evaluating the implementation of undertakings of the States parties under the Treaty. It has also identified areas in which, and the means through which, further progress should be sought in the future. These elements build upon the three Decisions and the Resolution on the Middle East adopted at the 1995 Review and Extension Conference, the Final Document adopted at the 2000 Review Conference, and subsequent deliberations and discussion within the NPT review process. The Preparatory Committee believes that these elements, which were drawn from statements and working papers by States parties, identify a practical framework in which the Review Conference could achieve a consensus. These elements are conveyed without regard to their priority, without prejudice to other initiatives that States parties may wish to offer, and without any intention to represent a comprehensive summary of all initiatives proposed in Preparatory Committee sessions.

1. Universality of the treaty, and of principles of disarmament, non-proliferation, and the peaceful uses of nuclear energy.

a. Reaffirm the existence of fundamental principles of nuclear disarmament, non-proliferation, and peaceful uses of nuclear energy that are universal in scope. Reaffirm that the Treaty is an expression of these principles. Recognize the fundamental importance of full compliance with all the provisions of the Treaty and the relevant IAEA safeguards agreements, and of consequences for breaches of Treaty obligations. Emphasize that responses to concerns over compliance with any obligation under the Treaty should be pursued by diplomatic means.

b. Declare that the Treaty remains the cornerstone of the global nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament, and that its full and effective implementation is vital to international peace and security. Reaffirm that the Treaty fosters the development of the peaceful uses of nuclear energy.

c. Reaffirm the commitment shared by States parties to achieving universal membership. Call upon all states that are not parties to join the Treaty promptly as non-nuclear-weapon States and without conditions. Engage non-parties with a view to achieving this goal.

2. Action plan for the three pillars of the Treaty.

2.1 Nuclear disarmament, including specific practical measures.

a. Reaffirm the obligations of States parties under Article VI relating to nuclear disarmament, and to general and complete disarmament under strict and effective international control. Indicate support for ongoing and future efforts in these fields. Recognize the importance of practical nuclear disarmament by all nuclear-weapon States.

b. Reaffirm and update commitments relating to disarmament made at the 1995 Review and Extension Conference and at the 2000 Review Conference. Recommend, on the basis of the principles of promotion of international stability and undiminished security for all, several practical disarmament measures and goals contributing to the fulfilment of article VI, including, but not limited to: facilitation the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty and, pending its achievement: maintaining the moratoria on nuclear test explosions; commencing negotiations at the Conference on Disarmament on a verifiable fissile materials [cutoff] treaty, building upon the positive momentum of efforts by its 2009 Presidents to adopt a programme of work; implementing an immediate moratorium on the further production of fissile material for weapons pending conclusion of the treaty; and pursuing deep reductions in nuclear arsenals.

c. Discuss related ways and means to ensure the irreversibility, verifiability, and transparency of disarmament activities. Recognize the benefits for disarmament of reducing the operational status of nuclear forces; reducing non-strategic nuclear weapons pending their elimination and reducing reliance on nuclear weapons in security policies. Affirm the importance of effective assurances that nuclear-weapon States will not use or threaten to use nuclear weapons against non-nuclear-weapon States parties. Examine ways and means to achieve additional assurances that are legally binding.

d. Commence open-ended discussions to identify possibilities available to establish an international legal framework for the achievement of global nuclear disarmament. Engage non-parties to the Treaty with the aim of attaining a world free of nuclear weapons.

2.2 Non-proliferation; promote and strengthen safeguards.

a. Reaffirm that the proliferation of nuclear weapons is a threat to international peace and security requiring a global response and underscore the urgent need for States parties to pursue strengthened ways and means to achieve the objectives of articles I, II, and III.

b. Affirm that export controls are best addressed and implemented in a transparent and non-discriminatory manner, and without hampering the development of nuclear energy for peaceful uses, in conformity with the Treaty. Recommend that transparency in export controls should continue to be promoted within a framework of dialogue and cooperation among all interested States Party to the Treaty. Recognize 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 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.

c. Underscore the importance of the verifiable de-nuclearization of the Korean peninsula. Support diplomatic efforts to achieve this goal.

d. Affirm the need for full cooperation with the International Atomic Energy Agency to resolve any outstanding verification issues.

e. Reaffirm that IAEA safeguards are a fundamental pillar of the nuclear non-proliferation regime, play an essential role in the implementation of the Treaty and contribute to create an environment conducive to achieving nuclear disarmament and cooperation in the peaceful uses of nuclear energy.

f. Reaffirm that the International Atomic Energy Agency is the competent authority responsible for verifying compliance with its safeguards agreements undertaken in fulfilment of article III, paragraph 1, of the Treaty, and, in this context, reaffirm the importance of acceptance of the Agency's full-scope safeguards. Identify specific measures that would serve to promote the universalisation of the IAEA safeguards system. Welcome the efforts of the Agency to strengthen safeguards and to increase the Agency's ability to detect undeclared nuclear activities, as well as the steps taken to assist states in their application.

d. Affirm the need for multilateral cooperation to prevent the establishment, perpetuation, or growth of clandestine nuclear supply networks, in accordance with international law.

2.3. Advance peaceful uses of nuclear energy.

a. Reaffirm the inalienable right of States parties under article IV 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. Note the contribution that growing applications of nuclear technology in health care, industry, agriculture, power generation, and environmental protection can make in advancing development worldwide.

b. Commend the important role of the IAEA's Technical Cooperation Programme in facilitating the application of nuclear energy for peaceful purposes, especially in developing countries. Stress the need to support such cooperation with adequate financial and human resources in an assured and predictable manner.

c. Stress the importance of extensive and transparent consultations in the consideration of multilateral approaches to the nuclear fuel cycle and assurances of the supply. Indicate that such proposals should be addressed in a multilateral, economically viable and nondiscriminatory manner under the auspices of IAEA, without infringement of the rights of States parties under article IV of the Treaty. Confirm 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.

d. Recognize the importance of bilateral and international cooperation programmes to assist countries considering the development of nuclear energy for the first time. Stress the need to develop the adequate infrastructures, with appropriate assistance in the field of human resources training.

3. Ways and means to strengthen nuclear safety and security.

a. Highlight 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. Underscore the need to maintain the highest standards of safety at civilian nuclear installations through national measures and international cooperation.

b. Emphasize that the acquisition of nuclear weapons or related materials by non-State actors would constitute a threat to international peace and security. Affirm the importance of the full implementation of Security Council resolutions 1540 (2004), 1673 (2006) and 1810 (2008), as well as the International Convention for the Suppression of Acts of Nuclear Terrorism.

c. Stress the importance of combating nuclear terrorism and support the IAEA Nuclear Security Plan. Welcome the contributions of the IAEA in the promotion of the physical protection of nuclear material and safety in all its aspects. Endorse the IAEA's work in assisting States' efforts to prevent the illicit trafficking in nuclear and other radioactive material. Underscore the importance of regular contributions to the IAEA Nuclear Security Fund.

d. Call upon all states that have not yet done so, to accede to all relevant conventions on nuclear safety, on safety of spent fuel, on safety of radioactive waste management, and on physical protection of nuclear material and facilities. Also call upon all states to follow the guidelines in the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. Stress the importance of maintaining dialogue on facilitating the safe maritime transport of radioactive material.

4. Ways and means to implement regional non-proliferation and disarmament initiatives and to explore future initiatives.

a. Reaffirm that nuclear-weapon-free zones have made and continue to make an important contribution to the strengthening of the international nuclear non-proliferation regime in all its aspects, and to the achievement of nuclear disarmament and the ultimate objective of general and complete disarmament under effective international control. Support increased cooperation among the parties to all the zones. Consider calling for the consideration of the establishment of new zones in regions with nuclear facilities or materials. Recognize the importance of the establishment of regional zones free of weapons of mass destruction.

b. Note the establishment of the Central Asia Nuclear-Weapon-Free Zone and also recognize and affirm the nuclear-weapon-free status of Mongolia. Endorse and reaffirm the goal of achieving the early entry into force of the Pelindaba Treaty. Underline the importance of the 1999 Guidelines of the United Nations Disarmament Commission on the establishment of nuclear-weapon-free zones. Encourage zonal parties and the nuclear-weapon States to engage in dialogue to enable their adherence to the Protocols of all treaties establishing nuclear-weapon-free zones.

5. Ways and means to implement the 1995 Resolution on the Middle East.

a. Recall that the Resolution on the Middle East was an essential element of the outcome of the 1995 Review and Extension Conference and of the basis on which the Treaty was indefinitely extended. Underscore the need for increased efforts to implement the Resolution.

b. Consider the proposal to convene a conference of all states concerned to address ways and means to implement the Resolution and undertake consultations with a view to facilitating the convening of such a conference. Establish a subsidiary body to Main Committee II of the 2010 Review Conference to consider concrete practical steps to promote the earliest implementation of the Resolution on the Middle East. Consider the appointment of a special coordinator to hold consultations with the countries in the region and report on their outcome during the course of the review process. Call upon all States parties to issue periodic reports to each of the Preparatory Committees and the Review Conference on their efforts to implement the Resolution.

6. Measures to address the risks and implications of Treaty withdrawals.

a. Acknowledge the right to withdraw from the Treaty, in accordance with article X.

b. Consider the proposals presented in the Preparatory Committee that identified modalities under which States parties could collectively respond to notifications of withdrawal.

7. Initiatives to strengthen the review process, including possible institutional measures.

a. Affirm the essential role of the strengthened review process in ensuring the effectiveness of the Treaty in improving international security environments, in enhancing transparency, in strengthening accountability in the implementation of all the provisions of the Treaty, and in promoting its universality. View the decisions and the resolution adopted in the 1995 Review and Extension Conference and the Final Document adopted at the 2000 Review Conference

as embodying principles, objectives, or means to serve this goal.

b. Affirm that the strengthened review process has become an indispensable, dynamic mechanism for evaluating the Treaty's operation and implementation. Recognize that several proposals advocating the need for certain institutional and procedural reforms have been submitted by States parties, including the need for securing the adequate financial support for and the cost-efficiency of the review process. Give due consideration and undertake a thorough evaluation of these proposals with a view to achieving a consensus on agreed measures to strengthen further the review process.

c. Stress that enhancing transparency and accountability among all States parties in regard to their obligations under the Treaty should remain a constant endeavour of the States parties.

8. Ways and means to promote engagement with civil society in strengthening NPT norms and in promoting disarmament and non-proliferation education.

a. Commend the contributions of the civil society and especially of Non-Governmental Organizations (NGO) to the strengthened review process of the Treaty and in the efforts to promote the vision of a world free of nuclear weapons by developing proposals on practical measures to achieve this vision. Note the proposals made during the Preparatory Committee sessions for the enhanced participation of NGOs in this process.

b. Underscore the importance of disarmament and nonproliferation education as a useful and effective means to advance the goals of the Treaty in addressing both current and emerging challenges. Consider the recommendations contained in the report of the Secretary-General of the United Nations (A/57/124) regarding the UN study on disarmament and non-proliferation education.

Final Report of the 2009 Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[Reproduced from NPT/CONF.2010/1, 20 May 2009]

[Editorial note: Footnote not included]

[Eds...]

I. Terms of reference and organization of work

[Eds...]

3. At the first session of the Preparatory Committee, 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.

[Eds...]

6. At the third session, the Committee authorized its Bureau and the President-elect to handle technical and other organizational matters, as well as to carry out consultations with States parties in the period before the Conference. It also decided that the Chairman of the third session should open the Conference.

7. At its first session, the Committee adopted its agenda as contained in document NPT/CONF.2010/PC.I/15, as follows:

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.

7. Organization of work of the Preparatory Committee:

- (a) Election of officers;
- (b) Dates and venue 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 of the Review Conference;
- (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.

8. 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 ill 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.

[Eds...]

11. At its first session, the Committee decided that:

- (a) Representatives of States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their countries' nameplates and to receive documents of the Committee. They should also be entitled to submit documents to the participants in the Committee. Palestine participated in the work of the meetings of the Committee as an observer;
- (b) Representatives of specialized agencies and international and regional intergovernmental organizations should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the Committee. They should also be entitled to submit, in writing, their views and comments on questions within their competence, which may be circulated as documents of the Committee. Furthermore, the Committee decided, based on the agreement at the third session of the Preparatory Committee for the 2005 NPT Review Conference, which

would be applied *mutatis mutandis*, that specialized agencies and international and regional intergovernmental organizations be invited to make oral presentations to the Committee upon the decision of the Committee, on a case-by-case basis. Accordingly, the following specialized agencies and international and regional intergovernmental organizations were represented as observers at the meetings of the Committee: Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Materials, European Commission, League of Arab States, Organization for the Prohibition of Chemical Weapons and Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization;

(c) Representatives of non-governmental organizations should be allowed, upon request, to attend the meetings of the Committee other than those designated closed, to be seated in the designated area, to receive documents of the Committee and, at their own expense, to make written material available to the participants in the Committee. The Committee shall also allocate a meeting to non-governmental organizations to address each session of the Committee. Representatives of 114 non-governmental organizations attended one or more sessions of the Committee.

12. At its first session, the Committee decided to make every effort to adopt its decisions by consensus. In the event that consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 2005 Review Conference, which would be applied *mutatis mutandis*.

[Eds...]

15. Also at each session, the Committee set aside one meeting for presentations by representatives of non-governmental organizations.

II. Substantive work of the Committee

16. The Committee held 25 meetings devoted to substantive discussions under agenda item 6.

17. The discussion at each session of the Preparatory Committee was structured according to indicative timetables, which provided equal time for the consideration of three clusters of issues and three specific blocs of issues.

18. 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 States 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.

19. 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 resolution on the Middle East;

(c) Other provisions of the Treaty, including article X. 20. The Committee had before it a number of documents submitted by delegations. The list of the documents submitted during the Committee's sessions is contained in annex II to the present report.

III. Organization of work of the Review Conference

21. In the course of its sessions, the Committee considered the following questions relating to the organization and work 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).

Dates and venue of the Conference

[Eds...]

Draft rules of procedure

24. 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.

25. At the same 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.

26. Also at its third session, the Committee agreed to recommend to the Conference that, in accordance with the draft rules of procedure, representatives of non-governmental 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

Election of the President and other officers

27. At its third session, the Committee unanimously endorsed the candidacy of Libran N. Cabactulan of the Philippines for the presidency of the 2010 Review Conference.

28. At the same session, the Committee agreed to recommend that: Main Committee I should be chaired by a representative of the Group of Non-Aligned and Other States, namely, the Chairman of the third session of the Preparatory Committee (Zimbabwe); Main Committee II should be chaired by a representative of the Group of Eastern European States, namely, the Chairman of the second session of the Preparatory Committee (Ukraine); and that Main Committee III should be chaired by a representative of the Western Group, namely, the Chairman of the first session of the Preparatory Committee (Japan).

29. The Committee also agreed to recommend that the post of Chairman of the Drafting Committee be assumed by a representative of the Group of Eastern European States, and the post of Chairman of the Credentials Committee by a representative of the Group of Non-Aligned and Other States.

Appointment of the Secretary-General

30. At its second session, the Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act as provisional Secretary-General of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, a nomination to be confirmed by the Conference itself. At its third session, the Committee was informed of the decision of the Secretary-General, taken after consultations with the members of the Preparatory Committee, to nominate Thomas Markram, Senior Political Affairs Officer, Weapons of Mass Destruction Branch, Office for Disarmament Affairs of the United Nations Secretariat, to serve as provisional Secretary-General of the Conference. The Committee took note of that nomination.

Provisional agenda

31. At its third session, the Committee adopted the draft provisional agenda of the 2010 Review Conference as contained in annex IV to the present report.

32. At the same session, the Committee adopted the draft decision on the allocation of items to the Main Committees of the Conference as contained in annex V to the present report.

Financing of the Review Conference, including its Preparatory Committee

33. At its second session, the Committee took note of the estimated costs of the Conference, including its Preparatory Committee (NPT/CONF.2010/PC.II/1). In order to promote greater financial transparency and accountability and taking into account the practice of multilateral and other organizations, the Committee, at its second session, decided to request the Secretary-General of the United Nations to provide a financial report to the Review Conference and each session of its Preparatory Committee to be circulated as an official document. Pursuant to this decision, the financial report was submitted to the third session of the Preparatory Committee (NPT/CONF.2010/PC.III/1).

34. At its third session, the Committee agreed to the schedule for the division of costs. The schedule for the division of costs is contained in the appendix to the draft rules of procedure, as reflected in annex III to the present report.

Background documentation

35. At its third session, the Preparatory Committee decided to invite the Secretary-General to prepare documentation, taking into account the decisions and the resolution adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and the Final Document of the 2000 Review Conference. The decision on background documentation is contained in annex VI of the present report.

Final document(s)

36. At its third session, the Committee decided to defer the consideration of this matter to the 2010 Review Conference.

IV. Participation at the Review Conference

37. At the third session, the Committee decided that invitations to States which, in accordance with the decision on participation, were entitled to participate in the Conference, as well as invitations to the Secretary-General of the United Nations and the Director General of the International Atomic Energy Agency, should be issued by the Chairman of the third session of the Preparatory Committee.

V. Adoption of the final report

38. The Preparatory Committee adopted its final report at its last meeting, on 15 May 2009.

Annex I**Summary records**

The summary records of the meetings of the third session of the Preparatory Committee will be issued separately in documents NPT/CONF.2010/PC.III/SR.1-3, 5 and 16

Annex II

List of documents [Eds...]

Annex III

Draft Rules of Procedure [Eds...]

Annex IV**Provisional Agenda**

1. Opening of the Conference by the Chairman of the third session of the Preparatory Committee.
2. Election of the President of the Conference.
3. Statement by the President of the Conference.
4. Address by the Secretary-General of the United Nations.

5. Address by the Director-General of the International Atomic Energy Agency.

6. Submission of the final report of the Preparatory Committee.

7. Adoption of the rules of procedure.

8. Election of Chairmen and Vice-Chairmen of the Main Committees, the Drafting Committee and the Credentials Committee.

9. Election of Vice-Presidents.

10. Credentials of representatives to the Conference:

(a) Appointment of the Credentials Committee;

(b) Report of the Credentials Committee.

11. Confirmation of the nomination of the Secretary-General.

12. Adoption of the agenda.

13. Programme of work.

14. Adoption of arrangements for meeting the costs of the Conference.

15. General debate.

16. 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 NPT Review and Extension Conference and the Final Document of the 2000 Review Conference:

(a) Implementation of the provisions of the Treaty relating to

Non-Proliferation of nuclear weapons, disarmament and international peace and security:

(i) Articles I and II, and preambular paragraphs 1 to 3;

(ii) Article VI and preambular paragraphs 8 to 12;

(iii) Article VII, with specific reference to the main issues in a) and (b);

(b) Security assurances:

(i) United Nations Security Council resolutions 255 (1968) and 984 (1995);

(ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

(c) Implementation of the provisions of the Treaty relating to

Non-Proliferation of nuclear weapons, safeguards and nuclear-weaponfree zones:

(i) Article III and preambular paragraphs 4 and 5, especially in their

relationship to article IV and preambular paragraphs 6 and 7;

(ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

(iii) Article VII;

(d) 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:

(i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;

(ii) Article V;

(e) Other provisions of the Treaty.

17. Role of the Treaty in the promotion of Non-Proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security, and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

18. Reports of the Main Committees.

19. Consideration and adoption of Final Document(s).
20. Any other business.

Annex V

Allocation of items to the Main Committees of the Review Conference

The Preparatory Committee decides to allocate the following items to the Main Committees at the Review Conference.

1. Main Committee I

Item 16. 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 NPT Review and Extension Conference and the Final Document of the 2000 Review Conference:

(a) Implementation of the provisions of the Treaty relating to Non-Proliferation of nuclear weapons, disarmament and international peace and security:

(i) Articles I and II and preambular paragraphs 1 to 3;

(ii) Article VI and preambular paragraphs 8 to 12;

(iii) Article VII, with specific reference to the main issues considered in this Committee;

(b) Security assurances:

(i) United Nations Security Council resolutions 255 (1968) and 984 (1995);

(ii) Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons;

Item 17. Role of the Treaty in the promotion of Non-Proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

2. Main Committee II

Item 16. 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 NPT Review and Extension Conference and the Final Document of the 2000 Review Conference:

(c) Implementation of the provisions of the Treaty relating to Non-Proliferation of nuclear weapons, safeguards and nuclear-weaponfree zones:

(i) Article III and preambular paragraphs 4 and 5, especially in their relationship to article IV and preambular paragraphs 6 and 7;

(ii) Articles I and II and preambular paragraphs 1 to 3 in their relationship to articles III and IV;

(iii) Article VII;

Item 17. Role of the Treaty in the promotion of Non-Proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

3. Main Committee III

Item 16. 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 NPT Review and Extension Conference and the Final Document of the 2000 Review Conference:

(d) 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:

(i) Articles III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to article III (1), (2) and (4) and preambular paragraphs 4 and 5;

(ii) Article V;

(e) Other provisions of the Treaty.

Item 17. Role of the Treaty in the promotion of Non-Proliferation of nuclear weapons and of nuclear disarmament in strengthening international peace and security and measures aimed at strengthening the implementation of the Treaty and achieving its universality.

Additionally, the issues of disarmament and Non-Proliferation education, and institutional issues will be dealt with under agenda item 17, respectively, in Main Committee I and in Main Committee II.

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 1st, 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 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 Theronuclear 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

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. [Eds...]

ANNEX

Elements of a possible agreement on a nuclear-weapon-free zone in the Middle East

[Eds...]

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.

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 – [Eds.]

II. Observations

[Eds...] 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

[Editorial note – see 2012 Briefing Book edition for text of replies]

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]

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.

Postponement of 2012 Conference on Middle East Zone Free of Nuclear Weapons and all other Weapons of Mass-Destruction

[23 November 2012]

Press statements:

1. Ministry for Foreign Affairs of Finland

"We regret that the conference will not be convened this year. However, the conveners have reaffirmed their commitment to convene the conference and Finland as the host Government remains prepared to organise it once convened. We will continue our efforts to prepare the ground together with the conveners and the States of the region for the earliest possible convening of a successful conference, to be attended by all states of the region. To that end, I propose multilateral consultations to be held as soon as possible", says Ambassador Jaakko Laajava from the Finnish Foreign Ministry, who is in charge of undertaking preparations for the conference as the facilitator.

II. UN Secretary-General

I reaffirm my firm resolve and commitment together with the Russian Federation, the United Kingdom and the United States, in consultation with the States of the region, to convene a conference, 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.

I have worked closely with the co-conveners to support the facilitator, Mr. Jaakko Laajava. He has conducted intensive consultations with the States of the region to prepare the convening of the conference in 2012. I have also personally engaged with the States of the region at the highest level to underline the importance of the Conference in promoting long-term regional stability, peace and security on the basis of equality.

I have taken note of the national statements issued by the co-conveners. I wish to reaffirm the collective responsibility of the conveners to make every effort to convene the conference, as mandated. I will continue to work with them on that basis. I fully support the proposal by the facilitator to conduct multilateral consultations in the shortest possible time which will allow the conference to be convened at the earliest opportunity in 2013. I reaffirm my strong support for the facilitator and for Finland as the host Government for the Conference and express my deep appreciation for their continuing efforts.

I encourage all States of the region to continue their constructive engagement with the facilitator. I also appeal to them to seize this rare opportunity to initiate a process that entails direct engagement on security issues – a critical shortcoming at the moment – and follow-on steps leading to achieving the complete elimination of all weapons of mass destruction in the region, nuclear, chemical and biological and their delivery systems.

III. Ministry for Foreign Affairs of the Russian Federation

The decisions of the 2010 NPT Review Conference entrusted Russia, the United Kingdom and the United States, as the depositaries of the Treaty and the co-sponsors of the 1995 Resolution on the Middle East, as well as the UN Secretary-General to convene in 2012 a Conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction and their means of delivery (MEWMDFZ).

Since 2010 the "co-conveners" of the Conference have been making significant efforts for the preparation of the event. Finland was selected as the "host country" of the Conference. The Facilitator responsible for the preparation and organization of the Conference – Under Secretary of the MFA of Finland J. Laajava – was appointed and has started active work since taking office in October 2011. The "co-conveners" and the Facilitator held numerous joint and individual consultations with representatives of the States of the region. Considerations on organizational

modalities and substance of upcoming Conference are at an advanced stage.

Unfortunately, not all of the States in the Middle East have so far agreed to participate in the Conference. In this regard, there are voices in favor of postponing the Conference for 2013.

The Russian Federation, being strictly committed to its commitments and the "conveners" mandate, believes that in the given conditions a decision to postpone the Conference can be justified only if there is a clearly expressed consent of the countries of the Middle East and the dates for the Conference are fixed.

Moscow presumes that in case of the expressed consent of the regional States to the postponement of the Conference, the new dates should be fixed right now in order to convene the Conference at the earliest possibility, but no later than April next year. We are convinced that these several extra months would be enough for proper preparation and success of the Helsinki Conference on the establishment of MEWMDZF.

Russia intends to make all the necessary efforts to this end and to continue to work closely with the other "co-conveners" and the Facilitator.

IV. UK Foreign and Commonwealth Office

The British Government supports the objective of a Weapons of Mass Destruction Free Zone in the Middle East. We regret that it will not be possible to convene a successful conference to be attended by all states of the region as planned in 2012. More preparation and direct engagement between states of the region will be necessary to secure arrangements that are satisfactory to all.

We support the convening of a conference as soon as possible. We endorse fully the work of the Conference Facilitator, Finnish Under-Secretary of State Jaakko Laajava, to build consensus on next steps. We welcome his commitment to conduct further multilateral consultations with the countries of the region to agree arrangements for a conference in 2013.

We will continue to work with our fellow convenors (the US, Russia, and the UN), with the Facilitator, and with countries of the region, to meet our undertakings to convene a conference on this important issue, as soon as possible.

V. US State Department

As a co-sponsor of the proposed conference on a Middle East zone free of weapons of mass destruction (MEWMDZF), envisioned in the 2010 Non-Proliferation Treaty Review Conference Final Document, the United States regrets to announce that the conference cannot be convened because of present conditions in the Middle East and the fact that states in the region have not reached agreement on acceptable conditions for a conference.

The United States will continue to work seriously with our partners to create conditions for a meaningful conference. We are particularly grateful for the tireless efforts of Ambassador Jaakko Laajava, the appointed facilitator, supported by the United States, the United Kingdom, the Russian Federation and the UN Secretary General, to lay the groundwork for a successful conference against the backdrop of turmoil and dramatic political change taking place in the Middle East and Iran's continuing defiance of its international nonproliferation obligations.

The United States believes that a deep conceptual gap persists in the region on approaches toward regional security and arms control arrangements. These differences can only be bridged through direct engagement and agreement among the states in the region. Outside states cannot impose a process on the region any more than they can dictate an outcome. The mandate for a MEWMDZF must come from the region itself. That principle must underlie any serious undertaking on this issue.

Looking ahead, we encourage states in the region to take a fresh look at the obstacles standing in the way of convening a conference and to begin to explore terms for a successful meeting. This will require that all parties agree on the purpose and scope of a conference and on an agenda and process that takes into account the legitimate security interests of all states in the region. We believe that this conference should discuss a broad agenda that covers regional security and all WMD issues, and that it must

operate solely on the basis of consensus among regional parties.

These are appropriate guidelines for official dialogue on security issues in the Middle East where none currently exists. They provide the necessary assurance that states can attend a conference on an equal footing. We would not support a conference in which any regional state would be subject to pressure or isolation.

The United States will continue to work with our partners to support an outcome in which states in the region approach this issue on the basis of mutual respect and understanding and with acknowledgement of the challenges inherent in advancing regional security and arms control. A conference handled this way, with direct engagement of the regional states, will enjoy the greatest prospects for success.

The United States fully supports the goal of a Middle East free of all weapons of mass destruction and we stand by our commitments. We further note our view that a comprehensive and durable peace in the region and full compliance by all regional states with their arms control and nonproliferation obligations are essential precursors for the establishment of such a zone.

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.

Address to the 68th Session of the General Assembly of the United Nations by H.E. Mr Nabil Fahmy, Minister of Foreign Affairs of the Arab Republic of Egypt

[28 September 2013]

[Eds...] I announce before you today an initiative consisting of the following steps:

First:

Invite all countries of the Middle East, as well as the five permanent members of the Security Council, to deposit official letters to the Secretary General of the United Nations, stating their support for declaring the Middle East a region free from weapons of mass destruction, as well as from nuclear, chemical and biological weapons.

Second:

The countries of the region that have not signed, or ratified, any of the international conventions on weapons of mass destruction, should commit, before the end of this year, to simultaneously sign and ratify the relevant conventions. They should also deposit a proof of that to the Security Council. I invite the Secretary General of the United Nations to coordinate the above steps to ensure their success.

This translates into the following:

- That Israel accedes to the Non-Proliferation Treaty as a non-nuclear state, ratifies the Chemical Weapons convention, and signs and ratifies the Biological Weapons Convention.
- That Syria ratifies the Biological Weapons Convention, and takes the remaining steps it had pledged in relation to the Chemical Weapons Convention.
- That Egypt ratifies the Biological Weapons Convention, and signs and ratifies the Chemical Weapons Convention, provided that all countries of the Middle East complete accession measures to the international conventions prohibiting weapons of mass destruction, and the related arrangements.

Third:

Pursue international efforts to ensure that the delayed 2012 Conference to establish a weapons of mass destruction free zone in the middle east is swiftly held, preferably before the end of this year, and by Spring 2014, at the latest. The Secretary General, the three depositary countries of the Non-Proliferation Treaty, as well as the facilitator should redouble their efforts so that the conference is held within the above timeframe.

[Eds...]

E – Nuclear Weapon Testing Treaties

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]

[Eds...]

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.

Comprehensive Test Ban Treaty

[Opened for signature 24 September 1996,
not in force 31 January 2014]

[Eds...]

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...]****C. Consultation and Clarification – [Eds...]****D. On-Site Inspections – [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 an 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 - [Eds...]****Part II — On-Site Inspections - [Eds...]****Part III — Confidence-Building Measures – [Eds...]****Annex 1 to the Protocol - [Eds...]****Annex 2 to the Protocol - [Eds...]**

Comprehensive Test Ban Treaty – Signatures and Ratifications

[as at 31 January 2014]

Total States:196 Total Signed:183 Total Ratified:161

State	Not signed: 13 Not Ratified: 35	
	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	10 JAN 2013
†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
Cabo Verde	01 OCT 1996	01 MAR 2006
Central African Republic	19 DEC 2001	26 MAY 2010
Chad	08 OCT 1996	08 FEB 2013
†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	Montenegro	23 OCT 2006	23 OCT 2006
Cote d'Ivoire	25 SEP 1996	11 MAR 2003	Morocco	24 SEP 1996	17 APR 2000
Croatia	24 SEP 1996	02 MAR 2001	Mozambique	26 SEP 1996	4 NOV 2008
Cuba			Myanmar	25 NOV 1996	
Cyprus	24 SEP 1996	18 JUL 2003	Namibia	24 SEP 1996	29 JUN 2001
Czech Republic	12 NOV 1996	11 SEP 1997	Nauru	08 SEP 2000	12 NOV 2001
†Democratic People's Republic of Korea			Nepal	08 OCT 1996	
†Democratic Republic of the Congo	04 OCT 1996	28 SEP 2004	†Netherlands	24 SEP 1996	23 MAR 1999
Denmark	24 SEP 1996	21 DEC 1998	New Zealand	27 SEP 1996	19 MAR 1999
Djibouti	21 OCT 1996	15 JUL 2005	Nicaragua	24 SEP 1996	05 DEC 2000
Dominica			Niger	03 OCT 1996	09 SEP 2002
Dominican Republic	03 OCT 1996	4 SEP 2007	Nigeria	08 SEP 2000	27 SEP 2001
Ecuador	24 SEP 1996	12 NOV 2001	Niue	09 APR 2012	
†Egypt	14 OCT 1996		†Norway	24 SEP 1996	15 JUL 1999
El Salvador	24 SEP 1996	11 SEP 1998	Oman	23 SEP 1999	13 JUN 2003
Equatorial Guinea	09 OCT 1996		†Pakistan		
Eritrea	11 NOV 2003	11 NOV 2003	Palau	12 AUG 2003	1 AUG 2007
Estonia	20 NOV 1996	13 AUG 1999	Panama	24 SEP 1996	23 MAR 1999
Ethiopia	25 SEP 1996	08 AUG 2006	Papua New Guinea	25 SEP 1996	
Fiji	24 SEP 1996	10 OCT 1996	Paraguay	25 SEP 1996	04 OCT 2001
†Finland	24 SEP 1996	15 JAN 1999	†Peru	25 SEP 1996	12 NOV 1997
†France	24 SEP 1996	06 APR 1998	Philippines	24 SEP 1996	23 FEB 2001
Gabon	07 OCT 1996	20 SEP 2000	†Poland	24 SEP 1996	25 MAY 1999
Gambia	09 APR 2003		Portugal	24 SEP 1996	26 JUN 2000
Georgia	24 SEP 1996	27 SEP 2002	Qatar	24 SEP 1996	03 MAR 1997
†Germany	24 SEP 1996	20 AUG 1998	†Republic of Korea	24 SEP 1996	24 SEP 1999
Ghana	03 OCT 1996	14 JUN 2011	†Romania	24 SEP 1996	05 OCT 1999
Greece	24 SEP 1996	21 APR 1999	†Russian Federation	24 SEP 1996	30 JUN 2000
Grenada	10 OCT 1996	19 AUG 1998	Rwanda	30 NOV 2004	30 NOV 2004
Guatemala	20 SEP 1999	13 JAN 2012	Saint Kitts and Nevis	23 MAR 2004	27 APR 2005
Guinea	03 OCT 1996	20 SEP 2011	Saint Lucia	04 OCT 1996	05 APR 2001
Guinea-Bissau	11 APR 1997	24 SEP 2013	Saint Vincent and the Grenadines	02 JUL 2009	23 SEP 2009
Guyana	07 SEP 2000	07 MAR 2001	Samoa	09 OCT 1996	27 SEP 2002
Haiti	24 SEP 1996	01 DEC 2005	San Marino	07 OCT 1996	12 MAR 2002
Holy See	24 SEP 1996	18 JUL 2001	Sao Tome and Principe	26 SEP 1996	
Honduras	25 SEP 1996	30 OCT 2003	Saudi Arabia		
†Hungary	25 SEP 1996	13 JUL 1999	Senegal	26 SEP 1996	09 JUN 1999
Iceland	24 SEP 1996	26 JUN 2000	Serbia	08 JUN 2001	19 MAY 2004
†India			Seychelles	24 SEP 1996	13 APR 2004
†Indonesia	24 SEP 1996	06 FEB 2012	Sierra Leone	08 SEP 2000	17 SEP 2001
†Iran (Islamic Republic of)	24 SEP 1996		Singapore	14 JAN 1999	10 NOV 2001
Iraq	19 AUG 2008	26 SEP 2013	†Slovakia	30 SEP 1996	03 MAR 1998
Ireland	24 SEP 1996	15 JUL 1999	Slovenia	24 SEP 1996	31 AUG 1999
†Israel	25 SEP 1996		Solomon Islands	03 OCT 1996	
†Italy	24 SEP 1996	01 FEB 1999	Somalia		
Jamaica	11 NOV 1996	13 NOV 2001	†South Africa	24 SEP 1996	30 MAR 1999
†Japan	24 SEP 1996	08 JUL 1997	South Sudan		
Jordan	26 SEP 1996	25 AUG 1998	†Spain	24 SEP 1996	31 JUL 1998
Kazakhstan	30 SEP 1996	14 MAY 2002	Sri Lanka	24 OCT 1996	
Kenya	14 NOV 1996	30 NOV 2000	Sudan	10 JUN 2004	10 JUN 2004
Kiribati	07 SEP 2000	07 SEP 2000	Suriname	14 JAN 1997	07 FEB 2006
Kuwait	24 SEP 1996	06 MAY 2003	Swaziland	24 SEP 1996	
Kyrgyzstan	08 OCT 1996	02 OCT 2003	†Sweden	24 SEP 1996	02 DEC 1998
Lao People's Dem. Rep.	30 JUL 1997	05 OCT 2000	†Switzerland	24 SEP 1996	01 OCT 1999
Latvia	24 SEP 1996	20 NOV 2001	Syrian Arab Republic		
Lebanon	16 SEP 2005	21 NOV 2008	Tajikistan	07 OCT 1996	10 JUN 1998
Lesotho	30 SEP 1996	14 SEP 1999	Thailand	12 NOV 1996	
Liberia	01 OCT 1996	17 AUG 2009	The former Yugoslav Republic of Macedonia	29 OCT 1998	14 MAR 2000
Libya	13 NOV 2001	06 JAN 2004	Timor-Leste	26 SEP 2008	
Liechtenstein	27 SEP 1996	21 SEP 2004	Togo	02 OCT 1996	02 JUL 2004
Lithuania	07 OCT 1996	07 FEB 2000	Tonga		
Luxembourg	24 SEP 1996	26 MAY 1999	Trinidad and Tobago	08 OCT 2009	26 MAY 2010
Madagascar	09 OCT 1996	15 SEP 2005	Tunisia	16 OCT 1996	23 SEP 2004
Malawi	09 OCT 1996	21 NOV 2008	†Turkey	24 SEP 1996	16 FEB 2000
Malaysia	23 JUL 1998	17 JAN 2008	Turkmenistan	24 SEP 1996	20 FEB 1998
Maldives	01 OCT 1997	07 SEP 2000	Tuvalu		
Mali	18 FEB 1997	04 AUG 1999	Uganda	07 NOV 1996	14 MAR 2001
Malta	24 SEP 1996	23 JUL 2001	†Ukraine	27 SEP 1996	23 FEB 2001
Marshall Islands	24 SEP 1996	28 OCT 2009	United Arab Emirates	25 SEP 1996	18 SEP 2000
Mauritania	24 SEP 1996	30 APR 2003	†United Kingdom of Great Britain and Northern Ireland	24 SEP 1996	06 APR 1998
Mauritius			Ireland		
†Mexico	24 SEP 1996	05 OCT 1999	United Republic of Tanzania	30 SEP 2004	30 SEP 2004
Micronesia, Federated States of	24 SEP 1996	25 JUL 1997	†United States of America	24 SEP 1996	
Moldova	24 SEP 1997	16 JAN 2007	Uruguay	24 SEP 1996	21 SEP 2001
Monaco	01 OCT 1996	18 DEC 1998	Uzbekistan	03 OCT 1996	29 MAY 1997
Mongolia	01 OCT 1996	08 AUG 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.

Joint Ministerial Statement on the CTBT

[Sixth CTBT Ministerial Meeting, New York, 27 September 2012]

[Editorial note – footnotes not included]

1. We, the Foreign Ministers issuing this statement, reaffirm our strongest support for the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). This would establish a legally-binding, comprehensive prohibition on nuclear weapon test explosions or any other nuclear explosions. It would mark a vital step towards the reduction and eventual elimination of nuclear weapons by constraining their development and qualitative improvement, and would therefore strengthen the international nuclear disarmament and non-proliferation regime. We recall that the 2010 NPT Review Conference reaffirmed the vital importance of the early entry into force of the Treaty.

2. We welcome that the CTBT has achieved near universal adherence with signature by 183 States and ratification by 157 States as of today. We also welcome the ratification of the Treaty by Indonesia, which is one of the States listed in Annex 2 of the Treaty, the ratifications by Guinea, Ghana and Guatemala, and the signature of the Treaty by Niue since the last meeting.

3. More than 15 years have passed since the CTBT was opened for signature. We call upon all States that have not done so to sign and ratify the Treaty in particular the remaining eight Annex 2 States to ratify the Treaty as soon as possible. In this regard, we fully support the Article XIV process, which seeks to facilitate entry into force, and we remain committed to the declarations issued at Article XIV Conferences.

4. With the exception of the Democratic People's Republic of Korea (DPRK), which announced that it had conducted nuclear tests on 9 October 2006 and on 25 May 2009, the voluntary nuclear test moratorium has become a de facto international norm in the 21st Century. Pending the CTBT's entry into force, which remains our urgent goal due to its legally-binding effect, we call upon all States to continue the moratorium on nuclear weapon test explosions. We reaffirm our commitment to the Treaty's basic obligations and urge States to refrain from acts which would defeat the objective and purpose of the Treaty. We demand that the DPRK refrain from any further nuclear tests, and recognizing the importance of commitments made by the Six Parties, call upon the DPRK to fully comply with the 2005 Joint Statement as well as relevant UN Security Council Resolutions, including Resolutions 1718 and 1874.

5. We welcome the advances made by the Preparatory Commission of the CTBTO in building the Treaty's verification regime, including the International Monitoring System, International Data Centre and On-Site Inspection elements, and reiterate the importance of the capacity building activities relating to National Data Centres. We note that the substantial progress in strengthening the CTBT's verification regime is being increasingly recognized by members of the scientific community, including in states yet to ratify. We reaffirm our commitment to support the completion of the verification regime and urge all States Signatories to do likewise.

6. While bearing in mind the Treaty's purpose, we are encouraged that the CTBT verification regime has also demonstrated its utility in providing accurate real-time data relating to major earthquake, tsunamis and nuclear accidents, as well as other civil scientific applications to all States Signatories.

7. We appeal to all States to make the utmost effort to achieve the early entry into force of the CTBT. We dedicate ourselves individually and jointly to realizing this goal by raising awareness of this matter at the highest political level.

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 Test Ban Treaty, New York, 27 September 2013]

1. We, the ratifying States, together with other States Signatories, met in New York on 27 September 2013 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, seventeen years after opening of the Treaty for signature, its entry into force is of the utmost urgency. 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. 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 United Nations Security Council Summit on nuclear nonproliferation 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 183 States have signed and 161 States have ratified the CTBT, including 36 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 by six States (Guatemala, Indonesia, Brunei Darussalam, Chad, Guinea-Bissau, Iraq) since the 2011 Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty. We recognize particularly the ratification of the Treaty by Indonesia, a State listed in Annex 2, as a significant step towards the early entry into force of the 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 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 a crucial practical step for systematic and progressive efforts towards nuclear disarmament and nuclear non-proliferation. It would mark a vital step towards the reduction of and the ultimate goal of eliminating nuclear weapons by constraining their development and qualitative improvement, and would therefore strengthen the international nuclear disarmament and non-proliferation regime. Pending the entry into force of the CTBT, we reaffirm our commitments, 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 development and use of new nuclear weapon technologies and any action that would undermine the object and purpose and the implementation of the provisions of the CTBT and to maintain all existing moratoria on nuclear weapon test explosions, while stressing that these measures do not have the same permanent and legally binding effect to end nuclear weapon

testing and all other nuclear explosions, which can only be achieved with 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, 25 May 2009 and 12 February 2013, bearing in mind the United Nations General Assembly resolutions A/RES/61/104, A/RES/63/87, A/RES/65/91, A/RES/66/64 and A/RES/67/76 and other relevant United Nations resolutions, including S/RES/1718 (2006), S/RES/1874 (2009) and S/RES/2094 (2013), we continue to underline the need for a peaceful solution of the nuclear issues through successful implementation of the 19 September 2005 Joint Statement agreed upon in the framework of the Six-Party Talks and relevant United Nations Security Council resolutions. We urge the Democratic People's Republic of Korea not to conduct any further nuclear tests and, recognizing the importance of commitments made by the Six Parties, call upon the Democratic People's Republic of Korea to fully comply with the 2005 Joint Statement. We also believe that the aforementioned events, internationally condemned, highlight the urgent need for the early entry into force of the Treaty. The international reaction to these events is a testament to the normative strength of the Treaty and its contribution to the stigmatization of nuclear test explosions. 6. In addition, we appreciate the effectiveness of the CTBT verification regime demonstrated in response to the nuclear test explosion announced by the Democratic People's Republic of Korea on 12 February 2013. On this occasion, the International Monitoring System of this verification regime successfully detected unusual seismic waveforms and infrasound signals, providing relevant and useful physical data to States Signatories promptly. Further measurements of radioactive noble gases later in April 2013 also confirmed the sensitivity and specificity of the monitoring network.

7. 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 276 certified facilities, and the satisfactory functioning of the International Data Centre, and in developing the on-site inspection regime.

8. We recognize that the International Monitoring System of the CTBT verification regime is capable of bringing scientific and civil benefits, including for tsunami warning systems and possibly other disaster alert systems. While not losing sight of the Treaty's objectives regarding nuclear non-proliferation and disarmament, we recall the rapid response of the Preparatory Commission to the tsunami and the ensuing nuclear power plant accident in 2011 in Fukushima, Japan, and wish to underline the importance of cooperation between the Preparatory Commission and other 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 and under the guidance of the Preparatory Commission.

9. 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 outreach initiatives to promote the entry into force and universalization of the Treaty;

(c) Encourage ratifying States to 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) Recognize that the establishment of a Group of Eminent Persons by the Executive Secretary of the Preparatory Commission will assist the activities of ratifying States to promote the objectives of the Treaty and to facilitate its early entry into force;

(f) 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;

(g) 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;

(h) 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;

(i) 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;

(j) Recalling the standing request by the United Nations General Assembly (A/RES/67/76) for an annual 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, request the Provisional Technical Secretariat to continue to act as a 'focal point' for collecting information on these outreach activities undertaken by ratifying States and States Signatories, and to maintain a consolidated and 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;

(k) 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.

Appendix to the Final Declaration and Measures to Promote the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty

List of States

A. States that have ratified the Treaty - [Eds... See E7-9 above]

B. The following 44 States, whose ratification is required for the entry into force of the Treaty in accordance with Article XIV, are listed in Annex 2 to the Treaty - [Eds... See E7 above]

1. States listed in Annex 2 to the Treaty that have signed and ratified the Treaty

Algeria, France, Russian Federation, Argentina, Germany, Slovakia, Australia, Hungary, South Africa, Austria, Indonesia, Spain, Bangladesh, Italy, Sweden, Belgium, Japan, Switzerland, Brazil, Mexico, Turkey, Bulgaria, Netherlands, Ukraine, Canada, Norway, United Kingdom of Great Britain, Chile, Peru, and Northern Ireland, Colombia, Poland, Viet Nam, Democratic Republic of the Congo, Republic of Korea, Finland, Romania.

2. States listed in Annex 2 to the Treaty that have signed but not yet ratified the Treaty

China, Iran (Islamic Republic of), United States of America, Egypt, Israel.

3. States listed in Annex 2 to the Treaty that have not yet signed the Treaty

Democratic People's Republic of Korea, India, Pakistan.

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:

- 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
- 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 eastward 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 2014

The Ministry of Foreign Relations of Mexico, in the capacity of Depositary 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	16 Nov 2012
Saint Vincent and Gren.		
Saint Lucia		
Suriname		13 Jan 1994 AC
Trinidad and Tobago		30 Nov 2012
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 emplantation, 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 depositary 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 2014

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
Samoa	August 6, 1985	December 11, 1986
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

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

- 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.
- The Commission shall be responsible *inter alia* for:
 - Collating the reports and the exchange of information as provided for in article 13;
 - 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;
 - Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;
 - Bringing into effect the complaints procedure elaborated in annex IV;
 - Encouraging regional and sub-regional programs for cooperation in the peaceful uses of nuclear science and technology;
 - Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.
- 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

- 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.
- Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
- The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14 – Conference of Parties

- 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.
- 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

- 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.
- 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

- Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.
- 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.
- 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

- 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.
- 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

- 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.
- The Depository shall:
 - Receive instruments of ratification;
 - Register this Treaty and its Protocols pursuant to article 102 of the Charter of the United Nations;
 - 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

- 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.
- 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.
- 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 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 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.

Status of African Nuclear-Weapon-Free Zone Treaty [Treaty of Pelindaba] and Protocols

Signed at Cairo, Egypt: 11 April 1996

Entered into force 15 July 2009

Depository: African Union

Status: 31 January 2014

Country	Signature	Deposit
Algeria	April 11, 1996	February 11, 1998
Angola	April 11, 1996	
Benin	April 11, 1996	September 4, 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	September 28, 2010
Cabo Verde	April 11, 1996	
Central African Republic	April 11, 1996	
Chad	April 11, 1996	January 18, 2012
Comoros	April 11, 1996	July 24, 2012
Congo	January 27, 1997	26 Nov 2013
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	January 4, 2012
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	March 1, 2012
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	March 11, 2011	April 5 2011
United Kingdom	April 11, 1996	Feb 27, 2001	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	11 March, 2011	5 April 2011
United Kingdom	April 11, 1996	27 Feb 2001	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			

First Ordinary Session of The African Commission on Nuclear Energy (AFCONE) Conclusions [4 May 2011 Addis Ababa]

1. The First Ordinary Session of the African Commission on Nuclear Energy (AFCONE) was held at the African Union (AU) Headquarters in Addis Ababa on 4 May 2011. The Session was held pursuant to Article 12, paragraph 3, of the African Nuclear-Weapon-Free Zone Treaty, also known as the Treaty of Pelindaba, which commits the AFCONE to meet in annual ordinary sessions.

2. The Treaty of Pelindaba entered into force in 2009, and in accordance with Article 12, established the AFCONE with a 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.

3. The First Conference of States Parties to the Treaty was held in Addis Ababa on 4 November 2010, and pursuant to Article 14, elected twelve Members to a three-year membership of AFCONE. These are: Algeria, Burkina Faso, Cameroon, Ethiopia, Kenya, Libya, Mali, Mauritius, Senegal, South Africa, Togo and Tunisia. The Conference also endorsed the decision to establish the Headquarters of AFCONE in South Africa.

[Eds...]

8. The purpose of the Session was to discuss various aspects essential to the effective operation of the AFCONE; these include the rules of procedure, structure and 2 policy organs, programme of work, terms of reference for the Executive Secretary, budget for AFCONE and scale of assessment for States Parties. To this effect, the AU Commission presented draft proposals for the Session's consideration.

9. The Session had in-depth discussions on the proposals and made valuable comments and suggestions to improve their quality and relevance. The Session agreed that the AU Commission will incorporate the inputs made and share the revised versions of the drafts with the Members for final review.

10. On the scale of assessment, the Session agreed to adopt the scale of assessment of the African Union for 2011-2013 adopted by the Seventeenth Ordinary Session of the Executive Council, held in Kampala, Uganda, on 25 July 2010.

11. The Session adopted the acronym (AFCONE) for the African Commission on Nuclear Energy and agreed that the acronym will be used for all of the four African Union official languages.

12. Regarding the Bureau of the AFCONE, provided for in Annex III, paragraph 2 to the Treaty, and which should consist of the Chairperson, Vice Chairperson and the Executive Secretary, the Session decided that the position of Executive Secretary should be filled through a competitive process administered by the AU Commission and conducted in compliance with its rules and regulations.

13. On the positions of Chairperson and Vice Chairperson, the Session unanimously elected Mr. Abdul Samad Minty of South Africa and Mr. Mourad Telmini of Tunisia as Chairperson and Vice-Chairperson of AFCONE respectively.

14. In concluding, the Session agreed to meet again during July 2011, in a venue to be agreed upon, to discuss the next steps in order to ensure the speedy commencement of the activities of AFCONE.

The African Commission On Nuclear Energy Convenes its Second Meeting Communiqué [26 July 2012 Addis Ababa]

[Eds...]

Today's meeting adopted the rules of procedure, structure, programme of work and budget of AFCONE. The programme of work focusses on the following areas: monitoring of compliance by the State Parties with their non-proliferation obligations; nuclear and radiation safety and security; nuclear sciences and technology; partnership and technical cooperation. Regarding the budget, the meeting agreed to an amount of approximately US \$800,000 per year for the period 2012-2014. The meeting also agreed on the scale of assessment for contributions to the budget of AFCONE. The conclusions reached will be submitted to the second Conference of State Parties, scheduled to be held in Addis Ababa, in November 2012.

The meeting provided an opportunity to review and adopt the Terms of Reference of AFCONE Executive Secretary, who is in charge of the day-to-day activities of the Commission. The representatives of the Government South Africa seized the opportunity to provide an update on the steps being taken for the establishment of AFCONE Executive Secretariat, which will be based in Pretoria. The Government of South Africa will provide the required facilities in terms of office space and equipment. The host agreement is being finalized between the AU Commission and South Africa.

[Eds...]

Statement By Ambassador AS Minty, Afcone Chairperson, at The Second Conference Of States Parties Of The Pelindaba Treaty [Addis Ababa, 12 November 2012]

[Eds...]

Since the first AFCONE meeting held on 4 May 2011, progress has been made on operational matters, and AFCONE has been active in various multilateral meetings.

In this regard, I am pleased to report that steady progress is being made with the negotiations on the agreement with South Africa on the hosting of AFCONE. The formal establishment of the AFCONE Headquarters will also be guided by the agreed budget of AFCONE, and the appointment of the Executive Secretary and staff.

Pending the formal establishment of the AFCONE Headquarters in South Africa, the functioning of AFCONE, and specifically its Secretariat, should not be hampered by this temporary absence of a physical office in South Africa.

You will appreciate that the finalisation of this issue will take some time as strict regulatory processes need to be followed. In the interim, office space for AFCONE can be provided at the AU Commission until the formal opening of the AFCONE Headquarters takes place.

At the First Conference of States Parties to the Pelindaba Treaty, the Conference requested the Chairperson of the AU Commission to appoint an Executive Secretary in terms of the Treaty's provisions. Following this request, the position of Executive Secretary has been advertised and potential candidates have applied.

In terms of the Pelindaba Treaty, the designation of the Executive Secretary shall be made by the Chairperson of the AU Commission in consultation with the Chairperson of AFCONE.

With the recent assumption of her duties as the new Chairperson of the AU Commission, it is anticipated that such consultations will take place in due course.

[Eds...]

Chairperson,

At the First and Second Ordinary Sessions of AFCONE, held on 4 May 2011 and 26 July 2012 respectively, extensive discussions were held on the procedural aspects needed to operationalise AFCONE.

These discussions concluded with the adoption by the Commission of its rules of procedure, the final structure, and programme of work of AFCONE. Furthermore, the Commission recommended for adoption by this Conference the AFCONE budget and scale of assessment.

In terms of the programme of work, AFCONE has four key focus areas, namely; 1) Monitoring States Parties' compliance with their nuclear non-proliferation obligations; 2) Nuclear and radiation safety and security; 3) Nuclear sciences and applications and 4) Partnerships and technical co-operation, which includes outreach and promotion of peaceful uses of nuclear energy.

A future focus area of the Commission includes the issue of compliance with the undertakings contained in the Pelindaba Treaty.

This compliance not only deals with the Treaty's nuclear disarmament and nonproliferation undertakings, but also extends to promoting regional, sub-regional and international co-operation on the peaceful uses of nuclear sciences and technology.

Regarding the monitoring of compliance, the Treaty placed an obligation on us to develop the reporting format for States Parties to fulfil their obligation to submit the required information to AFCONE. These reports will be a key instrument in the monitoring of compliance. The development of a reporting format is one priority area.

Due to recent events, including the tragedy at the Fukushima Daiichi nuclear power plant in Japan, there are rightful concerns regarding nuclear safety and security. The IAEA has taken a leading role in dealing with these issues.

AFCONE could play a useful role to facilitate the implementation by African States of the relevant legally binding instruments and codes of conduct on nuclear safety and security, and have in place their respective nuclear safety and security infrastructures. The Forum of Nuclear Regulatory Bodies in Africa is the key partner of AFCONE in this regard, and closer co-operation with this Forum is a priority.

An important aspect of the work of AFCONE is to promote nuclear sciences and applications. In this regard, the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology (AFRA), already makes a valuable contribution towards enlarging the contribution of nuclear energy towards the development of our Continent.

In terms of the Treaty, AFCONE has the mandate to request from the IAEA a report on the activities of AFRA. In this context, the Deputy Chair of AFCONE participated in the 23rd meeting of AFRA representatives, and had a constructive meeting with these representatives, where the report of AFRA was also made available to him.

The consideration of reports by AFRA will provide AFCONE with valuable information, not only to avoid duplication of activities, but also to foster closer cooperation.

Chairperson,

AFCONE have also been invited to work closely with relevant organisations including the Agency for the Prohibition of Nuclear Weapons in Latin America (OPANAL). The European Atomic Energy Community (EURATOM) also stands ready to co-operate with AFCONE to the benefit of the Continent.

Furthermore, the Treaty has established a special relationship between AFCONE and the IAEA. In addition, as the Treaty also prohibits the testing of a nuclear explosive device, the Preparatory Commission of the Comprehensive Nuclear- Test- Ban Treaty Organisation, is another important international organisation with whom AFCONE needs to establish a formal relationship.

Chairperson,

The number of ratifications of the Pelindaba Treaty stands at 36. We are grateful for those States that deposited their instruments of ratification since the First Conference of States Parties.

However, we should redouble our efforts to facilitate the adherence to the Pelindaba Treaty by all African States. Those States that still need to sign and or ratify the Protocols annexed to the Pelindaba Treaty are urged to do so without delay.

[Eds...]

The Second Conference of State Parties to the Treaty of Pelindaba Opens Today in Addis Ababa, Press Release

[Addis Abba, 12 November 2012]

Addis Ababa, 12 November 2012: The Second Conference of State Parties to the African Nuclear-Weapon-Free Zone Treaty, also known as the Treaty of Pelindaba, opened today at the African Union (AU) Headquarters, in Addis Ababa.

The Conference was opened by the AU Commissioner for Peace and Security, Ambassador Ramtane Lamamra, and the Chairperson of the African Commission on Nuclear Energy (AFCON), Ambassador Abdul Samad Minty. The opening ceremony was also marked by statements by the Director-General of the International Atomic Energy Agency (IAEA), Mr. Yukiya Amano, the Chairperson of the African Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology (AFRA), Professor Shaukat Abdulrazak, the Chairman of the Forum for Nuclear Regulatory Bodies in Africa (FNRBA), Dr. Augustin Simo, as well as by the representatives of the Executive Secretary of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) and the Chair of the First Session of the Preparatory Committee for the 2015 Non-Proliferation Treaty (NPT) Review Conference.

[Eds...]

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:

[Eds...]

Have agreed as follows:

Article I – 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, implant, 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 Depositary State.

3. This Treaty shall be open for accession. The instruments of accession shall be deposited with the Depositary State.

4. The Depositary State shall inform the other States Parties to this Treaty on the deposit of instruments of ratification or accession.

5. The Depositary 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 2014

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."

Joint Declaration, the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on Mongolia's Nuclear-Weapon-Free Status

[New York, 17 September 2012]

The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America;

Welcoming the declaration by Mongolia in 1992 of its nuclear-weapon-free status, and passage of the Law of Mongolia on its Nuclear-Weapon-Free Status, which entered into force on February 3, 2000;

Taking into account that the negative security assurances were given to Mongolia, as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the

United States of America in their respective unilateral declarations issued on April 5 and 6, 1995, and referred to in the Security Council Resolution 984 (1995) of April 11, 1995, or as subsequently updated;

Recalling the statement concerning security assurances for Mongolia as regards nuclear weapons issued on October 5, 2000, by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America;

Taking into account Mongolia's status as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as its unique geographic status;

Welcoming Mongolia's policy of developing peaceful, friendly and mutually beneficial relations with other States;

Welcoming Mongolia's Declaration Regarding Its Nuclear-Weapon-Free Status of 17 September 2012;

Noting that the following declaration constitutes a political commitment only and does not create by itself any legal obligations;

Declare as follows:

1. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm to Mongolia their intent to cooperate on the implementation of General Assembly Resolution 53/77D of December 4, 1998, with respect to Mongolia's nuclear-weapon-free status, in accordance with the principles of the Charter of the United Nations.

2. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm their intent to seek immediate Security Council action to provide assistance to Mongolia, as a non-nuclear-weapon State party to the Treaty on the Non-Proliferation of Nuclear Weapons, in accordance with the provisions of Security Council resolution 984 (1995) of April 11, 1995, if Mongolia should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

3. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America reaffirm, in the case of Mongolia, their respective unilateral negative security assurances as stated in their declarations Issued on April 5 and 6, 1995 and referred to in Security Council Resolution 984 (1995) of April 11, 1995, or as subsequently updated.

4. The People's Republic of China and the Russian Federation recall and reconfirm the legally binding commitments undertaken by them with respect to Mongolia through the conclusion of bilateral treaties with Mongolia regarding these matters.

5. The People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America affirm their intent, as long as Mongolia maintains its nuclear-weapon-free status, to respect that status and not to contribute to any act that would violate it.

Declaration by Mongolia Regarding Its Nuclear-Weapon Free Status

[New York, 17 September 2012]

Emphasizing that in its foreign policy Mongolia sets the goal of pursuing its national interests, developing friendly cooperation with all the countries of the world as well as actively contributing, to the extent possible, to the efforts of the international community to strengthen peace and security;

Emphasizing also that with respect to its two neighbouring States Mongolia is pursuing the policy of maintaining balanced and friendly relations and developing broad cooperation;

Welcoming the Joint Declaration of the People's Republic of China,

France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, on Mongolia's Nuclear-Weapon-Free Status signed on 17 September 2012;

Noting in particular the intent of these states, expressed in their Joint Declaration of 17 September 2012, as long as Mongolia maintains its nuclear-weapon-free status, to respect that status and not to contribute to any act that would violate it;

Mongolia declares as follows:

1. Mongolia is pursuing a policy of refraining from joining any military alliance or grouping, or allowing the use of its territory against any other State as well as banning the stationing on its territory of foreign troops and weapons, including nuclear and other weapons of mass destruction.

2. Mongolia confirms that as a non-nuclear-weapons-State party to the Treaty on the Non-Proliferation of Nuclear Weapons it has fully complied with, in particular, the commitments set out in Article II of that Treaty, and that, pursuant to the Law of Mongolia on its Nuclear-Weapon-Free Status, which entered into force on February 3, 2000, Mongolia also has the domestic legal status of being free from all nuclear weapons.

3. Mongolia confirms that, pursuant to Mongolia's law on its nuclear-weapon-free status, committing, initiating, or participating in the following acts or activities relating to nuclear weapons is prohibited on the territory of Mongolia:

a) developing, manufacturing, or otherwise acquiring, possessing or having control over nuclear weapons;

b) stationing or transporting nuclear weapons by any means;

c) testing or using nuclear weapons;

d) dumping or disposing of nuclear-weapons-grade radioactive material or nuclear waste;

e) transporting through the territory of Mongolia nuclear weapons, or parts or components thereof, as well as nuclear waste or any other nuclear material specially designed or produced for weapons purposes.

4. Mongolia welcomes the following texts, which constitute the elements on which Mongolia's nuclear-weapon-free status is based:

a) The statement concerning security assurances for Mongolia as regards nuclear weapons issued on October 5, 2000, by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America;

b) The Joint Declaration of the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America on Mongolia's Nuclear-Weapon-Free Status issued on 17 September 2012.

Treaty on a Nuclear-Weapon-Free Zone in Central Asia

[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,

[Eds...]

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

[GC(57)/DEC/12, September 2013]

Decision adopted on 19 September 2013 during the seventh plenary meeting

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, GC(53)/DEC/12 and GC(55)/DEC/12.

2. The General Conference takes note of the report by the Director General contained in document GC(57)/6.

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 59th (2015) 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(57)/DEC/10, September 2013]

Decision adopted on 19 September 2013 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, GC(54)/DEC/11, GC(55)/DEC/10 and GC(56)/DEC/9.

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(57)/5 that as of 24 July 2013 only 52 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 58th (2014) 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

[INFCIRC 640, 22 February 2005]

[Editorial note: The Expert group Report is available on the IAEA website

<http://www.iaea.org/Publications/Documents/infcircs/2005/infcirc640.pdf>]

Israeli nuclear capabilities

[GC(53)/RES/17, September 2009]

[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".

Prohibition of armed attack or threat of attack against nuclear installations, during operation or under construction

[GC(53)/DEC/13, September 2009]

[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/68/10, 9 January 2014]

[Editorial note: Footnotes not included]

The General Assembly,

Having received the report of the International Atomic Energy Agency for 2012,

Taking note of the statement by the Director General of the Agency, in which he provided additional information on the main developments in the activities of the Agency during 2013,

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(57)/RES/9 on measures to strengthen international cooperation in nuclear, radiation, transport and waste safety; GC(57)/RES/10 on nuclear security; GC(57)/RES/11 on the strengthening of the Agency's technical cooperation activities; GC(57)/RES/12 on strengthening the Agency's activities related to nuclear science, technology and applications, comprising GC(57)/RES/12 A on non-power nuclear applications and GC(57)/RES/12 B on nuclear power applications; GC(57)/RES/13 on strengthening the effectiveness and improving the efficiency of Agency safeguards; GC(57)/RES/14 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(57)/RES/15 on the application of Agency safeguards in the Middle East; and GC(57)/RES/16 on personnel matters, comprising GC(57)/RES/16 A on the staffing of the Agency's secretariat and GC(57)/RES/16 B on women in the secretariat; and decisions GC(57)/DEC/10 on the amendment to article XIV.A of the Statute of the Agency; GC(57)/DEC/11 on the promotion of efficiency and effectiveness of the Agency's decision-making process; and GC(57)/DEC/12 on the amendment to article VI of the Statute, adopted by the General Conference of the Agency at its fifty-seventh regular session, held from 16 to 20 September 2013;

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. *Welcomes* resolution GC(57)/RES/3 approving the appointment of Yukiya Amano as Director General of the Agency until 30 November 2017;

5. *Appeals* to Member States to continue to support the activities of the Agency;

6. *Requests* the Secretary-General to transmit to the Director General of the Agency the records of the sixty-eighth session of the General Assembly relating to the activities of the Agency.

Nuclear security

[GC(57)/RES/10, September 2013]

The General Conference.

[Eds...]

1. Affirms the central role of the Agency in strengthening the nuclear security framework globally and in coordinating

international activities in the field of nuclear security, while avoiding duplication and overlap, and welcomes in this regard the upgrade of the Office of Nuclear Security to a division;

2. Endorses the Board of Governors' decision to approve the Nuclear Security Plan 2014-2017 (GC(57)/19 and Corr.1) and calls upon the Secretariat to implement the plan in a comprehensive manner and in close coordination with Member States;

3. Takes note of the Nuclear Security Report 2013 submitted by the Director General in document GC(57)/16;

4. Calls upon all Member States to maintain and achieve the highest possible level of nuclear security, including physical protection, of nuclear and other radioactive material during transport, use and storage and of the associated facilities at all stages in their life cycle, as well as protecting sensitive information;

5. Calls upon all States to ensure that measures to strengthen nuclear security do not hamper international cooperation in the field of peaceful nuclear activities, the production, transfer and use of nuclear and other radioactive material, the exchange of nuclear material for peaceful purposes and the promotion of peaceful uses of nuclear energy, and do not undermine the established priorities of the Agency's technical cooperation programme;

6. 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;

7. Encourages all Member States that have not yet done so to become parties to the Convention on the Physical Protection of Nuclear Material (CPPNM) and ratify, accept or approve the 2005 Amendment to it as soon as possible, encourages the Agency to continue efforts to promote the entry into force of the Amendment to the CPPNM at the earliest possible date, calls upon all States parties to the CPPNM that have not yet done so to ratify, accept or approve the Amendment 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;

8. Encourages all Member States that have not yet done so to become parties to the International Convention on the Suppression of Acts of Nuclear Terrorism as soon as possible;

9. Calls upon the Secretariat to further develop, with coordination and priority-setting by the Nuclear Security Guidance Committee (NSGC), the publication of Nuclear Security Series guidance documents to facilitate the implementation of the existing Nuclear Security Fundamentals and Recommendations, and encourages the efforts of the Secretariat to enable representatives of all Member States to participate in the work of the NSGC;

10. Encourages the Secretariat to continue facilitating in close cooperation with Member States a coordination process to address interfaces between the publications in the Nuclear Security Series and the IAEA Safety Standards;

11. Encourages all Member States to take into account, as appropriate, the Nuclear Security Series publications in their efforts to strengthen nuclear security;

12. Encourages the Secretariat to continue, in coordination with Member States, to play a constructive and coordinated role in other nuclear security-related initiatives, within their respective mandates and memberships, including the Global Initiative to Combat Nuclear Terrorism and the Global Partnership against the Spread of Weapons and Materials of Mass Destruction, and to work jointly, as appropriate, with relevant international and regional organizations and institutions, and welcomes regular exchanges of information in that regard;

13. Encourages the Secretariat to promote international exchanges of experience and good practices as regards ways to develop, foster and maintain a robust nuclear security culture compatible with States' nuclear security regimes;

14. Encourages the Agency, in consultation with Member States, to consider ways of further promoting the exchange, on a voluntary basis, of information on the implementation of the international legal instruments relevant to nuclear security;

15. Encourages the Secretariat, in cooperation with Member States, to continue its training and train-the-trainers programmes, and to adapt the courses as appropriate, within its mandate, to meet the needs of Member States, and further encourages ongoing initiatives of Member States, in cooperation with the Secretariat, to foster nuclear security culture through nuclear security education and training and collaborative networks, including through the establishment of Nuclear Security Support Centres (NSSCs) and through the International Nuclear Security Education Network (INSEN);

16. Recognizes and supports the Agency's continuing work to assist, upon request, States' efforts to establish effective and sustainable national nuclear security regimes, to fulfill 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;

17. Recognizes and supports the Agency's continuing work to assist, upon request, States' efforts to ensure the security of their radioactive material, particularly when radioactive material is supplied by the Agency;

18. Encourages States to make further use of assistance in the field of nuclear security, where such assistance is needed, including, as appropriate, through the establishment of Integrated Nuclear Security Support Plans (INSSPs), and similarly encourages States in a position to do so to make available such assistance;

19. Encourages the Secretariat to further develop, in close consultation with Member States, a voluntary mechanism to match Member States' requests for assistance with other Member States' offers of assistance with due regard to the confidentiality of information relevant to nuclear security;

20. Invites States that have not yet done so to make political commitments to implement the nonlegally-binding Code of Conduct on the Safety and Security of Radioactive Sources and the revised supplementary Guidance on the Import and Export of Radioactive Sources, and encourages all States to implement these instruments and to maintain effective security of radioactive sources throughout their life cycle;

21. Calls upon all Member States to ensure that there is adequate provision for safe and secure storage and disposition pathways for disused radioactive sealed sources so that such sources within their territories remain under regulatory control, and further encourages all Member States to develop arrangements, as practicable, to permit the return of disused sources to the supplier States;

22. Strongly encourages all States to improve their national capabilities to prevent, detect and deter illicit trafficking and other unauthorized activities and events involving nuclear and other radioactive material throughout their territories and 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;

23. Notes the utility of the Incident and Trafficking Database (ITDB) which is a mechanism for the international exchange of information on incidents and illicit trafficking of nuclear and other radioactive material, and encourages all States to join and participate actively in the ITDB programme;

24. Encourages States to continue to implement IAEA nuclear security recommendations NSS No. 15 on locating and securing nuclear and other radioactive material that has fallen out of regulatory control;

25. Notes the Agency's efforts to raise awareness of the threat of cyber-attacks and their potential impact on nuclear security, and encourages the Agency to make further efforts to improve international cooperation and to assist Member States, upon request, in this area by providing training courses and hosting further expert meetings specific to cyber security at nuclear facilities;

26. Welcomes the Agency's work of promotion and support in the emerging field of nuclear forensics, and encourages States which have not yet done so to consider establishing, where practical, national nuclear material databases, drawing on assistance, upon

request, from the IAEA and other relevant initiatives as necessary;

27. Encourages the Member States concerned, on a voluntary basis, to further minimize HEU in civilian stocks and use LEU, where technically and economically feasible;

28. Encourages Member States to voluntarily use the Agency's nuclear security advisory services for exchanges of views and advice on nuclear security measures, welcomes the increased recognition of the value of IPPAS (International Physical Protection Advisory Service) missions by Member States, encourages the organization by the Agency of meetings to allow Member States to share experience and lessons learned from IPPAS missions, and welcomes in that regard the first international seminar on the sharing of lessons from IPPAS missions, to be hosted in Paris in December 2013;

29. Encourages the Secretariat, in cooperation with Member States, to continue to develop and promote self-assessment methodologies and approaches that are based on Nuclear Security Series documents and can be used by Member States on a voluntary basis to ensure effective and sustainable national nuclear security infrastructure;

30. 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;

31. Requests the Director General to submit an annual Nuclear Security Report to the General Conference at its fifty-eight (2014) regular session on activities undertaken by the Agency in the area of nuclear security, including on external users of the ITDB and on past and planned activities of educational, training and collaborative networks as well as highlighting significant accomplishments of the previous year within the framework of the Nuclear Security Plan and indicating programmatic goals and priorities for the year to come;

32. Requests the Secretariat to report on the preparation, in close consultation with Member States, of the next International Conference on Nuclear Security to be held in 2016 according to paragraph 24 of the Ministerial Declaration of the International Conference on Nuclear Security adopted in July 2013; and

33. Requests the Secretariat to implement the actions called for in this resolution in a prioritized manner within available resources..

Strengthening of the Agency's technical cooperation activities

[GC(57)/RES/11, September 2013]

Resolution adopted on 20 September 2013 during the tenth plenary meeting

1. Principles and Provisions

The General Conference,

1. Stresses that, when formulating the TC Programme, the Secretariat should adhere strictly to the provisions of the Statute and the guiding principles and policies as contained in INFCIRC/267 and to relevant directives from the General Conference and the Board of Governors, and welcomes the Secretariat's efforts to ensure that TC projects are consistent with the IAEA Statute; and

2. Stresses the importance of the Revised Supplementary Agreement (RSA) and encourages all Member States receiving technical cooperation to sign a RSA Concerning the Provision of Technical Assistance by the IAEA and implement its provisions.

2. Strengthening Technical Cooperation Activities

[Eds...]

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 and emphasizing the importance of specific needs of developing countries, including those of LDCs

in line with Article III of the Statute;

2. Requests the Director General to strengthen the Agency's TC activities, in consultation with Member States, through the development of effective programmes with well-defined outcomes aimed at promoting and improving the scientific, technological, research and regulatory capabilities of the Member States implementing projects, 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;

3. Welcomes the Secretariat's efforts to promote gender equality throughout the TC Programme, and encourages the Secretariat, in close coordination with Member States, to continue its efforts to further advance gender balance in the TC programme;

4. 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 State, particularly developing countries and Least Developed Countries (LDCs), contributes to the implementation of the principles expressed in the Istanbul Declaration, the Programme of Action for the Least Developed Countries for the Decade 2011–2020 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;

5. Requests the Secretariat to continue, within the framework of the TC Programme, to work actively to provide assistance and support services to Member States, to identify and implement the lessons learned from the Fukushima accident;

6. Requests the Secretariat to continue within the framework of the TC Programme, to work actively to render assistance and radiological support to the most affected countries in mitigating the consequences of the Chernobyl disaster and rehabilitating the contaminated territories;

7. Requests the Secretariat to continue examining in depth the specific characteristics and problems of the LDCs with respect to the peaceful applications of nuclear energy and to report its conclusions on this matter to the Member States as soon as possible;

8. 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.

3. Effective execution of the Technical Cooperation Programme

[Eds...]

1. Urges the Secretariat to continue to work, in close cooperation with Member States, to strengthen TC activities, including the provision of sufficient resources, in accordance with Member States' requests based on their needs and national priorities, inter alia through ensuring that the components of TC projects, training, expertise and equipment are readily available to the Member States that have made such requests;

2. Requests the Secretariat, within available resources, to enhance TC project implementation capacity through ensuring that staff are appropriately allocated at all levels;

3. Welcomes the continuing efforts of the Secretariat to rationalize the number of TC projects in order to increase programme efficiency and create synergies among projects, whenever feasible, and in coordination with the Member States concerned, while also ensuring that such rationalization will support programme delivery;

4. Requests the Secretariat to provide Member States with adequate information on project development according to the Logical Framework Approach sufficiently in advance of their consideration by the Technical Assistance and Cooperation Committee and the Board of Governors;

5. Recognizes the importance of regular reporting on the

implementation and outcomes of TC projects, urges Member States to adhere to all the requirements in this regard, and requests the Secretariat to continue to provide necessary guidance to Member States on improving their reporting;

6. Requests the Secretariat, when applying the two-step mechanism in monitoring the quality of TC projects, to reflect on the findings in the TC annual report in this regard, as appropriate;

7. Encourages the Secretariat and Member States to enhance adherence to the central criterion and all the TC requirements, and calls upon the Secretariat to guide Member States in this regard;

8. Requests the Secretariat to continue providing updates on the progress of TC Programme implementation in between annual TC reports; and

9. Requests the Office of Internal Oversight Services and the External Auditor, in the course of their regular work and within resources allocated to these offices from the Regular Budget, to evaluate TC projects on the basis of specific outcomes achieved in relation to objectives outlined in the relevant Country Programme Framework or national development plan, and further requests the External Auditor to report the results to the Board of Governors.

4. Technical Cooperation Programme Resources and Delivery

[Eds...]

1. 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);

2. Urges Member States to pay in full and on time their voluntary contributions to the TCF, encourages Member States to pay their National Participation Costs (NPCs) on time, and requests those which are in arrears with Assessed Programme Costs (APCs) to meet this obligation;

3. 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 without affecting the preparatory activities and that, in the event of a failure to pay any second installment during a biennium, funding for a core project in the next biennium will be suspended until full payment is received;

4. Requests the Secretariat to make every effort to strictly apply the due account mechanism to all Member States equally, efficiently and effectively, and to devise specific guidelines for its application, in consultation with Member States, and for further approval by the policy-making organs of the IAEA;

5. 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;

6. Recognizes that the IAEA requests that shipments of radioactive materials in the framework of the TC programme are carried out in compliance with the IAEA regulations on the safe transport of radioactive materials;

7. While cognizant of the diverse nature of export control regimes, urges Member States to work in close cooperation with the IAEA to facilitate the transfer of necessary equipment for TC activities, in accordance with the Statute, in order to ensure that TC project implementation is not delayed by denials of necessary equipment supply to Member States;

8. Requests the Secretariat to continue to actively seek resources to implement footnote-a/ projects;

9. Encourages Member States in a position to make voluntary contributions to show flexibility as regards their use in order to enable the implementation of more footnote-a/ projects;

10. Welcomes all extrabudgetary contributions announced by Member States, including the IAEA Peaceful Uses Initiative, which is designed to raise US\$ 100 million by 2015 as extrabudgetary contributions to IAEA activities, and encourages all Member States in a position to do so to make contributions to meet this goal, and requests the Secretariat to continue to work with all Member States in matching contributions to Member States' needs;

11. Requests the Secretariat to continue to develop a formal process for Member States to share voluntarily their CPFs and footnote-a/ project details, via a searchable electronic format, with other Member States in order to facilitate cooperation and extrabudgetary contributions, while giving at the same time due consideration to the protection of confidentiality of the information contained in CPFs and footnote-a/ project details;

12. Encourages Member States that have not yet started to use the *InTouch* communication platform to do so as soon as possible and requests the Secretariat to take into account the observations of Member States in improving this tool, including through the sharing of experiences and lessons learned by National Liaison Officers (NLO);

13. Requests that the actions of the Secretariat called for in this resolution that are not directly related to the implementation of TC projects be undertaken subject to the availability of resources; and

14. Looks forward to the examination of ways and means of rendering the resources of the TC Fund sufficient, assured and predictable to be conducted within the working group to be established in accordance with the decision of the Board of Governors (as contained in document GOV/2013/30/Rev.1).

5. Partnerships and Cooperation

[Eds...]

1. 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 intergovernmental and non-governmental bodies to ensure the coordination and optimization of complementary activities, and to ensure that they are regularly informed, where relevant, about the developmental impact of the TC Programme, while aiming at achieving sufficient, assured and predictable resources for the TC Programme;

2. Requests the Director General to promote TC activities supporting the self-reliance, sustainability and further relevance of national nuclear and other entities in Member States, particularly in developing countries, and, in this context, requests him to continue and further enhance regional and interregional cooperation by (a) encouraging activities under and seeking complementarities between national projects and regional cooperation, including regional cooperation agreements, (b) identifying, utilizing and strengthening established regional capacities and resource centres or other qualified institutes, (c) formulating guidelines for the use of such centres and (d) developing and refining Specific, Measurable, Achievable, Realistic & Timely (SMART) partnership mechanisms;

3. 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 SMART; and

4. 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-eighth (2014) 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 Agency's activities related to nuclear science, technology and applications

[GC(57)/RES/12, September 2013]

Resolution adopted on 19 September 2013 during the seventh plenary meeting

A.
Non power nuclear applications
1.
General

The General Conference,

[Eds...]

1. Requests the Director General, in conformity with the Statute, to continue to pursue, in consultation with Member States, the Agency's activities in the areas of nuclear science, technology and applications, with special emphasis on supporting the development of nuclear applications in Member States with a view to strengthening infrastructures and fostering science, technology and engineering for meeting sustainable growth and development needs of Member States in a safe manner;

2. Requests the Secretariat to fully utilize the capacities of Member State institutions through appropriate mechanisms in order to expand the extent that nuclear sciences and applications are utilized to achieve socio-economic benefits and the achievement of the Millennium Development Goals;

3. Underlines the importance of facilitating effective programmes in the areas of nuclear science, technology and applications aimed at pooling and further improving the scientific and technological capabilities of Member States through coordinated research projects (CRPs) within the Agency and between the Agency and Member States and through direct assistance, and urges the Secretariat to further strengthen capacity-building for Member States, particularly through interregional, regional and national training courses and fellowship training in the areas of nuclear science, technology and applications, and expanding the scope and outreach of coordinated research activities (CRAs);

4. Recognizes the importance of and endorses Secretariat activities that meet the objective of fostering sustainable development and protecting the environment;

5. Urges the Secretariat to continue implementing efforts that contribute to greater understanding and a well-balanced perspective of the role of nuclear science and technology in sustainable global development, including the Kyoto commitments, and future efforts to address climate change;

6. Welcomes all contributions announced by Member States, including the IAEA Peaceful Uses Initiative, which is designed to raise US\$ 100 million as extrabudgetary contributions to IAEA activities by 2015, and encourages all States in a position to do so to make additional contributions;

7. Calls upon the Secretariat to continue to address identified priority needs and requirements of Member States in the areas of nuclear science, technology and applications, including the use of the SIT to establish tsetse-free zones and for combating malaria-transmitting mosquitoes and the Mediterranean fruit fly, the unique applications of isotopes to track the global uptake by the oceans of carbon dioxide and the resulting acidification effects on marine ecosystems, the use of isotopes and radiation in groundwater management and applications relating to agriculture such as crop improvement and management in light of climate change, human health, including drug development and additional concrete efforts through PACT and in the use of cyclotrons, research reactors and accelerators for the production of radiopharmaceuticals, the development of novel materials, including the treatment of waste water, flue gases and other pollutants resulting from industrial activities, using radiation technology;

8. Urges the Secretariat to explore the use of mobile electron accelerators for radiation technology applications and facilitate field demonstrations in interested Member States;

9. Recognizes the Agency's unique capabilities in contributing to global efforts to protect the marine environment, and appreciates the Secretariat's efforts in convening the 2013 Scientific Forum, "The Blue Planet: Nuclear Applications for a Sustainable Marine", to highlight this important aspect of the Agency's work;

10. Welcomes progress made in the establishment of the Ocean Acidification International

Coordination Centre at the IAEA Environment Laboratories in Monaco, which was launched during the 2012 UN Conference on Sustainable Development (Rio+20) to coordinate and carry out activities for helping to develop a more comprehensive understanding of the global effects of ocean acidification, an important step towards enhanced global cooperation in ocean acidification research, and further welcomes the significant financial and in-kind support for the Centre provided by a number of Member States under the IAEA Peaceful Uses Initiative;

11. Requests the Secretariat, in collaboration with interested Member States, to continue with the development of appropriate instruments and make available, to requesting Member States, services for the rapid and economic mapping of radioactivity on the Earth's surface;

12. Urges the Secretariat to continue its cooperative work with other international initiatives, including the high-level group on the security of supply of medical radioisotopes established by the NEA, and to continue to implement activities that will contribute to securing and supplementing the molybdenum-99 production capacity, including in developing countries, in an effort to ensure the security of supplies of molybdenum-99 to users worldwide;

13. Requests the Secretariat to provide technical support to emerging national and regional efforts to establish and support non-HEU based molybdenum-99 production capabilities in interested Member States, including the direct production of technetium-99m using cyclotrons;

14. Requests the Secretariat to work actively together with radioisotope production facilities, interested Member States and relevant international organizations such as the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to minimize the generation and release of xenon radioisotopes at the source;

15. Requests the Secretariat to foster regional and international efforts in ensuring wide access to existing multi-purpose research reactors in order to increase research reactor operations and utilization, and further requests the Secretariat to facilitate safe, effective and sustainable operation of these facilities;

16. Encourages the Secretariat to continue cooperating with the World Nuclear University (WNU) Annual School on Radioisotopes and to enhance its support for the participation of applicants from developing countries;

17. Requests the Secretariat to assist interested Member States in developing safety infrastructure and in establishing regional training and education centres in their regions, where they do not exist, for the specialized training of nuclear and radiological experts, and requests the Secretariat to take advantage of qualified instructors from developing countries in this regard;

18. Urges the Secretariat to continue to engage with stakeholders and to encourage the international fuel supply industry to ensure uninterrupted and adequate supplies of research reactor fuels, including TRIGA fuel;

19. Request the Secretariat to strengthen the Agency's activities in the area of fusion science and technology;

20. Calls for the support of the Agency in setting guidelines for the adoption of advanced techniques and equipment in radiation medicine in developing Member States;

21. Requests the Secretariat to continue providing assistance with capacity-building for quality assurance in radiopharmaceutical development and disseminating radiation technology guidelines based on international quality assurance standards;

22. Welcomes FAO's renewed commitment to the Arrangements for the Joint FAO/IAEA Division and FAO's Strategic Framework for 2010-2019, which provides a solid foundation for the strengthening and broadening of collaboration with, inter alia, the IAEA;

23. Requests the Secretariat to initiate, in collaboration with FAO and Member States, R&D on the possible use of nuclear techniques as a component of an integrated approach for combating locusts and to provide appropriate assistance to this end;

24. Requests the Secretariat to make efforts together with Member States in developing industrial irradiation facilities such as electron accelerator and its accessories for use in, inter alia, healthcare practices, crop improvement, food preservation, industrial applications, sanitization and sterilization, and further requests the provision of technical support for the use of research reactors in the production of radiopharmaceuticals and industrial radioisotopes;

25. Requests also that the actions of the Secretariat called for in this resolution be undertaken subject to the availability of

resources; and

26. Recommends that the Secretariat report to the Board of Governors and to the General Conference at its fifty-eighth (2014) regular session on the progress made in the areas of nuclear science, technology and applications.

2.

Programme of Action for Cancer Therapy

The General Conference.

[Eds...]

1. Calls upon the Secretariat to brief Member States on the move of PACT from Major Programme 2 to Major Programme 6 at a date that would facilitate Member States' discussion at the November 2013 meetings of the Technical Assistance and Cooperation Committee, and requests the Director General to report on the impact of this move on TC and PACT before the 2014 session of the General Conference;

2. Commends the Secretariat for the continued progress made in the establishment of partnerships with Member States, other international organizations and private entities, taking into consideration UNGA resolutions 58/129 (2003), 59/250 (2004), 60/215 (2006), 66/223 (2012) and 67/266 (2012), and urges the Division of PACT to foster the development and deployment of cost-effective, reliable systems for the radiation treatment of cancer patients through such partnerships;

3. Calls on the Division of PACT to continue to harness the benefits that may be derived from the WHO-IAEA Joint Programme on Cancer Control, particularly in terms of accelerated programme delivery to Member States, strengthened public health approaches to cancer control, and increased resource mobilization potential;

4. Calls on the Secretariat to follow up on the outcomes and the recommendations of the high-level meetings on the prevention and control of NCDs, particularly cancer, including by assisting developing countries to adopt and implement a comprehensive approach to cancer control;

5. Calls on the Secretariat to develop a more integrated and actionable framework for collaboration, including joint project development and resource mobilization, with WHO and the IARC;

6. Requests the Director General to continue advocating and building support for the Agency's work on cancer control, including by mobilizing resources for the implementation of PACT as one of the priorities of the Agency;

7. Welcomes the progress in the work done by the Division of PACT, through the technical cooperation programme, in collaboration with international partners and donors, to strengthen Member State capabilities to fight cancer, and requests the Secretariat to continue, in an integrated manner, planning and implementing PACT's activities and projects in Member States;

8. Calls on the Secretariat to harmonize its approaches to helping Member States to develop their financial proposals for establishing and maintaining radiation medicine infrastructure for comprehensive cancer control;

9. Recommends that the Secretariat, in consultation with relevant partners, including the WHO, as appropriate, continue to help developing Member States to establish integrated and comprehensive national cancer control plans, involving the full participation of other international organizations and agencies;

10. Notes the need for sufficient human resources in the Division of PACT for the implementation of projects using extrabudgetary funds, welcomes the significant extrabudgetary and in-kind resources provided to date, and encourages Member States to continue providing support and funding to adequately fulfil the needs of the Division of PACT;

11. Notes that PACT Model Demonstration Sites (PMDS) are currently operational in eight countries, and calls on the Division of PACT to build on the success of PMDS activities and develop joint projects within the framework of the WHO-IAEA Joint Programme on Cancer Control;

12. Recommends the continuous development, in consultation with Member States, of imPACT missions as an Agency service

available for Member States and calls on the Division of PACT to focus on follow-up activities that build on the findings of imPACT missions and translate the recommendations into actions with sustainable impacts for Member States;

13. Takes note of the progress made by the Advisory Group on Increasing Access to Radiotherapy Technology in Low- and Middle-Income Countries (AGaRT), and encourages the Advisory Group to continue developing sustainable solutions to increase access to safe and affordable radiotherapy technologies;

14. Welcomes the continued support provided by PACT for the participation of health professionals working in cancer control in LMI countries in training courses on cancer prevention and control, and calls on the Division of PACT to continue facilitating such training;

15. Welcomes the significant progress made in the transfer of the ownership and operation of the VUCC for Africa to the region, and calls for the expansion of the VUCC to other countries in the region, including francophone Member States, and the replication of the VUCC in other regions;

16. Requests the Director General to continue seeking, strengthening and facilitating the Agency's involvement in international partnerships, to further pursue, develop and implement PACT, and requests the Director General to continue formalizing, where feasible and appropriate, PACT's collaboration with partners already identified for the more effective development and implementation of country-level PACT projects;

17. Commends the ongoing work of the Division of PACT in mobilizing resources to support its activities, notes that between 2011 and 2012 PACT's resource mobilization efforts secured or facilitated the mobilization of voluntary contributions, pledges, grants, long-term loans and donations of cash, equipment and in-kind expertise and training valued at US\$ 3.5 million, and encourages the continued implementation of PACT's fundraising and resource mobilization strategy;

18. Calls upon the Director General to ensure that the Division of PACT retains capacities and mechanisms to facilitate and support cancer control-related resource mobilization, its existing competence and its access to relevant technical expertise required to optimize the Agency's efforts in cancer control;

19. Invites Member States, organizations, private foundations and other donors to provide adequate financial support for the implementation of PACT, and requests the Secretariat to keep Member States informed about progress in this regard;

20. Recommends that the Division of PACT continue to raise awareness about the global cancer burden and the crucial role of radiation medicine in cancer diagnosis and treatment as the first link in a chain that connects cancer treatment to the control of non-communicable diseases, through international fora such as the World Cancer Summits and Congresses and the recently formed UN Task Force on Non-Communicable Diseases; and

21. Requests the Director General to report on the implementation of this resolution to the General Conference at its fifty-ninth (2015) regular session.

3.

Support to the African Union's Pan African Tsetse and Trypanosomosis Eradication Campaign (AU-PATTEC)

The General Conference.

[Eds...]

1. Urges the Secretariat to continue assigning high priority to agricultural development in Member States and redouble its efforts to build capacity and further develop the techniques for integrating the SIT with other control techniques in creating tsetse-free zones in sub-Saharan Africa;

2. Calls upon Member States to strengthen the provision of technical, financial and material support to African States in their efforts to create tsetse-free zones, while stressing the importance of a needs-driven approach to applied research and methods development and validation for serving field projects;

3. Requests the Secretariat, in cooperation with Member States and other partners, to maintain funding through the Regular Budget

and the Technical Cooperation Fund for consistent assistance to operational SIT field projects and to strengthen its support for R&D in African Member States and technology transfer to African Member States in order to complement their efforts to create and subsequently expand tsetse-free zones;

4. Requests the Secretariat to support Member States through technical cooperation projects on tsetse and trypanosomosis (T&T) baseline data collection and data management and the development of full project proposals for T&T interventions;

5. Encourages the Secretariat to continue working closely with AU-PATTEC in the agreed areas of collaboration as specified in the Memorandum of Understanding between the African Union Commission and the Agency, signed in November 2009;

6. Stresses the need for continued harmonized, synergetic efforts by the Agency and other international partners, particularly FAO and WHO, with the aim of supporting the African Union Commission and Member States through the provision of guidance and quality assurance in planning and implementing sound and viable national and sub-regional AU-PATTEC projects;

7. Requests the Agency and other partners to strengthen capacity-building in Member States for informed decision-making regarding the choice of T&T strategies and the cost-effective integration of SIT operations in area-wide integrated pest management (AW-IPM) campaigns;

8. Urges the Secretariat and other partners to strengthen capacity building and to support the establishment and operation of regional centres for providing large numbers of sterile male tsetse flies and for coordinating SIT operations as an important component of area-wide integrated pest management (AW-IPM) campaigns against the T&T problem;

9. Encourages the Joint FAO/IAEA Division and the FAO Animal Health Service to continue to support AU-PATTEC; and

10. Requests the Director General to report on the progress made in the implementation of this resolution to the Board of Governors and to the General Conference at its fifty-eighth (2014) regular session.

4.

Plan for producing potable water economically using small and medium-sized nuclear reactors

The General Conference.

[Eds...]

1. Requests the Director General to continue consultations and strengthen interactions with interested Member States, the competent organizations of the United Nations system, regional development bodies and other relevant intergovernmental and non-governmental organizations in activities relating to seawater desalination using nuclear energy;

2. Encourages the TWG-ND to continue its functions as a forum for advice and review on nuclear desalination activities, and supports the enhancement of the scope of the TWG-ND to address challenges related to integrated water resources management in the efficient use of water in nuclear facilities, which may involve the use of seawater desalination;

3. Stresses the need for international co-operation in the planning and implementation of nuclear desalination demonstration programmes through national and regional projects open for the participation of any interested country;

4. Requests the Director General, subject to the availability of resources, to:

(a) develop a report that provides generic guidance on cogeneration options and assesses the economics associated with such options; and

(b) continue to hold regional training workshops and technical meetings and to use other available mechanisms for disseminating information on nuclear desalination and water management using SMRs and to undertake further activities aimed at better establishing how existing reactors may offer options for cogeneration;

5. Invites the Director General to raise funds from extrabudgetary

sources in order to catalyze and contribute to the implementation of all Agency activities relating to nuclear desalination and the development of innovative SMRs;

6. Requests the Director General to note the high priority given by interested Member States to the nuclear desalination of seawater in the process of preparing the Agency's Programme and Budget; and

7. Further requests the Director General to report on the progress made in the implementation of this resolution to the Board of Governors and to the General Conference at its fifty-eighth (2014) regular session under an appropriate agenda item and thereafter every two years.

5.

Use of isotope hydrology for water resources management

The General Conference.

[Eds...]

1. Requests the Director General, subject to the availability of resources:

(a) to continue to further strengthen the efforts directed towards the fuller utilization of isotope and nuclear techniques for water resources development and management in the interested countries through appropriate programmes, by increased collaboration with national and other international organizations dealing directly with water resources management,

(b) to continue to help Member States obtain easy access to isotopic analysis by upgrading selected laboratories and by assisting Member States in adopting new and less expensive analytical techniques based on recent advances in relevant technologies, including laser-based ones,

(c) to expand activities related to the IWAVE project and to groundwater management, particularly the assessment and management of fossil groundwater resources, including in arid and semi-arid areas, as well as to the safety and sustainability of these resources, in collaboration with regional and other international organizations, and to develop tools and methodologies for the improved mapping of water resources,

(d) to provide easier access for Member State to new techniques for the use of noble gas isotopes in the age-dating of groundwater, and

(e) to strengthen activities which contribute to the understanding of climate and its impact on the water cycle and which are aimed at better prediction and mitigation of water-related natural calamities, and to contribute to the success of the International Decade on Freshwater;

2. Requests the Agency to continue, along with other relevant United Nations agencies and with relevant regional agencies, to develop human resources in isotope hydrology through appropriate courses, at universities and institutes in Member States, through the use of advanced communication techniques and educational tools and at regional training centres, designed to provide practicing hydrologists with the ability to use isotope techniques; and

3. Further requests the Director General to report on achievements in implementing this resolution to the Board of Governors and to the General Conference at its fifty-ninth (2015) session under an appropriate agenda item.

6.

Renovation of the Agency's Nuclear Applications Laboratories at Seibersdorf

The General Conference.

[Eds...]

1. Stresses the need, in conformity with its Statute, for the Agency to continue pursuing R&D activities in the areas of nuclear science, technology and applications where the Agency has a comparative advantage, and to retain its focus on capacity-building initiatives and the provision of technical services so as to meet the basic sustainable development needs of Member States;

2. Requests the Secretariat to strive to ensure that, commensurate with the prominence of the NA Laboratories at Seibersdorf within the Agency, the urgent needs and projected future demands of Member States as regards the services of those laboratories are met within the overall funding target for the renovation project;

3. Encourages the Secretariat to fully explore and establish suitable mechanisms for resource mobilization, including the proposed 'Friends of ReNuAL', and welcomes the initiative to secure the services of an expert in this regard;

4. Urges the Secretariat, in consideration of the imminent establishment of a dedicated Project Board and Project Management Team, to proceed most expeditiously with the planned feasibility study so as to commence the design, construction and renovation phase as soon as possible, with a target date to break ground in September 2014;

5. Encourages the Secretariat to implement the key recommendations of SAGNA as regards prioritization of the redesign and expansion of infrastructure, including buildings, safety and security arrangements and administration;

6. Encourages the Secretariat to develop a concrete strategy in the fourth quarter of 2013 as an immediate next step in addressing the resource requirements within the necessary time frame and to present it to Member States in the first quarter of 2014;

7. Invites Member States to make financial commitments and contributions in advance of the 2014 session of the General Conference and also to make in-kind contributions which will allow for initiation of the implementation phase by no later than 2014, and further invites all Member States to actively contribute to efforts that support attainment of the goal of completion of the ReNuAL project, and welcomes in this regard the announcement made by a Member State;

8. Encourages the Secretariat to explore the possibilities of extrabudgetary funding from nontraditional donors, and to assess the potential for collaboration with the private sector, within the Agency's financial and administrative rules and regulations, with a view to the establishment of lower no-cost arrangements for equipment acquisition;

9. Requests the Director General to report to it on progress made in the implementation of this resolution at its fifty-eighth (2014) session.

B. Nuclear power applications

1. General

The General Conference,

[Eds...]

1. Affirms the importance of the role of the Agency in facilitating, through international cooperation among interested Member States, the development and use of nuclear energy for peaceful purposes, including the specific application of the generation of electric power, in assisting these States in that regard, in fostering international cooperation and in disseminating to the public wellbalanced information on nuclear energy;

2. Welcomes the St. Petersburg Conference, a major high-level international conference on the global status and prospects of nuclear energy, where one of the key messages was that, for many countries, nuclear power will play an important role in achieving energy security and sustainable development goals;

3. Underlines the importance of facilitating effective programmes in the areas of nuclear science, technology and applications related to nuclear power, aimed at pooling and further improving the scientific and technological capabilities of interested Member States through cooperation and coordinated research and development;

4. Recommends that the Secretariat continue to implement efforts that contribute to a greater understanding and a well-balanced picture of the role of nuclear science and technology in a global, sustainable development perspective;

5. Stresses the importance, when planning and deploying nuclear energy, including nuclear power and related fuel cycle activities, of

ensuring the highest standards of safety and emergency preparedness and response, including incorporating the lessons learned from the Fukushima Daiichi accident, security, non-proliferation, and environmental protection;

6. Welcomes the Agency's efforts to pursue activities to enhance Member State capabilities and technology in modelling, predicting and improving the understanding of the behaviour of nuclear fuel under accident conditions;

7. Requests the Secretariat to continue to pursue, in consultation with interested Member States, the Agency's activities in the areas of nuclear science and technology for nuclear power applications in Member States, with a view to strengthening infrastructures, including safety and security, and fostering science, technology and engineering, including capacity building via the utilization of existing research reactors;

8. Requests the Secretariat, in particular, to continue and strengthen its efforts relating to nuclear power, fuel cycle and radioactive waste management, focusing particularly on technical areas where the needs for improvement, advances and enhanced international collaboration are greatest;

9. Stresses in this connection that the safe management of spent fuel, which for some countries includes reprocessing and recycling, as well as the safe management and/or disposal of radioactive waste are of great importance, inter alia for the sustainable, safe and secure development of nuclear power and to avoid imposing undue burdens on future generations;

10. Encourages international cooperation in the safe management of spent fuel and radioactive waste, including the exploration of multinational approaches to storage and disposal;

11. Encourages the Secretariat to work on fostering collaboration among interested Member States with the objective of developing innovative fast neutron systems with enhanced safety, economic and non-proliferation characteristics;

12. Acknowledges the importance of the Agency's technical cooperation projects for assisting Member States in energy analysis and planning, and in establishing the infrastructures required for the safe, secure and efficient introduction and use of nuclear power, and encourages interested Member States to consider how they can further contribute in this field by enhancing the Agency's technical cooperation with developing countries;

13. Recognizes the importance of assisting Member States interested in uranium production to develop and maintain sustainable activities through appropriate technology, infrastructure and stakeholder involvement and the development of skilled human resources;

14. Welcomes the Agency's assistance and review services provided to countries embarking on new nuclear power programme through, inter alia, the Planning and Economic Studies Section (PESS), the Integrated Nuclear Infrastructure Group (INIG) and INPRO, and encourages these countries to use this assistance and these review services when planning and assessing the economics/socio-economics of their energy programmes, developing their national infrastructures for nuclear power and defining their long-term strategies for sustainable nuclear energy;

15. Encourages the Secretariat to consider further opportunities to develop, coordinate and integrate the services it provides to Member States, including broad energy planning and long-range nuclear energy planning, economic analysis and techno-economic assessments, nuclear energy system assessments (NESA), Integrated Nuclear Infrastructure Review (INIR) missions and related capacity building;

16. Encourages the Agency to continue organizing workshops on vital topics related to nuclear power (technologies and economics of nuclear power, development of required infrastructure for the safe, secure and efficient use of nuclear power, etc), while ensuring the widest possible participation of experts from all interested Member States;

17. Encourages the Agency to continue gathering data and information and making them available to Member States through the International Nuclear Information System (INIS) and other valuable databases;

18. Encourages the Agency to continue providing assistance in the area of management support, including nuclear knowledge and information management initiatives that address the entire life cycle of nuclear facilities;

19. Encourages the Secretariat to further strengthen management capabilities, human resource development and capacity building through networking in the area of nuclear education and training, including developing and utilizing e-learning platforms such as CONNECT, and by organizing opportunities for education and training in the field of nuclear energy;

20. Welcomes all contributions announced by Member States, including contributions in support of the IAEA Peaceful Uses Initiative, which is designed to raise US\$ 100 million as extrabudgetary contributions to IAEA activities by 2015, and encourages Member States in a position to do so to contribute;

21. Takes note of the Secretariat's continuing examination of various aspects of the financing of nuclear power programmes, including radioactive waste management, and encourages interested Member States to work with the relevant financial institutions towards addressing financial issues related to the introduction of enhanced safety design and technologies for nuclear power;

22. Welcomes the Agency's efforts to provide more detailed information on designing, constructing, operating and closing a radioactive waste disposal facility, and thereby assisting Member States, including those embarking on nuclear power, to develop and implement adequate disposal programmes;

23. Respectful of the rights of each Member State, encourages discussions, in a non-discriminatory, inclusive and transparent manner, on 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;

24. Recommends that the Secretariat extend its cooperation with international initiatives such as UN-Energy and explore the possibility of a dialogue forum for the benefit of Member States aimed at defining sustainable global and regional energy scenarios through application of a commonly acknowledged assessment methodology;

25. Encourages the Secretariat to pursue its cooperation with relevant international cooperative frameworks supporting the responsible use of nuclear energy;

26. Requests that the actions of the Secretariat called for in this resolution be undertaken as a priority subject to the availability of resources; and

27. Requests the Secretariat to report to the Board of Governors as appropriate and to the General Conference at its fifty-eighth (2014) session on developments relevant to this resolution.

2.

Small and medium-sized nuclear reactors – Development and deployment

The General Conference.

[Eds...]

1. Commends the Director General and the Secretariat for their work in response to previous relevant General Conference resolutions;

2. Encourages the Secretariat to continue taking appropriate measures to assist Member States, particularly embarking countries, engaged in the process of preparatory actions with regard to demonstration projects, and encouraging the development of safe, secure, economically viable SMRs with enhanced proliferation resistance;

3. Calls upon the Secretariat to continue to promote effective international exchange of information on options as regards SMRs available internationally for deployment and on topics such as roadmaps for technology development, requirements for countries embarking on new nuclear power programmes, regulatory infrastructure, operational performance, maintainability, safety and security, waste management, constructability, economics, proliferation resistance and the state of development of innovative

SMRs, by organizing technical meetings and workshops, as appropriate, and to produce relevant status and technical reports

4. Invites the Secretariat and the Member States that are in a position to offer SMRs to foster international cooperation in undertaking studies of the social and economic impacts of SMR deployment in developing countries;

5. Encourages the Secretariat to continue consultations and interactions with interested Member States, the competent organizations of the United Nations system, financial institutions, regional development bodies and other relevant organizations regarding advice on the development and deployment of SMRs;

6. Encourages the Secretariat to continue working on defining indicators of safety performance, operability, maintainability and constructability so as to assist countries in assessing advanced SMR technologies, and developing guidance for SMR technology implementation, and looks forward to upcoming reports on enhancing energy supply security and approaches to environmental impact assessment;

7. Also encourages the Secretariat to continue providing guidance for regulatory reviews of SMRs of various designs;

8. Encourages the Secretariat to foster collaboration among interested Member States with the objective of facilitating the licensing of SMRs;

9. Encourages the Secretariat to facilitate capacity building in embarking countries as regards SMR technology assessment;

10. Also encourages the Secretariat to continue the activities of the Regular Budget project "Common Technologies and Issues for SMRs" on both the development of key enabling technologies and the resolution of key infrastructure issues for innovative SMRs of various types, which is complementary to INPRO;

11. Invites the Director General to raise appropriate funding from extrabudgetary sources in order to contribute to the implementation of all Agency activities relating to the sharing of construction and operating experience for the development and deployment of SMRs; and

12. Requests the Director General to continue to report on:

- i. the status of the programme initiated to assist developing countries interested in SMRs,
- ii. progress made in the research, development, demonstration and deployment of SMRs in interested Member States intending to introduce them, and
- iii. progress made in the implementation of this resolution to the Board of Governors and to the General Conference at its fifty-ninth (2015) regular session under an appropriate agenda item.

3.

Agency activities in the development of innovative nuclear technology

The General Conference.

[Eds...]

1. Commends the Director General and the Secretariat for their work in response to the relevant General Conference resolutions, in particular the results achieved to date within INPRO;

2. Emphasizes the important role that the Agency can play in assisting interested Member States in building national long-term nuclear energy strategies and in long-term sustainable nuclear energy deployment decision-making through NESAs, based on the INPRO methodology, and nuclear energy scenario analysis;

3. Encourages interested Member States, the Secretariat and, in particular, INPRO to develop and evaluate various nuclear energy scenarios and roadmaps, based on synergistic collaboration among involved countries, that could lead to sustainable nuclear energy development in the 21st century, and to help define collaborative pathways to such development;

4. Requests the Secretariat and, in particular, INPRO to promote collaboration among interested Member States in developing innovative, globally sustainable nuclear energy systems and to support the establishment of effective collaboration mechanisms

through the accumulation and dissemination of world-wide relevant experience and good practices;

5. Encourages the Secretariat to bring together the experience acquired through NESAs and GAINS and other global nuclear energy scenario analyses so as to develop guidance on the evaluation of substantial improvements and associated risks in nuclear energy system performance, potentially achievable with innovative nuclear technologies, on the basis of an INPRO methodology key indicators approach;

6. Invites Member States, the Secretariat and, in particular, INPRO to examine the role that technological and institutional innovations can play in improving nuclear power infrastructure and enhancing nuclear safety, security and non-proliferation and to exchange information, including through the INPRO Dialogue Forum;

7. Invites all interested Member States to join, under the aegis of the Agency, in the activities of INPRO in considering the issues of innovative nuclear energy systems and institutional and infrastructure innovations, particularly by continuing assessment studies of such energy systems and their role in national, regional and global scenarios for the further use of nuclear energy, and also by identifying common issues for possible collaborative projects;

8. Encourages the Secretariat and interested Member States to complete the revision of the INPRO methodology in the light of the Fukushima Daiichi accident and taking into account the results of NESAs performed in Member States;

9. Recommends that the Secretariat continue to explore opportunities for synergy between the Agency's activities (including INPRO) and those pursued under other international initiatives in areas related to international cooperation in peaceful uses of nuclear energy, safety, proliferation resistance and other security issues and, in particular, support collaboration among INPRO, appropriate IAEA TWGs, other UN organizations, the Generation IV International Forum (GIF), the International Framework for Nuclear Energy Cooperation (IFNEC) and the European Sustainable Nuclear Industrial Initiative (ESNII) with regard to innovative and advanced nuclear energy systems;

10. Invites interested Member States that have not done so to consider joining INPRO and to contribute to innovative nuclear technology activities by providing scientific and technical information, financial support, or technical and other relevant experts and by contributing to joint collaborative projects on innovative nuclear energy systems;

11. Recognizing that the funding of INPRO activities supporting the development of innovative nuclear technology comes mainly from extrabudgetary sources, requests the Director General to strengthen the Agency's efforts related to the development of innovative nuclear technology by further enhancing the effective and efficient use of available resources in support of related activities of the TWGs and INPRO;

12. Recommends that the Secretariat consider establishing, through the consolidation of available resources and assistance from interested Member States, regular training and workshops on innovative nuclear technologies to exchange knowledge and experience in the area of innovative, globally sustainable nuclear energy systems;

13. Calls upon the Secretariat and upon Member States in a position to do so to investigate, taking into account, inter alia, economic, safety and security factors, new reactor and fuel cycle technologies with enhanced proliferation resistance, including those needed for the recycling of spent fuel and its use in advanced reactors under appropriate controls and for the long-term disposition of remaining waste materials; and

14. Requests the Director General to report on the progress made in the implementation of this resolution to the Board of Governors and to the General Conference at its fifty-eighth (2014) regular session under an appropriate agenda item.

4.

Approaches to supporting nuclear power infrastructure development

The General Conference,

[Eds...]

1. Commends the Director General and the Secretariat for their efforts in implementing resolution GC(55)/RES/12.B.4 as reported in document GC(57)/9 and reiterates its request that the Secretariat provide updates to important publications such as "Milestones in the Development of a National Infrastructure for Nuclear Power" and, in this context, ensure enhanced consistency among related nuclear power infrastructure publications and multimedia products (web sites, e-learning modules, etc);

2. Encourages the Secretariat to prepare, in consultation with interested Member States, a followup document to the Director General's report on "Strengthening Agency Support to Member States Considering or Launching Nuclear Power Programmes" (GOV/INF/2009/11), providing a more detailed analysis of – inter alia – legal, financial and practical implications;

3. Recommends that the Secretariat renew the mandate of the TWG-NPI for another three years;

4. Encourages Member States launching a nuclear power programme to invite an Agency INIR mission and relevant peer review missions, including site design safety reviews, prior to commissioning the first nuclear power plant and to make public their INIR mission reports in order to share best practices;

5. Commends the Secretariat's internal coordination and holistic approach to nuclear infrastructure development, and encourages Member States and the Secretariat to take into account the results of assessments of infrastructure requirements, such as INIR mission outcomes, to optimize ongoing Agency activities in this area;

6. Requests the Secretariat to continue to learn lessons from INIR missions and to enhance the effectiveness of its activities;

7. Encourages the Secretariat to continue working on the development of Phase 3 (before commissioning) INIR missions, taking into account the availability of other Agency review services;

8. Welcomes the development of the catalogue of services as a useful tool to help Member States plan technical cooperation and other assistance;

9. Commends the development of e-learning as a useful training platform, and encourages its use by all Member States;

10. Encourages the Secretariat to continue providing training related to the development of the "Knowledgeable Customer" concept;

11. Invites all Member States that are considering or planning for the introduction of nuclear power to provide, as appropriate, information and/or resources to enable the Agency to apply its full spectrum of tools in support of nuclear infrastructure development;

12. Takes note of the Secretariat's cooperation with the International Framework for Nuclear Energy Cooperation (IFNEC) on the development of a workforce planning modelling tool for countries launching nuclear power programmes;

13. Calls on the Secretariat to facilitate, as necessary, "soft coordination" among Member States for the more efficient implementation of multilateral and bilateral assistance to countries considering or planning for the introduction of nuclear power;

14. Welcomes the activities undertaken by Member States, both individually and collectively, to cooperate on a voluntary basis in nuclear infrastructure development and encourages further such cooperation; and

15. Requests the Director General to report on the progress made in the implementation of this resolution to the Board of Governors and to the General Conference at its fifty-ninth (2015) session under an appropriate agenda item.

Strengthening the Effectiveness and Improving the Efficiency of Agency Safeguards

[GC(57)/RES/13, September 2013]

Resolution adopted on 20 September 2013 during the tenth plenary meeting

The General Conference,

(a) Recalling resolution GC(56)/RES/13,

[Eds...]

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. Emphasizes the obligation of States to cooperate with the Agency in order to facilitate the implementation of safeguards agreements;
4. Stresses the importance of States complying fully with their safeguards obligations;
5. Regrets that 12 State parties to the NPT have not yet concluded comprehensive safeguards agreements with the Agency;
6. Bearing in mind the importance of achieving the universal application of Agency safeguards, urges all States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible;¹
7. Calls on the Agency to continue to exercise fully its authority in accordance with the Statute in the implementation of safeguards agreements, drawing independent objective conclusions using only impartial and technically based evaluation methods;
8. 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 on all States to extend their cooperation in this regard;
9. Calls on all States with unmodified SQPs to either rescind or amend their respective SQPs as soon as their legal and constitutional requirements allow, and requests the Secretariat to continue to assist States with SQPs, through available resources, in the establishment and maintenance of their State Systems of Accounting for and Control of Nuclear Material (SSACs);
10. Welcomes the fact that, as of 20 September 2013, 57 States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors;
11. Welcomes the fact that, as of 20 September 2013, 142 States and other parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for 121 of those States and other parties;
12. 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;
13. 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;
14. 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;
15. 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, additional protocols and modified SQPs;
16. Notes the commendable efforts of some Member States 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 2013), 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;

17. 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;
18. Invites the nuclear-weapon States to keep the scope of their additional protocols under review;
19. Notes that for 2012 the Secretariat has been able to draw the broader safeguards conclusion that all nuclear material remains in peaceful activities and there is no diversion of declared nuclear material from peaceful nuclear activities and no indication of undeclared nuclear material and activities for 60 States that have both a comprehensive safeguards agreement and additional protocol in force;
20. Encourages the Agency to continue the implementation of integrated safeguards for those States where both a comprehensive safeguards agreement and additional protocol are in force and the Secretariat has drawn the broader conclusion that all nuclear material remains in peaceful activities;
21. Notes the Director General's report to the Board of Governors in September 2013 on the Conceptualization and Development of Safeguards Implementation at the State level, and also notes that the Director General will produce, after consulting with Member States, a supplementary document for consideration and action by the Board of Governors before the fifty-eighth (2014) session of the General Conference, providing further clarification and information to address questions and issues raised;
22. Encourages the Agency to enhance its technical capabilities and keep abreast of scientific and technological innovations that hold promising potential for safeguards purposes, and to continue building effective partnerships with Member States in this regard;
23. Welcomes efforts to strengthen safeguards, and in this context takes note of the Secretariat's activities in verifying and analyzing 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;
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. 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;
26. Encourages States to support the Agency's efforts to strengthen the Safeguards Analytical Laboratories and the Network of Analytical Laboratories, especially in developing countries;
27. Welcomes the steps taken by the Director General to protect classified safeguards information as described in document GC(56)/14, urges the Director General to exercise the highest vigilance in ensuring the proper protection of classified safeguards information, and requests the Director General to continue to review and update the established procedure for the protection of classified safeguards information within the Secretariat and report, as appropriate, to the Board about the implementation of the regime for the protection of classified safeguards information;
28. 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;
29. 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

30. Requests the Director General to report on the implementation of this resolution to the General Conference at its fifty-eighth (2014) regular session under an agenda item entitled "Strengthening the Effectiveness and Improving the Efficiency of Agency Safeguards".

Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea

[GC(57)/RES/14, September 2013]

Resolution adopted on 20 September 2013 during the tenth plenary meeting

The General Conference.

1. Condemns the nuclear test conducted by the DPRK on 12 February 2013 (local time) in violation and flagrant disregard of the United Nations Security Council's relevant resolutions;

2. Strongly deplores all the DPRK's ongoing nuclear activities, including its recent statements of its intention to readjust and restart its nuclear facilities at Yongbyon including the 5 MW(e) graphite-moderated reactor and the uranium enrichment activities, and its operation and extension of the uranium enrichment facility and the construction of a light water reactor at Yongbyon, and urges the DPRK to halt any actions to restart and readjust, and expand its nuclear facilities at Yongbyon;

3. 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;

4. 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, and underscores the need for continued efforts by all the parties concerned in this regard, with a view to creating favourable conditions for a resumption of the Six-Party Talks aimed at achieving complete, verifiable and irreversible denuclearization of the Korean Peninsula and maintaining peace and security in the Korean Peninsula and North East Asia;

5. Strongly urges the DPRK to reaffirm its commitment to denuclearization and the 19 September 2005 Joint Statement of the Six-Party Talks;

6. 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), 1874 (2009), 2087 (2013) and 2094 (2013) 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;

7. Stresses the importance of all Member States fully implementing their obligations pursuant to United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), including the DPRK's non-proliferation obligations;

8. 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 in the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

9. 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;

10. Deplores the DPRK's actions to cease all cooperation with the Agency, strongly endorses 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;

11. Supports the international community's peaceful efforts in all available and appropriate forums to address the challenge posed by the DPRK; and

12. Decides to remain seized of the matter and to include the item "Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea" in the agenda for its fifty-eighth (2014) regular session.

Application of IAEA safeguards in the Middle East

[GC(57)/RES/15, September 2013]

Resolution adopted on 20 September 2013 during the ninth plenary meeting

¹ The resolution was adopted with 114 in favour, 0 against and 12 abstentions (roll call vote).

² Operative paragraph 2 was voted on separately and was approved with 112 in favour, 2 against and 11 abstentions (roll call vote).

The General Conference.

1. Takes note of the Director General's report in document GC(57)/10;

2. Calls upon all States in the region to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);²

3. Calls upon all States in the region, to accede to and implement, all relevant nuclear disarmament and non-proliferation conventions, to fulfill 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 weapons 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 a 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 the General Conference at its fifty-eighth (2014) 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 <i>throughput</i> ; (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 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 *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 ore-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>]

The Structure and Content of Agreements between the Agency and States Required in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons

[Reproduced from IAEA Information Circular 153 (Corrected) (INFCIRC/153), dated June 1972]

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 safeguards under 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 co-operation 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 subparagraph 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* $30 \times \sqrt{E}$ 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 $0.4 \times E$ 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/Infircs/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*¹ 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

¹ Terms in italics have specialized meanings, which are defined in Article 18 below.

[paragraph 37 of INFCIRC/153]²;

(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]² but not yet in a non-nuclear end-use form, in quantities exceeding those set out in [paragraph 37 of INFCIRC/153]². The provision of this information does not require detailed *nuclear material* accountancy.

(vii) 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]. 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.(vii) 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).

² 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 mechanistically 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 ³'s statutory and/or constitutional requirements for entry into force have been met.

OR³

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 2014]

State	Small Quantities Protocol ¹	Status of Agreements
Benin	Amended 15 Apr 08	Signed 7 Jun 05
Cabo 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 11	Signed 13 Dec 11
Guinea Bissau	Signed: 21 Jun 2013	Signed: 21 Jun 2013
Liberia		
Micronesia, Fed States		
Sao Tome & Principe		

³ 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

¹ 'Small Quantities Protocol' applies to states with no, or very limited, amounts of nuclear material on their territory.

IAEA Membership and States with Additional Protocols

[As at 31 January 2014]

State	Date of IAEA Membership	Date of Signature of Additional Protocol	Date Additional Protocol in Force
Afghanistan	31 May '57	19 Jul '05	19 Jul '05
Albania	23 Aug '57	2 Dec '04	3 Nov '10
Algeria	24 Dec '63		
Andorra		9 Jan '01	19 Dec '11
Angola	09 Nov '99	28 Apr '10	28 Apr '10
Argentina	03 Oct '57		
Antigua and Barbuda		30 Oct '13	15 Nov '13
Armenia	27 Sep '93	29 Sep '97	28 Jun '04
Australia	29 Jul '57	23 Sep '97	12 Dec '97
Austria	10 May '57	22 Sep '98	30 Apr '04
Azerbaijan	30 May '01	5 Jul '00	29 Nov '00
Bahamas	07 Jan '14		
Bahrain	23 Jun '09	21 Sep '10	20 Jul '11
Bangladesh	27 Sep '72	30 Mar '01	30 Mar '01
Belarus	08 Apr '57	15 Nov '05	
Belgium	29 Apr '58	22 Sep '98	30 Apr '04
Belize	31 Mar '06		
Benin	26 May 1999	7 Jun '05	
Bolivia	15 Mar '63		
Bosnia Herzegovina	19 Sep '95	6 Jun '12	3 Jul '13
Botswana	20 Mar '02	24 Aug '06	24 Aug '06
Brazil	29 Jul '57		
Bulgaria	17 Aug '57	¹	1 May '09 ¹
Burkina Faso	14 Sep '98	17 Apr '03	17 Apr '03
Burundi	24 Jun '09	27 Sep '07	27 Sep '07
Cambodia	23 Nov '09		
Cameroon	13 Jul '64	16 Dec '04	
Canada	29 Jul '57	24 Sep '98	8 Sep '00
Cabo Verde		28 Jun '05	
Central African Rep.	05 Jan '01	7 Sep '09	7 Sep '09
Chad	02 Nov '05	15 Sep '09	13 May '10
Chile	19 Sep '60	19 Sep '02	3 Nov '03
China	01 Jan '84	31 Dec '98	28 Mar '02
Colombia	30 Sep '60	11 May '05	5 Mar '09
Comoros		13 Dec '05	20 Jan 09
Congo, Rep of the	15 Jul '09	13 APR '10	28 Oct '11
Costa Rica	25 Mar '65	12 Dec '01	17 Jun '11
Côte d'Ivoire	19 Nov '63	22 Oct '08	
Croatia	12 Feb '93	22 Sep '98	6 Jul '00
Cuba	01 Oct '57	18 Sep '03	3 Jun '04
Cyprus	07 Jun '65	¹	1 May '08 ¹
Czech Republic	27 Sep '93	¹	1 Oct '09 ¹
Democratic Republic of the Congo	10 Oct '61	9 Apr '03	9 Apr '03
Denmark (Greenland)	16 Jul '57	22 Sep '98	30 Apr '04 (22 Mar '13)
Djibouti		27 May '10	
Dominica	17 Feb '12		
Dominican Republic	11 Jul '57	20 Sep '07	5 May '10
Ecuador	03 Mar '58	1 Oct '99	24 Oct '01
Egypt	04 Sep '57		
El Salvador	22 Nov '57	5 Sep '03	24 May '04
Eritrea	20 Dec '02		
Estonia	31 Jan '92	¹	1 Dec '05 ¹

Ethiopia	30 Sep '57		
Fiji	02 Nov '12	14 Jul '06	14 Jul '06
Finland	07 Jan '58	22 Sep '98	30 Apr '04
France	29 Jul '57	22 Sep '98	30 Apr '04
Gabon	21 Jan '64	8 Jun '05	25 Mar '10
Gambia		18 Oct '11	18 Oct '11
Georgia	23 Feb '96	29 Sep '97	3 Jun '03
Germany	01 Oct '57	22 Sep '98	30 Apr '04
Ghana	28 Sep '60	12 Jun '98	11 Jun '04
Greece	30 Sep '57	22 Sep '98	30 Apr '04
Guatemala	29 Mar '57	14 Dec '01	28 May 08
Guinea		13 Dec '11	
Guinea-Bissau		21 Jun '13	
Haiti	07 Oct '57	10 Jul '02	9 Mar '06
Holy See	20 Aug '57	24 Sep '98	24 Sep '98
Honduras	24 Feb '03	7 Jul '05	
Hungary	08 Aug '57	¹	1 Jul '07 ¹
Iceland	06 Aug '57	12 Sep '03	12 Sep '03
India	16 Jul '57	15 May '09	
Indonesia	07 Aug '57	29 Sep '99	29 Sep '99
Iran, Islamic Rep. Of	16 Sep '58	18 Dec '03	
Iraq	04 Mar '59	9 Oct '08 ²	10 Oct '12
Ireland	06 Jan '70	22 Sep '98	30 Apr '04
Israel	12 Jul '57		
Italy	30 Sep '57	22 Sep '98	30 Apr '04
Jamaica	29 Dec '65	19 Mar '03	19 Mar '03
Japan	16 Jul '57	4 Dec '98	16 Dec '99
Jordan	18 Apr '56	28 Jul '98	28 Jul '98
Kazakhstan	14 Feb '94	6 Feb '04	9 May '07
Kenya	12 Jul '65	18 Sep '09	18 Sep '09
Kiribati		9 Nov '04	
Korea, Republic of	08 Aug '57	21 Jun '99	19 Feb '04
Kuwait	01 Dec '64	19 Jun '02	2 Jun '03
Kyrgyzstan	10 Sep '03	29 Jan '07	10 Nov '11
Lao People's Democratic Republic	04 Nov '11		
Latvia	10 Apr '97	¹	1 Oct '08 ¹
Lesotho	13 Jul '09	26 Apr '10	26 Apr '10
Liberia	05 Oct '62		
Libya	09 Sep '63	10 Mar '04	11 Aug '06
Liechtenstein	13 Dec '68	14 Jul '06	
Lithuania	18 Nov '93	¹	1 Jan '08 ¹
Luxembourg	29 Jan '58	22 Sep '98	30 Apr '04
Madagascar	22 Mar '65	18 Sep '03	18 Sep '03
Malawi	02 Oct '06	26 Jul '07	26 Jul '07
Malaysia	15 Jan '59	22 Nov '05	
Mali	10 Aug '61	12 Sep '02	12 Sep '02
Malta	29 Sep '97	¹	1 Jul '07 ¹
Marshall Islands	26 Jan '94	3 May '05	3 May '05
Mauritania	23 Nov '04	2 Jun '03	10 Dec '09
Mauritius	31 Dec '74	9 Dec '04	17 Dec '07
Mexico	07 Apr '58	29 Mar '04	4 Mar '11
Monaco	19 Sep '57	30 Sep '99	30 Sep '99
Mongolia	20 Sep '73	5 Dec '01	12 May '03
Montenegro	30 Oct '06	26 May 08	4 Mar '11
Morocco	17 Sep '57	22 Sep '04	21 Apr '11
Mozambique	18 Sep '06	8 Jul '10	1 Mar '11
Myanmar	18 Oct '57	17 Sep '13	
Namibia	17 Feb '83	22 Mar '00	20 Feb '12
Nepal	08 Jul '08		
Netherlands	30 Jul '57	22 Sep '98	30 Apr '04
New Zealand	13 Sep '57	24 Sep '98	24 Sep '98
Nicaragua	25 Mar '77	18 Jul '02	18 Feb '05
Niger	27 Mar '69	11 Jun '04	2 May '07
Nigeria	25 Mar '64	20 Sep '01	4 Apr '07
Norway	10 Jun '57	29 Sep '99	16 May '00
Oman	05 Feb '09		

Pakistan	02 May '57		
Palau	02 Mar '07	13 May '05	13 May '05
Panama	02 Mar '66	11 Dec '01	11 Dec '01
Papua New Guinea	04 Apr '12		
Paraguay	30 Sep '57	24 Mar '03	15 Sep '04
Peru	30 Sep '57	22 Mar '00	23 Jul '01
Philippines	02 Sep '58	30 Sep '97	26 Feb '10
Poland	31 Jul '57	¹	1 Mar '07 ¹
Portugal	12 Jul '57	22 Sep '98	30 Apr '04
Qatar	27 Feb '76		
Republic of Moldova	24 Sep '97	14 Dec '11	1 Jun '12
Romania	12 Apr '57	¹	1 May '10
Russian Federation	08 Apr '57	22 Mar '00	16 Oct '07
Rwanda	04 Sep '12	18 Nov '09	17 May '10
St Kitts & Nevis			
San Marino	25 Nov '13		
Saudi Arabia	13 Dec '62		
Senegal	01 Nov '60	15 Dec '06	
Serbia	31 Oct '01	3 Jul '09	
Seychelles	22 Apr '03	7 Apr '04	13 Oct '04
Sierra Leone	04 Jun '67		
Singapore	05 Jan '67	22 Sep '05	31 Mar '08
Slovakia	27 Sep '93	¹	1 Dec '05 ¹
Slovenia	21 Sep '92	¹	1 Sep '06 ¹
South Africa	06 Jun '57	13 Sep '02	13 Sep '02
Spain	26 Aug '57	22 Sep '98	30 Apr '04
Sri Lanka	22 Aug '57		
Sudan	17 Jul '58		
Swaziland	15 Feb '13	23 Jul '10	8 Sep '10
Sweden	19 Jun '57	22 Sep '98	30 Apr '04
Switzerland	05 Apr '57	16 Jun '00	1 Feb '05
Syrian Arab Republic	06 Jun '63		
Tajikistan	10 Sep '01	7 Jul '03	14 Dec '04
Thailand	15 Oct '57	22 Sep '05	
Timor-Leste		6 Oct '09	
The FYROM	25 Feb '94	12 Jul '05	11 May '07
Togo	01 Nov '12	26 Sep '03	18 Jul '12
Trinidad and Tobago	09 Nov '12		
Tunisia	14 Oct '57	24 May '05	

Turkey	19 Jul '57	6 Jul '00	17 Jul '01
Turkmenistan		17 May '05	3 Jan '06
Uganda	30 Aug '67	14 Jun '05	14 Feb '06
Ukraine	31 Jul '57	15 Aug '00	24 Jan '06
United Arab Emirates	15 Jan '76	8 Apr '09	20 Dec '10
United Kingdom of Great Britain and Northern Ireland	29 Jul '57	22 Sep '98	30 Apr '04
United Republic of Tanzania	06 Jan '76	23 Sep '04	7 Feb '05
United States of America	29 Jul '57	12 Jun '98	06 Jan '09
Uruguay	22 Jan '63	29 Sep '97	30 Apr '04
Uzbekistan	26 Jan '94	22 Sep '98	21 Dec '98
Vanuatu		8 Apr 2013	21 May 2013
Venezuela, Bolivarian Republic of	19 Aug '57		
Viet Nam	24 Sep '57	10 Aug '07	17 Sep '12
Yemen	14 Oct '94		
Zambia	08 Jan '69	13 May '09	
Zimbabwe	01 Aug '86		
Totals	161	143	122

**Strengthened Safeguards System:
Other Parties with Additional Protocols**

Other Parties ²	Board Approval	Date signed	In Force
Euratom	11 June '98	22 Sept '98	30 April '04
Totals	1	1	1

¹ Accession to the additional protocol with EU NNWS reproduced in INFCIRC 193/Add.8

² 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 – 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].

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 Eyebé 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 Eyebé 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.

Mr. Kassym-Jomart Tokayev Secretary-General of the Conference on Disarmament and Personal Representative of the United Nations Secretary-General to the Conference Vision Statement

[United Nations, Geneva August 2011]

Introduction

[Eds...]

Further to the recommendations of the Advisory Board on Disarmament Matters, the Secretary-General is considering a decision on the possible establishment of a high-level panel of eminent persons to address the different issues, in particular the revitalisation of the broader disarmament machinery. The Advisory Board also suggested to the Secretary-General to encourage progress on a programme of work based on the consensus document CD/1864 and proposed to continue raising public awareness and encourage civil society to offer their inputs to overcome the prolonged stalemate.

Challenges

There are two sets of problems of a very different character obstructing progress in the Conference on Disarmament:

One is political as there is no agreement on what priority should be given to the different items on the agenda, in particular the four

core issues. A large majority of members are ready to start negotiations on a fissile material treaty. There are good reasons to do so as a fissile material treaty is a logical next step among the nuclear disarmament and non-proliferation objectives. Differences regarding the scope of such a fissile material treaty, emanating from national security concerns, preempt the start of negotiations.

The other set of problems is structural. The Rules of Procedure of the Conference, the membership and its agenda are based on an international environment that dates back to the Cold War.

Some of the procedures, such as the monthly rotating presidency and the annual adoption of the programme of work, are impairing the efficiency of the Conference.

While it is true that increasing the membership would not solve the problems, a body such as the Conference on Disarmament needs to be representative of the wider international community. It is important to keep in mind that the Conference is funded from the regular budget of the United Nations. The agenda dates back to 1978 and might be reassessed to reflect the current international security environment. The rule of consensus should be interpreted as an encouragement to come to an agreement to start substantive work.

Conclusions

In order to make progress, political flexibility needs to be shown. CD/1864 can still be the basis of an agreement on a programme of work. Members of the Conference are strongly encouraged to continue working on this or a very similar basis to overcome the impasse. The consensus rule comes with the privilege for finding ways to a general agreement but not for blocking real negotiations.

Attempts to determine the outcome of negotiations before even starting them are hampering the Conference in moving forward. The real protection of national security interests should lie in the process of negotiations, and later, in the legal process of whether or not to sign and ratify a treaty. Perceived national security concerns should not keep the rest of the international community idle with regard to real disarmament.

The Conference on Disarmament fits in the category of institutions that - if not existent - would need to be established. The multilateral disarmament negotiating body has immense value and is irreplaceable as a means to pursue undivided security. Every effort to preserve the Conference as the single platform for conducting multilateral negotiations on disarmament issues should be made.

A transformed Conference should continue to play an essential role in the future. To that end, all possibilities for its revitalization have to be explored.

As the Secretary-General said, "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."

Extract from Work of the Advisory Board on Disarmament Matters: Report of the Secretary General

[A/67/203, 27 July 2012]

[Eds...]

II. Substantive discussions and recommendations

[Eds...]

C. Follow-up discussions on the issue of the revitalization of the Conference on Disarmament

31. The item on follow-up discussions on the issue of the revitalization of the Conference on Disarmament was proposed by the Board as an item for future consideration. In view of the fact that the Board had considered at its fifty-fifth and fifty-sixth sessions, in 2011, the issues raised at the high-level meeting on "Revitalizing the work of the Conference on Disarmament and taking forward multilateral disarmament negotiations", held on 24 September 2010, including the possible establishment of a high-level panel of eminent persons with special focus on the

functioning of the Conference on Disarmament, the Secretary-General requested the Board to engage in follow-up discussions on the item again at its fifty-eighth session, in July 2012, taking into consideration any new developments at the Conference since its fifty-sixth session.

32. Members of the subgroup on the item conducted intersessional work, and a food-for-thought paper was provided by Kate Dewes for the fifty-eighth session. Tim Caughley, Resident Senior Fellow at UNIDIR, also provided an updated paper on developments at the Conference on Disarmament. Briefings on the topic were also provided to the Board by Jarmo Sareva, Director of the Geneva Branch of the Office for Disarmament Affairs and Deputy Secretary-General of the Conference on Disarmament, and Mr. Caughley.

33. Many members reiterated the need for continued efforts to revitalize the Conference on Disarmament. The need to maintain the status of the Conference as a uniquely important forum for the negotiation of multilateral disarmament agreements and treaties in spite of the prolonged impasse was underlined. Opinions were also expressed that the ongoing difficulties faced by the Conference were caused by largely external political factors. Nonetheless, the need to consider reforming the decision-making processes of the Conference to allow for an institutional normative structure that facilitated the advancement of negotiations was mentioned. Views were also expressed that if the stalemate persisted, alternative solutions would be unavoidable.

34. Several Board members reiterated support for an incremental approach as the most feasible means of breaking the deadlock at the Conference on Disarmament. They suggested the establishment of informal scientific and technical groups within the Conference to explore and clarify issues related to a future fissile material cut-off treaty.

35. Suggestions were made that the General Assembly could establish a negotiating body parallel to the Conference on Disarmament. Suggestions were also made to use the General Assembly as another venue to engage in negotiations, including on a fissile material cut-off treaty, by establishing one negotiating body subordinated to it and deciding what kind of issues should be negotiated by that body. Such proposals were countered by views that it would not work, since several or all nuclear-weapon States and nuclear-weapon-capable States might not participate in such an initiative.

36. Some members acknowledged the significant support by over 140 States for the call by the Secretary-General, in his five-point proposal for nuclear disarmament, for the negotiation of a nuclear weapons convention or similar instrument and the growing support within civil society and States for exploration of alternative venues to the Conference on Disarmament.

37. The question of the possible establishment of a high-level panel of eminent persons was raised again by some members but did not find strong support. Doubts were expressed whether and how such a group would be helpful in breaking the stalemate at the Conference on Disarmament. Several members expressed a preference for the appointment of a special envoy or coordinator to engage in consultations, especially with the concerned parties. Such an envoy would also likely be more affordable in terms of costs than the suggested high-level panel. However, concerns were also expressed over the possible overlap in functions with the High Representative for Disarmament Affairs or the Secretary-General of the Conference on Disarmament.

38. Nonetheless, should a high-level panel of eminent persons be established, 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 included in the panel was reiterated by a Board member.

39. Some members expressed the view that the decision of 29 May 2009 on the establishment of a programme of work for its 2009 session (CD/1864) could still serve as a basis for future negotiations and should not be discarded. Other members, however, stated that the outlook for resurrecting the decision was not promising.

40. Some members revisited the suggestion made in 2011 in connection with the adoption of a fissile material cut-off treaty,

proposing a similar approach to the six-party talks on the Korean peninsula in the case of the South Asian region, to hold five-party talks between China, India, Pakistan, the Russian Federation and the United States of America as an avenue for confidence-building measures. However, doubts were also voiced over the feasibility of the proposal. There were also calls for creative leadership by the States that are permanent members of the security Council in terms of bilateral or other negotiations on a cut-off treaty.

41. The need for the Secretary-General to encourage States to take steps to restore the credibility and legitimacy of the United Nations and its disarmament machinery was emphasized. It was stated that disarmament was implicitly on the agenda of many other United Nations bodies and therefore, the Secretary-General should invite Member States to promote the cause of disarmament in the General Assembly and other relevant United Nations bodies so that it remained on the agenda.

42. It was generally felt that there was decreased interest in revisiting the issue of changing the rules of procedure of the Conference on Disarmament and that such actions might not improve the situation. Attempts to change the consensus rule would not work, given the long-standing consensus-based character of the Conference and the demonstrated ability of the Conference in the past to conclude treaties by consensus. Doubts were expressed whether changing the rules of procedure would be decisive in attaining progress in the Conference.

43. Some members expressed support again for the convening of a fourth special session of the General Assembly devoted to disarmament. A comment was made, however, that such a special session would normally pursue decisions by consensus while a regular General Assembly session would be able to take decisions through voting if needed. It was also mentioned that consideration could be given to the feasibility of a special session of the General Assembly confined to addressing issues relevant to the disarmament machinery of the United Nations.

44. A view was expressed that the Secretary-General should be encouraged to highlight the fourth Disarmament Decade by giving priority to the urgent need for disarmament education and research, using the excellent work being done by the United Nations Institute for Disarmament Research in this field.

Recommendations

45. The Board made the following recommendations:

(a) The Secretary-General should continue his efforts to encourage the Conference on Disarmament to pursue all efforts to achieve a breakthrough in the persisting stalemate. The Secretary-General could consider initiating a process of consultation with all concerned States to build consensus to commence substantive work on negotiations in respect of a fissile material cut-off treaty under a balanced programme of work. The Secretary-General may also wish to consider an appropriate dedicated modality for this purpose, including the appointment of a special envoy or coordinator to assist him in his efforts.

(b) Parallel to his consultations, the Secretary-General may wish to consider encouraging members of the Conference on Disarmament to establish groups of scientific experts in the Conference with a mandate to explore technical and scientific issues to support work on a future fissile material cut-off treaty;

(c) The Secretary-General should continue his efforts to raise public awareness and encourage civil society groups and non-governmental organizations to provide input on ways to break the prolonged stalemate at the Conference on Disarmament. The Secretary-General could also encourage Member States to take steps to restore the credibility and legitimacy of the United Nations disarmament machinery by inviting them to promote the cause of disarmament in the General Assembly and other relevant United Nations bodies so that it remains on the agenda.

Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices

[A/RES/67/53 December 2012]

See Section U

Secretary-General's message to the Conference on Disarmament [delivered by Mr. Kassym-Jomart Tokayev, Director-General of the United Nations Office at Geneva (UNOG)]

[Geneva, Switzerland, 22 January 2013]

I am pleased to send greetings to the 2013 Session of the Conference on Disarmament. As in previous years, your last Session failed to produce a programme of work. It is essential to end this continued stalemate to avoid jeopardizing the credibility of the Conference and the machinery of disarmament. Strengthening the rule of law in global disarmament needs a single multilateral negotiating forum. I remain committed to the Conference on Disarmament, but it must fulfil its role.

The world today remains over-armed. Peace is under-funded. We cannot afford to lose yet another year. The items on your agenda, which focus mainly on weapons of mass destruction, transcend the narrow national interests of any one State and have significant implications for international peace and security. I urge you to revive substantive negotiations without delay. The sequence of your work is for you to decide. But it is time for you to resume your primary task of negotiating multilateral disarmament treaties.

My distinguished predecessor, Dag Hammarskjöld, spoke presciently of disarmament in 1960. "In this field, as we well know, a standstill does not exist; if you do not go forward, you go backward." Let us take heed of these wise words. I urge you to build on some of the positive developments of recent years, in particular the successful 2010 Nuclear Non-Proliferation Treaty Review Conference and the strong global support for its consensus Action Plan. I also strongly encourage the Conference to engage more closely with civil society, where there is strong support for nuclear disarmament.

Last year, the 67th Session of the General Assembly agreed to establish an open-ended working group to examine ways of "Taking Forward Multilateral Nuclear Disarmament Negotiations". It also established a group of governmental experts that will begin work in 2014 to make recommendations that could contribute to an eventual fissile material cut-off treaty. Although these processes will take place outside the Conference on Disarmament, they constitute a new impetus that I hope will facilitate your agreement on a viable programme of work. We need flexibility and a spirit of compromise.

The Conference on Disarmament has the potential to again be central to disarmament negotiations. Let us ensure it lives up to its responsibility. I wish you successful deliberations.

Report of the Conference on Disarmament to the General Assembly of the United Nations

[CD/1963 12 September 2013]

[Eds...]

II. Organization of the work of the Conference

[Eds...]

D. Agenda and programme of work for the 2013 session

12. At its 1273rd plenary meeting on 22 January 2013, following a debate in which the content of the draft agenda presented by the President of the Conference, Mr. András Dékány, Ambassador of Hungary was reviewed in accordance with rule 29 of the rules of procedure, the Conference on Disarmament adopted its agenda for the 2013 session (CD/PV.1273).

The agenda (CD/1946) 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 2013 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 56 of the 2012 report of the Conference (CD/1944), the last President of the 2012 session (Germany) and the first President of the 2013 session (Hungary) conducted informal consultations during the intersessional period with a view to commencing early substantive work during the 2013 session of the Conference. These consultations were conducted in cooperation with the five incoming Presidents of the 2013 session (India, Indonesia, Iran (Islamic Republic of), Iraq and Ireland).

15. Following a discussion at the 1275th plenary meeting on 5 February 2013 (CD/PV.1275), at the 1276th plenary meeting on 12 February 2013 the President, Mr. András Dékány, Ambassador of Hungary, submitted for adoption the draft decision on a programme of work for the 2013 session as contained in CD/1948 and Corr.1 (CD/PV.1276).

16. At the 1291st plenary meeting on 21 June 2013, the President, Mr. Moshen Naziri Asl, Ambassador of Iran (Islamic Republic of), circulated a draft decision for the establishment of a programme of work for the 2013 session contained in CD/1952 (CD/PV.1291).

17. At the 1295th plenary meeting on 13 August 2013, the President, Mr. Mohammad Sabir Ismail, Ambassador of Iraq, circulated a draft decision for the establishment of a programme of work for the 2013 session contained in CD/1955 and Corr.1 (CD/PV.1295).

18. At the 1296th plenary meeting on 16 August 2013, the Conference adopted the draft decision CD/1956/Rev.1 submitted by the President, Mr. Mohammad Sabir Ismail, Ambassador of Iraq, to establish an informal working group, which reads as follows:

"The Conference on Disarmament decides:

1. To establish an informal working group (hereinafter referred to as the Group), pursuant to rule 23 of its rules of procedure, with a mandate to produce a programme of work robust in substance and progressive over time in implementation.
2. That the President of the Conference on Disarmament shall chair the Group and delegate his responsibility to a co-chair who shall carry out consultations on his/her behalf. For the 2013 session, the co-chair and vice-co-chair shall be Mr. Luis Gallegos Chiriboga, Ambassador of Ecuador and Mr. Peter Richard Woolcott, Ambassador of Australia, respectively.
3. That the Group shall be open to all member States of the Conference on Disarmament and to those interested non-member States that the Conference has invited to participate, as observers, in its work during the 2013 session, in accordance with the rules of procedure of the Conference and

the decision taken at its 1990 session on its improved and effective functioning (CD/1036).

4. That, in its work, the Group shall use the rules of procedure of the Conference, *mutatis mutandis*. In particular, the Group shall conduct its work and adopt its decisions by consensus, as provided by rule 18 of the rules of procedure of the Conference.

5. That the Group shall meet during the remainder of the 2013 session and its timetable shall be established by its co-chair in consultation with the President. During the intersessional period between the 2013 and 2014 sessions of the Conference, the co-chair, upon agreement by the outgoing President and incoming President, may convene informal consultations. Such informal consultations shall be open to all members and observers of the Conference, in accordance with paragraph 3 above.

6. That, should the Group not be able to complete its work during the 2013 session, it may resume its work, taking into account the present decision, if the member States of the Conference, in accordance with the rules of procedure, so decide in the 2014 session.

7. That the co-chair shall report to the President of the Conference on Disarmament on the progress of the work of the Group on a regular basis and, at the President's request, to the plenary according to the rules of procedure. The co-chair will submit to the President the final report on the work of the Group. Taking into account, and pursuant to rule 29 of the rules of procedure, the President will draw up a programme of work of the Conference for consideration and adoption."

19. The Informal Working Group held three meetings, respectively on 26 August, 2 September and 9 September 2013. At the request of the President of the Conference, Mr. Gerard Corr, Ambassador of Ireland, Mr. Luis Gallegos Chiriboga, Ambassador of Ecuador, Co-chair, reported to the 1300th plenary meeting on 10 September 2013 on the progress of the work of the Informal Working Group (CD/PV.1300).

20. Throughout the 2013 session successive Presidents of the Conference conducted intensive consultations with a view to reaching consensus on a programme of work on the basis of relevant proposals. During plenary meetings, delegations expressed their views on the issue of a programme of work, accounting for relevant proposals and suggestions, which are duly reflected in the plenary records. However, despite these efforts, the Conference did not succeed in reaching consensus on a programme of work in 2013.

21. At the invitation of successive Presidents of the Conference, the Conference held substantive discussions on all agenda items (CD/PV.1281; CD/PV.1282; CD/PV.1283; CD/PV.1284; CD/PV.1285 and CD/PV.1286).

[Eds...]

F. Review of the agenda of the Conference

24. 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

25. The improved and effective functioning of the Conference was addressed by delegations throughout the session, in particular in the plenary meetings devoted to the "revitalization of the Conference on Disarmament", which took place on 11 June 2013 and 20 August 2013 on the proposal of the respective Presidents of the Conference, Mr. Moshen Naziri Asl, Ambassador of Iran (Islamic Republic of), and Mr. Gerard Corr, Ambassador of Ireland. Delegations discussed the current situation and provided suggestions on possible ways to strengthen the Conference. Their various views and concerns are duly reflected in the plenary records of the Conference (CD/PV.1289 and CD/PV.1297).

26. At the 1290th plenary meeting on 18 June 2013, the Secretary-General of the Conference on Disarmament and Personal Representative of the Secretary-General of the United Nations, Mr. Kassym-Jomart Tokayev, recalled his past proposals on substantive and procedural aspects that could contribute towards

the resumption of substantive work. He also made three additional proposals on: the establishment of an informal working group with a mandate to produce a programme of work that would be robust in substance and progressive over time; the establishment of a subsidiary body to examine and make proposals on the improvement of the working methods of the Conference and the designation of a special coordinator to examine and make proposals on expansion of the membership of the Conference and the possible role that civil society may play in its work. Various views were expressed by the member States on these proposals (CD/PV.1290).

27. On the proposal of the President of the Conference, Mr. Mohammad Sabir Ismail, Ambassador of Iraq, two plenary meetings devoted to discussion of the first proposal of the Secretary-General of the Conference on Disarmament were held on 30 July and 6 August 2013. Subsequently on 16 August 2013, the Conference adopted decision CD/1956/Rev.1. The various views and concerns of the member States are duly reflected in the plenary records of the Conference (CD/PV.1293, CD/PV.1294 and CD/PV.1296).

28. The following documents were submitted to the Conference on this subject:

(a) CD/1951, dated 10 June 2013 entitled "Letter dated 24 May 2013 from the Permanent Representative of Indonesia addressed to the Secretary-General of the Conference on Disarmament transmitting the report of the seminar entitled 'Exploring avenues to address the stalemate in the Conference on Disarmament' held on 15 May 2013 at the Palais des Nations in Geneva". The letter noted that the purpose of the seminar was to garner new ideas that could be generated from an open discussion in an informal setting and to contribute to the work of the Conference on Disarmament as well as to the work of producing a programme of work.

(b) CD/1958, dated 9 September 2013, entitled "Bangladesh, on behalf of member States of G-21. Working paper. Method of work of the Conference on Disarmament and revitalization"

III. Substantive work of the Conference during its 2013 session

32. At the invitation of successive Presidents of the Conference, the Conference held a series of plenary meetings to discuss all substantive agenda items. During such discussions as well as during the general debate of the Conference, delegations affirmed or further elaborated their respective positions on the agenda items. These positions are duly recorded in the plenary records of the session.

33. 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 2013 and the verbatim records of the formal plenary meetings of the Conference, is attached as appendix II to the report.

34. The Conference had before it a letter dated 10 January 2013 from the Secretary General of the United Nations (CD/1945/Rev.1 and CD/1945/Rev.1/Add.1) transmitting the resolutions and decisions on disarmament an international security matters adopted by the General Assembly at its sixty-seventh session in 2012, including those making specific reference to the Conference on Disarmament. The latter are listed below:

67/29 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)

67/30 Prevention of an arms race in outer space (operative paragraphs 5, 6 and 8)

67/34 Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments (operative paragraph 13)

67/53 Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (operative paragraphs 1, 4, 5 and 6)

67/56 Taking forward multilateral nuclear disarmament negotiations

67/57 Regional disarmament (operative paragraph 1)

67/60 Nuclear disarmament (operative paragraphs 16, 17, 20 and 21)

67/62 Conventional arms control at the regional and subregional levels (operative paragraph 2)

67/64 Convention on the Prohibition of the Use of Nuclear Weapons (operative paragraphs 1 and 2)

67/67 United Nations Disarmament Information Programme (operative paragraph 5)

67/71 Report of the Disarmament Commission (operative paragraphs 5 and 9)

67/72 Report of the Conference on Disarmament (operative paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 9).

A. Cessation of the nuclear arms race and nuclear disarmament

35. During the general debate of the Conference as well as during the discussions on each agenda item, 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. On the proposal of the President of the Conference, Ms. Sujata Mehta, Ambassador of India, one plenary meeting on agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" and agenda item 2 entitled "Prevention of nuclear war, including all related matters" with a general focus on nuclear disarmament was held on 5 March

2013. There was a lengthy discussion on this issue where delegations reaffirmed their respective positions, which are duly recorded in the plenary records of the session (CD/PV.1281).

37. On the proposal of the President of the Conference, Ms. Sujata Mehta, Ambassador of India, one plenary meeting on agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" and agenda item 2 entitled "Prevention of nuclear war, including all related matters" with a general focus on the prohibition of the production of fissile material for nuclear weapons and other nuclear explosive devices was held on 12 March 2013. There was a lengthy discussion on this issue where delegations reaffirmed their respective positions, which are duly recorded in the plenary records of the session (CD/PV.1282).

38. The following documents were submitted to the Conference under this agenda item:

(a) CD/1950, dated 21 March 2013 entitled "Note verbale of 20 March 2013 addressed to the Secretary-General of the Conference on Disarmament by the Permanent Mission of Cuba, transmitting the text of the Declaration adopted at the Workshop of Cuban Civil Society Organizations on Nuclear Disarmament held in Havana on 12 March 2013".

(b) CD/1953*, dated 28 June 2013 entitled "Note verbale dated 25 June 2013 from the Delegation of the United States of America to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the text of the White House fact sheet on nuclear weapons employment strategy of the United States of America dated 19 June 2013".

(c) CD/1959, dated 9 September 2013, entitled "Bangladesh, on behalf of member States of G-21. Working paper. Nuclear disarmament".

(d) CD/1962 and Corr.1 dated 11 and 13 September 2013, entitled "Letter dated 9 September 2013 from the Permanent Representative of Pakistan addressed to the President of the Conference on Disarmament transmitting the press release issued by Pakistan's National Command Authority on 5 September 2013"

B. Prevention of nuclear war, including all related matters

39. 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.

40. On the proposal of the President of the Conference, Ms. Sujata Mehta, Ambassador of India, one plenary meeting on agenda item

1 entitled "Cessation of the nuclear arms race and nuclear disarmament" and agenda item 2 entitled "Prevention of nuclear war, including all related matters" with a general focus on nuclear disarmament was held on 5 March 2013. There was a lengthy discussion on this issue where delegations reaffirmed their respective positions, which are duly recorded in the plenary records of the session (CD/PV.1281).

41. On the proposal of the President of the Conference, Ms. Sujata Mehta, Ambassador of India, one plenary meeting on agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" and agenda item 2 entitled "Prevention of nuclear war, including all related matters" with a general focus on the prohibition of the production of fissile material for nuclear weapons and other nuclear explosive devices was held on 12 March 2013. There was a lengthy discussion on this issue where delegations reaffirmed their respective positions, which are duly recorded in the plenary records of the session (CD/PV.1282).

42. The following documents were submitted to the Conference under this agenda item:

(a) CD/1950, dated 21 March 2013 entitled "Note verbale of 20 March 2013 addressed to the Secretary-General of the Conference on Disarmament by the Permanent Mission of Cuba, transmitting the text of the Declaration adopted at the Workshop of Cuban Civil Society Organizations on Nuclear Disarmament held in Havana on 12 March 2013".

(b) CD/1953*, dated 28 June 2013 entitled "Note verbale dated 25 June 2013 from the Delegation of the United States of America to the conference on Disarmament addressed to the Secretary-General of the Conference transmitting the text of the White House fact sheet on nuclear weapons employment strategy of the United States of America dated 19 June 2013".

(c) CD/1959, dated 9 September 2013, entitled "Bangladesh, on behalf of member States of G-21. Working paper. Nuclear disarmament".

(d) CD/1962 and Corr.1 dated 11 and 13 September 2013, entitled "Letter dated 9 September 2013 from the Permanent Representative of Pakistan addressed to the President of the Conference on Disarmament transmitting the press release issued by Pakistan's National Command Authority on 5 September 2013".

C. Prevention of an arms race in outer space

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. On the proposal of the President of the Conference, Mr. Triyono Wibowo, Ambassador of Indonesia, one plenary meeting on agenda item 3 entitled "Prevention of an arms race in outer space" was held on 19 March 2013. There was a lengthy discussion on this issue where delegations reaffirmed their respective positions, which are duly recorded in the plenary records of the session (CD/PV.1283).

45. The following documents were submitted to the Conference under this agenda item:

(a) CD/1954, dated 31 July 2013 entitled "Letter dated 29 July 2013 from the Permanent Representatives of Indonesia and the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the joint statement by the Ministers of Foreign Affairs of Indonesia and the Russian Federation to declare that they will not, in any way, be the first to place weapons of any kind in outer space, that they will make all possible efforts to prevent outer space from becoming an arena for military confrontation and to ensure security in outer space activities, signed in Bandar Seri Begawan on 1 July 2013".

(b) CD/1961, dated 9 September 2013, entitled "Bangladesh, on behalf of member States of G-21. Working paper. Prevention of an arms race in outer space".

D. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear 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. On the proposal of the President of the Conference, Mr. Triyono Wibowo, Ambassador of Indonesia, 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 26 March 2013. There was a lengthy discussion on this issue where delegations reaffirmed their respective positions, which are duly recorded in the plenary records of the sessions (CD/PV.1284).

48. The following document was submitted to the Conference under this agenda item:

CD/1960, dated 9 September 2013, entitled "Bangladesh, on behalf of member States of G-21. Working paper. Negative security assurances".

E. New types of weapons of mass destruction and new systems of such weapons; radiological weapons

49. 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.

50. On the proposal of the President of the Conference, Mr. Triyono Wibowo, Ambassador of Indonesia, one plenary meeting on agenda item 5 entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons" and agenda item 6 entitled "Comprehensive programme of disarmament" was held on 14 May

2013. There was a lengthy discussion on these issues where delegations reaffirmed their respective positions, which are duly recorded in the plenary record of the session (CD/PV.1285).

51. No documents were submitted on this subject during the 2013 session of the Conference.

F. Comprehensive programme of disarmament

52. 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.

53. On the proposal of the President of the Conference, Mr. Triyono Wibowo, Ambassador of Indonesia, one plenary meeting on agenda item 5 entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons" and agenda item 6 entitled "Comprehensive programme of disarmament" was held on 14 May 2013. There was a lengthy discussion on these issues where delegations reaffirmed their respective positions, which are duly recorded in the plenary record of the session (CD/PV.1285).

54. No documents were submitted on this subject during the 2013 session of the Conference.

G. Transparency in armaments

55. 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.

56. On the proposal of the President of the Conference, Mr. Triyono Wibowo, Ambassador of Indonesia, one plenary meeting on agenda item 7 entitled "Transparency in armaments" was held on 24 May 2013. There was a lengthy discussion on this issue where delegations reaffirmed their respective positions, which are duly recorded in the plenary record of the session (CD/PV.1286).

57. No documents were submitted on this subject during the 2013 session of the Conference.

H. Consideration of other areas dealing with the cessation of the arms race and disarmament and other relevant measures

58. No documents were submitted on this subject during the 2013 session of the Conference.

I. Consideration and adoption of the annual report of the Conference and any other report, as appropriate, to the General Assembly of the United Nations

59. With a view to the growing importance and need of progress of multilateral disarmament, and building on the focused efforts in the Conference on Disarmament to establish a programme of work for the 2013 session, and noting the provisions of CD/1956/Rev.1, and with a view to early commencement of substantive work during its 2014 session, the Conference requested 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 on Disarmament, views presented and discussions held, and to endeavour to keep the membership of the Conference informed, as appropriate, of their consultations.

[Eds...]

UN Secretary-General's remarks to the Conference on Disarmament

[Geneva, 21 January 2014]

[Eds...]

Let me begin by wishing you all the best for a happy new year. In my part of the world, 2014 has been designated as the "year of the blue horse". A horse represents, of course, vigour and speed – and a blue horse, of course, is an animal of imagination. I hope this august forum – as the sole standing body on disarmament negotiations – will take inspiration and make 2014 a year of creativity and action.

I will be very frank ladies and gentlemen. This is my fourth appearance before the CD, but the first in my second term. When I considered addressing you once again today, some of our senior advisers counselled against it. They said there are little prospects for progress this year. They wondered about the point of taking time out of a very busy schedule already full on the eve of the Geneva Conference on Syria.

But I decided to come and meet you. Why? Because I am a strong believer in multilateralism. I want you to know that I have not given up hope for this noble body. I want to encourage you to live up to the international community's expectations. Even though your mandate is to disarm, today, I say, "Arm yourself with the spirit of blue horse and run. Run fast and run far." [Eds...]

Since my last visit to you in 2011, the Conference on Disarmament has remained unable to begin substantive negotiations. But the world has not waited. Last year, the international community reacted in horror to the atrocious use of chemical weapons in Syria. In one voice, we condemned these acts as an outrageous violation of international humanitarian law and a war crime.

The abhorrent use of chemical weapons was a stark reminder of the need to confront the dangers of all weapons of mass destruction, including nuclear weapons. We cannot wait for new catastrophes to act. The Chemical Weapons Convention is your legacy. The CD brought it to life. The presentation of the Nobel Peace Prize to the OPCW is recognition of the importance of disarmament and non-proliferation for world peace. I hope you will be inspired by this.

My message is clear. Do not wait for others to move. Be the first mover. Do not hide behind the utopian logic which says that until we have the perfect security environment, nuclear disarmament cannot proceed. This is old-think. This is the mentality of the Cold War era. We must face the realities of the 21st century. The Conference on Disarmament can be a driving force for building a safer world and a better future. That is its very mission.

As you all know, I have placed disarmament and non-proliferation as a leading priority on the United Nations agenda. A functional machinery can and must contribute substantially to international

peace and security. Savings in weaponry can contribute to development and improve global well-being. Your work can make a significant contribution as the international community strives hard to achieve Millennium Development Goals and craft a solid post-2015 development agenda.

There is progress on which to build. The open-ended working group convened last year in Geneva generated some new thinking on the way forward. The High-level Meeting of the General Assembly on Nuclear Disarmament demonstrated that this issue remains a major international priority and deserves attention at the highest levels. There is growing understanding of the catastrophic humanitarian consequences of any use of nuclear weapons.

I recognize and welcome the serious efforts you have made to end the impasse. While there was no breakthrough, a constructive spirit prevailed last year. The various Presidencies engaged in active consultations. The Informal Working Group represented an innovative attempt to take modest steps forward. Yet the pervasive cycle of pessimism in this body must still be overcome or else the CD will be overtaken by events.

I have also come to share with you my thoughts on a possible way forward:

While you continue to seek the path towards renewed disarmament negotiations, it is important that you develop treaty frameworks and proposals through structured discussions. Laying such a foundation for future negotiations would be a concrete first step towards revalidating the relevance of the Conference.

I hope the CD can make good progress before this spring's third preparatory meeting for the 2015 NPT Review Conference. This will significantly boost the morale for this important event.

I am committed to doing all I can to assist you to launch negotiations on the important items on the agenda of the Conference.

Excellencies, I take this opportunity to formally present to you Mr. Michael Møller whom I have recently appointed as Acting Secretary-General of the Conference on Disarmament and my Personal Representative to the Conference. Many of you know him already and he brings long experience to this role.

[Eds...] I leave you today with the hope that the progress of the past session, your previous successes and a renewed sense of commitment will serve as a stepping stone towards resuming substantive work. I wish you success in your proceedings and in keeping pace with the blue horse. [Eds...]

Member States' Views on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, including possible aspects thereof

[As of 17 February 2014]

By paragraph 2 of its resolution 67/53 (A/RES/67/53) the General Assembly of the United Nations requested the Secretary-General to seek the views of Member States on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, including possible aspects thereof, and to submit a report on the subject to the General Assembly at its sixty-eighth session.

[Ed note - see UNOG website for list and links to submitted states' views:

<http://www.unog.ch/unog/website/disarmament.nsf/%28httpPages%29/384E4AAF5A1D7189C1257B7C003140CA?OpenDocument&unid=B8A3B48A3FB7185EC1257B280045DBE3>

J – 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]

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...]

K – 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.

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]

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.

L – 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. [Eds..]

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.

[Eds...]

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,

[Eds...]

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.

[Eds...]

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.

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 limits 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]

Working Paper on Multilateral Nuclear Supply Principles of the Zangger Committee

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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, Kazakhstan, 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 and 1995.

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, 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 that:

“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.” (International Atomic Energy Agency (IAEA) safeguards as described in article III).

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 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 basis “understandings” contained in two separate memorandums. Together, those 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 in INFCIRC/209, dated 3 September 1974.

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 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 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.

“Trigger list” and its clarification

14. The two memorandums 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.

15. 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, nine clarification exercises have taken place. Clarifications are conducted on the basis of consensus. In 2007, the Zangger Committee agreed on procedures for streamlining both its internal decision-making and notification of changes to the Director General of IAEA, and also for facilitating harmonization of its memorandums A and B with the trigger list of the Nuclear Suppliers Group.

16. 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 the 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.

(i) In **February 2008**, INFCIRC/209/Rev.2 was modified to include expanded details on separation of isotopes of special fissionable material, with the addition of an explanatory note, an introductory note in the annex, and a technical amendment already agreed in June 2006. The annex was also amended to include text on valves especially designed or prepared for gas centrifuge enrichment plants;

(j) In **July 2009**, a correction was issued to INFCIRC/209/Rev.2 eliminating several minor errors in both memorandums A and B.

Membership

17. All Zangger Committee members are parties to the Treaty that are capable of supplying trigger list items. Currently there are 37 members (Argentina, Australia, Austria, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, France, Finland, Germany, Greece, Hungary, Ireland, Italy, Japan, Kazakhstan, 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 a 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) and may contact the Secretariat (the United Kingdom Mission in Vienna) or any State member of the Committee.

Outreach

18. 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.

In November 2008, the Zangger Committee agreed to expand its outreach programme, and, accordingly, the Chair wrote to a number of States parties to the Treaty, inviting each to participate in an outreach dialogue with the Committee.

Zangger Committee and NPT conferences

19. 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 had 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.

20. 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.

21. 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 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.

22. 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, 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 these understandings and recommended that the list of items and the procedures for implementation be reviewed from time to time. The working group 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.

23. 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.

24. 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.

25. 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.

26. At the 2005 Review Conference, export control issues were discussed in Main Committee II. Main Committee II did not, however, reach consensus on a text. No consensus was reached on a final document.

27. In the preparatory cycle for the 2010 Review Conference, the Zangger Committee issued a working paper entitled "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, dated 8 May 2008), and subsequently invited all States parties to the Treaty to become additional co-sponsors of this working paper. A list of additional co-sponsors is contained in NPT/CONF.2010/PC.III/WP.40, dated 15 May 2009.

28. 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"

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 subsequent 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

The Nuclear Suppliers Group

Communication Received from the Permanent Mission of the United States of America to the Agency on behalf of the Member States of the Nuclear Suppliers Group

[INFCIRC/539/Rev.5: 4 December 2012]

[Editorial note: Footnotes not included]

[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 Guidelines¹ governs the export of items that are especially designed or prepared for nuclear use. These include: (i) nuclear material; (ii) nuclear reactors and equipment

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 fullscope 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.

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 Guidelines² 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 and the Caribbean (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 Nonproliferation of Weapons of Mass Destruction, which "calls upon all States to promote dialogue and cooperation on non-proliferation" 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

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.23 of the NPT with a view to facilitating a 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 Zangger Committee continued to meet on a regular basis after

1974 to review and amend the list of items on the Trigger List.

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, and called upon all States parties to ensure that their exports of nuclear-related dual-use items to States not party to the Treaty do not assist any nuclear weapons programme. The NPTRC in 2010 (action 36) encouraged States parties to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls.

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, Semipalatinsk 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 interest 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 strengthening of the IAEA safeguards system from 1997 onwards has improved 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. At an Extraordinary Plenary Meeting in Vienna in December 2002, the NSG 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.

42. NSG participants welcome the recognition in UNSCR 1540 (2004) 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. NSG PGs also welcome the follow-up resolutions (1673, 1810 and 1977) and the continuing work of the SCR 1540 experts.

43. 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.

44. 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.

45. 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 INFCIRC/254, Part 1, Rev. 9, paragraph 16. At each regularly scheduled CG and Plenary meeting since adopting the exception, PGs have fulfilled the regular reporting and consultation requirements of the 2008 policy statement on civil nuclear cooperation with India.

46. Noting the importance of keeping up to date with technological developments, PGs agreed in 2010 at the Christchurch Plenary to undertake a fundamental review of the NSG lists. Technical experts have been conducting regular interactions under the auspices of the Dedicated Meeting of Technical Experts (DMTE).

47. At the 2011 Noordwijk Plenary, PGs concluded a multi-year effort and agreed to strengthen the Guidelines on the transfer of sensitive enrichment and reprocessing technologies. The Seattle Plenary agreed to include in the Guidelines a reference to support access to nuclear material for peaceful purposes.

48. At each Plenary meeting, NSG Participating Governments take

stock of developments in the nuclear field since the last Plenary meeting, exchange information on positive and negative developments in the nuclear nonproliferation regime, and focus on specific regions and countries of concern. The Group has regularly expressed its concerns about the proliferation implications of the nuclear programmes of the Democratic People's Republic of Korea (DPRK) and Iran. At the conclusion of each Plenary meeting the NSG issues a public statement. Statements issued since 1992 as well as other useful information about the work of the NSG may be found at www.nuclearsuppliersgroup.org. Section IV below provides additional information on the web site and other transparency measures the NSG has taken.

IV. NSG Action to Promote Openness and Transparency

49. 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.

50. 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.

51. 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).

52. The NSG welcomed 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 1996 Buenos Aires Plenary meeting.

53. As a first step, NSG participants 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.

54. 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.

55. 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.

56. The two international seminars were designed to be a further 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.

57. 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; the Noordwijk and Seattle Plenaries undertook to refine and restructure the website to keep it up to date.

<http://www.nuclearsuppliersgroup.org> <http://www.nsg-online.org>

58. 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.

59. PGs continue to explore 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 the existing NSG outreach programme and regular contacts with specific countries to inform them about NSG practices and to promote adherence to the Guidelines. The Christchurch Plenary provided guidance to assist PGs in maintaining a balance between confidentiality and transparency in NSG activities, recognising the increased need for appropriate transparency in facilitating the confidence in, adherence to and understanding of NSG Guidelines and procedures. The Budapest, Christchurch and Noordwijk Plenaries discussed in depth the scope and form of future NSG outreach programmes, with a view to making recommendations for future directions. The Seattle Plenary approved a document to guide the NSG's outreach activities for use by future NSG Chairs and PGs in considering the annual outreach agenda.

60. 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.

61. At the Seattle Plenary, NSG participants agreed on the utility of engagement with industry.

Conclusions

62. 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.

63. 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.

64. Universal transparency of the NSG Guidelines and the Annexes will continue through their publication as IAEA Information Circulars.

65. 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.

66. 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 - [Eds...]

Public Statement (Final)

Plenary meeting of the Nuclear Suppliers Group

[Prague, Czech Republic, 13-14 June 2013]

[Eds...]

The Plenary emphasized that the work of the Group continued to fulfil the aim of preventing the proliferation of nuclear weapons by promoting transparency and greater supplier responsibility in the

transfer of items that may be applicable to nuclear weapon development, without hindering legitimate trade and international cooperation on peaceful uses of nuclear energy.

To keep pace with advances in technology, market trends and security challenges, the NSG completed a fundamental review of its Trigger and Dual-Use Lists, which was launched three years ago at the 2010 Christchurch NSG Plenary in New Zealand. As a result, the 2013 Prague NSG Plenary adopted 28 amendments to the NSG Control Lists and a request will be made to the International Atomic Energy Agency (IAEA) to publish all 54 agreed amendments in a revised INFCIRC/254/Parts 1 and 2.

Participating Governments reiterated their firm support for the full, complete and effective implementation of the NPT, as well as its universalization. While reaffirming their commitment to fully effective export controls, Participating Governments discussed information and good practices on licensing and enforcement, as well as best practices on membership applications, and pointed out growing challenges to the international non-proliferation regime.

[Eds...]

The NSG also took stock of developments since the 2012 Seattle NSG Plenary and discussed how to further its activities. The Plenary agreed that the 2012-2013 period had been an especially busy and successful one for the NSG.

At the Plenary meeting, the NSG also:

- Continued to consider all aspects of the implementation of the 2008 Statement on Civil Nuclear Cooperation with India and discussed the NSG relationship with India;
- Agreed to amend relevant part of Paragraph 3.a and Annex C of the Part 1 Guidelines to reference recognized IAEA recommendations for physical protection;
- Discussed a framework for industry engagement to be published on the NSG website, as an example of a best practice. Agreed to launch the new, revised NSG public website to facilitate information sharing with the public in multiple languages;
- Discussed a report on the NSG's outreach programme and agreed to strengthen the outreach efforts;
- Provided additional guidance to the NSG Chair in conducting the NSG outreach programme, including with the UN Security Council Resolution 1540 Committee on brokering and transit activities, as they relate to the implementation of the NSG Guidelines.

The NSG Plenary invited all nuclear supplier states to express their responsible approach to nuclear exports by adhering to the NSG Guidelines.

[Eds...]

Guidelines for the Export of Nuclear Material, Equipment and Technology

[Nuclear Suppliers Group, Reproduced from INFCIRC/254/Rev.12/Part1, 13 November 2013]

1. The Secretariat has received a note verbale from the Permanent Mission of the Czech Republic, dated 18 October 2013, in which it requests that the Agency circulate to all Member States, a letter of 18 October 2013 from the Chairperson of the Nuclear Suppliers Group, Ambassador Veronika Kuchyňová Šmígllová, 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, Luxembourg, Mexico, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, 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 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 Paragraph 3. (a) of the NSG Part 1 Guidelines 'Physical Protection' and Annex C 'Criteria for Levels of Physical Protection'.

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 levels to prevent unauthorized use and handling, consistent with the relevant IAEA recommendations, in particular those set out in INFCIRC/225.

(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 authorize the transfer of enrichment and reprocessing facilities, and equipment and technology therefore 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 authorize 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 14 of the Guidelines, ensure their peaceful nature. In this regard suppliers should authorize 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 17(b) of the Guidelines, prior to beginning transfers of enrichment or reprocessing facilities, equipment, or technology, suppliers should consult with Participating Governments regarding the nonproliferation 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 recognize 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 recognize 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 recognize 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 14 and 15 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 13 and 15 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

Support for access to nuclear material for peaceful uses

12. Suppliers should, in accordance with the objective of these guidelines, facilitate access to nuclear material for the peaceful uses of nuclear energy, and encourage, within the scope of Article IV of the NPT, recipients to take the fullest possible advantage of the international commercial market and other available international mechanisms for nuclear fuel services while not undermining the global fuel market.

Physical security

13. 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

14. 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

15. 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

16. 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

17. (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 17(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.

18. 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 isotope separation of "other elements" 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 isotope separation activities involving "other elements" to ensure the implementation of appropriate protection measures as warranted. Suppliers recognize that, in particular cases, appropriate protection measures for isotope separation activities involving "other elements" will be essentially the same as those for uranium enrichment. (See Introductory Note in Section 5 of the Trigger List.) In accordance with Paragraph 17(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 plants, equipment and technology involving isotope separation of "other elements". Suppliers should also exercise appropriate caution in cases involving the application of equipment and technology, derived from uranium enrichment processes, for other non-nuclear uses such as in the chemical industry.

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.

SOFTWARE CONTROLS

The transfer of "software" directly associated with any item in the List will be subject to as great a degree of scrutiny and controls as will the item itself, to the extent permitted by national legislation.

Controls on "software" transfer do not apply to information in "the public domain" or to "basic scientific research".

DEFINITIONS

"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” as it applies herein, means “technology” or “software” that has been made available without restrictions upon its further dissemination. (Copyright restrictions do not remove “technology” or “software” from being in the public domain.)

“microprograms” - A sequence of elementary instructions, maintained in a special storage, the execution of which is initiated by the introduction of its reference instruction into an instruction register.

“other elements” – All elements other than hydrogen, uranium and plutonium.

“production” means all production phases such as:

- construction
- production engineering
- manufacture
- integration
- assembly (mounting)
- inspection
- testing
- quality assurance

“program” - A sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer.

“software” means a collection of one or more “programs” or “microprograms” fixed in any tangible medium of expression.

“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” 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.

“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”.

“use” - Operation, installation (including on-site installation), maintenance (checking), repair, overhaul or 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...]

ANNEX C

[Eds...]

Communication Received from the Permanent Mission of the Czech Republic to the International Atomic Energy Agency regarding Certain Member States' Guidelines for the Export of Nuclear Material, Equipment and Technology

[INFCIRC/254/Rev.12/Part 1, 13 November 2013]

[Eds...]

I have the honor to refer to all previous relevant communications from these Governments concerning their decisions to act in accordance with the Guidelines for Nuclear Transfers currently

published by the International Atomic Energy Agency (IAEA) as an Information Circular document INFCIRC/254/Rev.11/Part 1, including its Annexes.

These Governments have decided to amend Paragraph 3. (a) of the NSG Part 1 Guidelines 'Physical Protection' and Annex C 'Criteria for Levels of Physical Protection'. The new texts read as follows:

BEGIN TEXT:

Physical protection

3.(a) All nuclear materials and facilities identified by the agreed trigger list should be placed under effective physical protection levels to prevent unauthorized use and handling, consistent with the relevant IAEA recommendations, in particular those set out in INFCIRC/225.

ANNEX C

CRITERIA FOR LEVELS OF PHYSICAL PROTECTION

1. The purpose of physical protection of nuclear materials is to prevent unauthorized use and handling of these materials. Paragraph 3(a) of the Guidelines document calls for effective physical protection levels consistent with the relevant IAEA recommendations, in particular those set out in INFCIRC/225.

END OF TEXT

The above Governments have also decided to amend Annex A and Annex B of the NSG Part 1 Guidelines (the Trigger List) in order to more clearly define the standard of implementation that all Participating Governments of the Nuclear Suppliers Group regard as essential for the fulfillment of the Guidelines, as follows.

Annex A:

- Definitions, "Use" Technology. The word "and" in the definition of "use" could be interpreted to mean that all of the possibilities listed under this definition would have to be present in order for an activity to count as "use". As this was never the intention of the definition, the word "and" was replaced with "or".
- The previous wording "stable isotopes" may not cover all relevant cases. This wording has now been replaced with the term "other elements", which is defined as "all elements other than hydrogen, uranium and plutonium".
- "Software controls". Previously, the Trigger List controlled special software implicitly as a "technology". This change makes the control of software explicit, in line with other regimes and in reflection of its growing importance.

Annex B:

- 1.1. "Complete nuclear reactors". The major change to this entry is the removal of the "zero-power" exemption, which will inter alia ensure that reactors using the thorium fuel cycle are also controlled.
- 1.2. "Nuclear reactor vessels". The explanatory note in this entry has been expanded to make clear that the Trigger List covers reactor vessels regardless of their pressure rating and includes reactor pressure vessels and calandrias.
- 1.5. "Nuclear reactor pressure tubes". The changes to this entry are intended to ensure that flow tubes are covered. Flow tubes are used in certain nuclear reactor core designs to contain fuel elements or assemblies and to create separate coolant channels.
- 1.6. "Nuclear fuel cladding". The changes to this entry are designed to clarify the current scope of control related to the quantity or make-up of zirconium metal tubes. The revised text includes zirconium alloy tubes and limits transfers to small samples.
- 1.7. "Primary Coolant Pumps or circulators". The first change to this entry adds circulators to the scope of this entry. The second change ("pumps with") is designed to ensure consistency and simplify the translation into other languages.
- 1.8. "Nuclear reactor internals". The change to this entry is intended to tidy up the text, and added calandria tubes to the list of examples of nuclear reactor internals.

- 1.9. "Heat exchangers". This has now been clarified as the previous text for this entry may have given the impression that only steam generators are controlled.
- 1.10. "Neutron detectors". The previous wording led to general-use items being caught by export controls. The new wording ensures that only detectors are covered.
- 1.11. "Nuclear reactor internals". This change adds external thermal shields to the Trigger List as a new separate entry.
- 2.2. "Nuclear-grade graphite". The changes to this entry close loopholes in the previous text that would have allowed the gradual acquisition of large quantities of nuclear-grade graphite.
- 3.1. - 3.4. The changes to these entries are limited to formatting and do not change their content.
- 3.5. "Neutron measurement systems for process control". This new entry was added to ensure explicit coverage of neutron measurement systems especially designed or prepared for integration and use with automated process control systems in a reprocessing plant.
- 4. "Plants for the fabrication of nuclear fuel elements, and equipment especially designed or prepared therefor". The change to this entry ensures that not only equipment used to seal nuclear material into cladding, but also the equipment used to produce cladding, are controlled.
- Section 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". The changes to entries in Trigger List Section 5 included a number of changes of an editorial nature. Other changes involved technical changes to strengthen the controls and/or to add explicit language that captures alternative implementations of controlled technology.
- 5.1.2.a. "Magnetic suspension bearings". Active magnetic bearings especially designed or prepared for use with gas centrifuges have been added to this entry.
- 5.2.3. "Special shut-off and control valves". The change to this entry expands it to also cover shut-off valves that are not bellow-sealed.
- 5.2.5. "Frequency changers". The changes to this entry bring it up to date in light of technology changes.
- 6.1. "Water - Hydrogen Sulphide Exchange Towers". The changes to this entry concern the size and make-up of exchange towers to take account of the possible use of different materials.
- 6.9. "Ammonia synthesis converters". This change removes ammonia synthesis converters from the Dual-Use List and adds them to the Trigger List when they are especially designed or prepared for heavy water production. 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."

[Eds...]

Guidelines for Transfers of Nuclear-related Dual-use Equipment, Material, Software and Related Technology

[INFCIRC/254/Rev.9/Part 2 13 November 2013]

[Eds...]

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 cooperation will not contribute to a nuclear explosive activity, an unsafeguarded nuclear fuel-cycle 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.

ANNEX

LIST OF NUCLEAR-RELATED DUAL-USE EQUIPMENT, MATERIALS, SOFTWARE, AND RELATED TECHNOLOGY

[Eds...]

Communication Received from the Permanent Mission of the Czech Republic to the International Atomic Energy Agency regarding Certain Member States' Guidelines for Transfers of Nuclear-related Dual-use Equipment, Materials, Software and Related Technology

[INFCIRC/254/Rev.9/Part 2, 13 November 2013]

[Eds...]

I have the honour to refer to all previous relevant communications from these Governments concerning their decisions to act in

accordance with the Guidelines for Nuclear Transfers currently published by the International Atomic Energy Agency (IAEA) as an Information Circular document INFCIRC/254/Rev.8/Part 2, including its Annex.

These Governments have decided to amend the Annex of the NSG Part 2 Guidelines (the Dual-Use List), in order to more clearly define the standard of implementation that all Participating Governments of the Nuclear Suppliers Group regard as essential for the fulfilment of the Guidelines, as follows:

— Definition for "Angular position deviation". The change to the definition of angular position deviation removes a reference to an out-of-date standard (VDI/VDE 2617). This standard was withdrawn in mid-2005 and cannot be obtained by the public.

— 1.B.3.a. "Dimensional inspection machines". The changes to this entry are intended to ensure both that dimensional inspection machines are not excluded from controls because of inaccurate testing and that the burden on industry of complying with controls is not too heavy.

— 1.B.3.b. "Linear differential measuring instruments". The change to this entry leaves the scope of the control as it was, but makes explicit that linear variable differential transformer systems which only exceed the threshold over a very small measurement range (that have a so-called "sweet spot") are excluded.

— 1.D.1. "Software for Industrial Equipment". The change adds the words "or modified" to make clear that software that has been adapted from its original purpose should also be subject to controls.

— 1.D.2. and 1.113. "Software for machine tools". The addition of the words "machine tools" in 1.D.3. and the addition of a note in 1.D.2. make clear that the restrictions on software do not apply to software used in devices other than machine tools, and for purposes other than the machining of parts.

— 2.A.1. "Crucible materials". The change to this entry is designed to clarify the entry of covering crucibles made of a combination of materials.

— 2.B.2. "Lithium isotope separation facilities or plants, and equipment". The changes to this entry reflect technology changes since the previous text was written.

— 2.C.11. "Maraging steel". The change to this entry lowers the threshold of the ultimate tensile strength of maraging steel to ensure coverage of 300-grade maraging steel alloys, which might be used in gas centrifuges.

— 2.C.19. "Radionuclides appropriate for making neutron sources based on alpha-n reaction". The changes to this entry define in a more accurate way all the radionuclides relevant for weaponisation purposes.

— 2.C.20. "Rhenium". This addition to the Dual-Use List adds rhenium and its alloys to the control lists, which could be used in the same way and with the same effectiveness as tungsten and its alloys, which were already covered.

— 3.A.1. "Frequency changers or generators". The changes to this entry were designed to update and expand the text to better ensure control of dual-use frequency changers (also known as converters/convertors or inverters/invertors).

— 3.A.2.a. "Copper vapour lasers". The change to this entry lowers the threshold for the average output power of lasers, amplifiers and oscillators to make this control more effective.

— 3.A.2.j. "Pulsed carbon monoxide lasers". Entry 3.A.2.g controls pulsed carbon dioxide lasers operating at wavelengths between 9000 and 11000 nm. This entry now also controls carbon monoxide lasers that normally operate at lower wavelengths.

— 3.A.7. "Pressure transducers". A number of changes were made to this entry to clarify it and bring it up to date and to ensure that it is as targeted items of proliferation concern as possible.

— 3.A.9. "Bellows-sealed scroll-type compressors and vacuum

pumps". This new entry covers bellows-sealed scroll compressors and bellows-sealed scroll-type vacuum pumps that might be used in UF6 processing operations.

— 3.B.4. "Filament winding machines". The change is to clarify that the use of short tubes or tubes with large diameters is covered by the control text.

— 3.B.6. "Mass spectrometers". The change to this entry is for the purpose of clarifying controls and simplifying licensing interpretation issues.

— 3.D.1, 3.D.2, 3.D.3. "Software for frequency changers". New entries have been added to control software "specially designed" for the use of controlled frequency changers, and also to control software "specially designed" to enhance, improve, or adapt the performance characteristics of frequency changers such that they can meet the controlled characteristics.

— 4.B.2. "Hydrogen-cryogenic distillation columns". The changes to this entry lower the thresholds for internal diameter and length to reflect technology changes, and add a technical note to define "effective length" for the sake of clarity.

— 4.B.3. "Ammonia synthesis converters and Trigger List 6.9". This change removes ammonia synthesis converters from the Dual-Use List and adds them to the Trigger List when they are especially designed or prepared for heavy water production.

— 5.B.2. "Gun systems". The changes to this entry expand its scope to cover propellant and single-stage light gas guns, and modify the speed parameter, to reflect changes in technology.

— 5.B.3. "Clarification of controls on certain high-speed cameras". The changes agreed to this entry are designed to reflect the technological developments in this area since the control text was written.

— 5.B.3. "High-speed camera plug-ins". This change seeks to ensure that streak or framing cameras that otherwise avoid control cannot later be upgraded to performance levels that would be subject to control.

— 5.B.5. "Velocity interferometers". In light of technological developments, the note in this entry now explicitly mentions Photonic Doppler Velocimeters, which are replacing the other interferometers already covered.

— 5.B.5. "Ytterbium gauges". The change to this entry is to clarify the current entry to cover gauges made with manganin.

— 5.B.6. "High-speed pulse generators". The change to this entry expands it to include pulse heads. Pulse heads are a critical, purpose-built component of high-speed pulse generators covered by this entry.

— 5.B.7. "High explosive containment vessels, chambers, containers and other similar containment devices". This addition to the Dual-Use List introduces a control on explosion-proof vessels and chambers that can be used when testing explosives and explosive devices.

— 6.A.2. "Parameters and description for firing sets". The changes to this entry clarify its scope. This entry now also includes micro-firing units.

— 6.A.5. "Neutron generator systems". The change to this entry expands the scope of controls. In light of improvements in the output of deuterium-deuterium neutron generator systems, these devices are now also potentially of concern and are included in the new control text.

— 6.A.6. "Striplines". This addition to the Dual-Use List covers striplines. This technology is highly relevant to nuclear weaponisation and was not previously controlled.

— 6.C.1. "High explosive substances or mixtures". This change introduces a number of additional explosives that could be used effectively for unsafeguarded activity related to the development of nuclear explosive devices.

M – 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]

[Eds...]

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 30 December 2013, 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: 17 December 2013

Signatories: 44

Parties: 149 (subject to entry into force date)

Country/Organisation	Signature	Instrument	Date of deposit	Declaration etc. /Withdrawal		Entry into force
Afghanistan		accession	12 Sep 2003	☐	☐	12 Oct 2003
Albania		accession	05 Mar 2002	☐	☐	04 Apr 2002
Algeria		accession	30 Apr 2003	☒	☐	30 May 2003
Andorra		accession	27 Jun 2006	☒	☐	27 Jul 2006
Antigua and Barbuda		accession	04 Aug 1993	☐	☐	03 Sep 1993
Argentina	28 Feb 1986	ratification	06 Apr 1989	☒	☐	06 May 1989
Armenia		accession	24 Aug 1993	☐	☐	23 Sep 1993
Australia	22 Feb 1984	ratification	22 Sep 1987	☐	☐	22 Oct 1987
^a Austria	03 Mar 1980	ratification	22 Dec 1988	☒	☐	21 Jan 1989
Azerbaijan		accession	19 Jan 2004	☒	☐	18 Feb 2004

Bahamas		accession	21 May 2008	☒	☐	20 Jun 2008
Bahrain		accession	10 May 2010	☒	☐	9 Jun 2010
Bangladesh		accession	11 May 2005	☐	☐	10 Jun 2005
Belarus		succession	09 Sep 1993	☒	☐	14 Jun 1993
^a , Belgium	13 Jun 1980	ratification	06 Sep 1991	☒	☐	06 Oct 1991
Bolivia		accession	24 Jan 2002	☐	☐	23 Feb 2002
Bosnia and Herzegovina		succession	30 Jun 1998	☐	☐	01 Mar 1992
Botswana		accession	19 Sep 2000	☐	☐	19 Oct 2000
Brazil	15 May 1981	ratification	17 Oct 1985	☐	☐	08 Feb 1987
Bulgaria	23 Jun 1981	ratification	10 Apr 1984	☒	☒	08 Feb 1987
Burkina Faso		accession	13 Jan 2004	☐	☐	12 Feb 2004
Cambodia		accession	04 Aug 2006	☐	☐	03 Sep 2006
Cameroon		accession	29 Jun 2004	☐	☐	29 Jul 2004
Canada	23 Sep 1980	ratification	21 Mar 1986	☐	☐	08 Feb 1987
Cape Verde		accession	23 Feb 2007	☐	☐	25 Mar 2007
Central African Republic		accession	20 Feb 2008	☐	☐	21 Mar 2008
Chile		accession	27 Apr 1994	☐	☐	27 May 1994
China		accession	10 Jan 1989	☒	☐	09 Feb 1989
Colombia		accession	28 Mar 2003	☐	☐	27 Apr 2003
Comoros		accession	18 May 2007	☐	☐	17 Jun 2007
Costa Rica		accession	02 May 2003	☐	☐	01 Jun 2003
Côte d'Ivoire		accession	17 Oct 2012	☐	☐	16 Nov 2012
Croatia		succession	29 Sep 1992	☐	☐	08 Oct 1991
Cuba		accession	26 Sep 1997	☒	☐	26 Oct 1997
Cyprus		accession	23 Jul 1998	☒	☐	22 Aug 1998
Czech Republic		succession	24 Mar 1993	☐	☐	01 Jan 1993
Democratic Rep. Of the Congo		accession	21 Sep 2004	☐	☐	21 Oct 2004
^a Denmark	13 Jun 1980	ratification	06 Sep 1991	☐	☐	06 Oct 1991
Djibouti		accession	22 Jun 2004	☐	☐	22 Jul 2004
Dominica		accession	08 Nov 2004	☐	☐	08 Dec 2004
Dominican Republic	03 Mar 1980	ratification	30 Apr 2009	☐	☐	30 May 2009
Ecuador	26 Jun 1986	ratification	17 Jan 1996	☐	☐	16 Feb 1996
El Salvador		accession	15 Dec 2006	☒	☐	14 Jan 2007
Equatorial Guinea		accession	24 Nov 2003	☐	☐	24 Dec 2003
Estonia		accession	09 May 1994	☐	☐	08 Jun 1994
Fiji		accession	23 May 2008	☒	☐	22 Jun 2008
^a Finland	25 Jun 1981	acceptance	22 Sep 1989	☒	☐	22 Oct 1989
^a , France	13 Jun 1980	approval	06 Sep 1991	☒	☐	06 Oct 1991
Gabon		accession	19 Feb 2008	☐	☐	20 Mar 2008
Georgia		accession	07 Sep 2006	☐	☐	07 Oct 2006
^a , Germany	13 Jun 1980	ratification	06 Sep 1991	☒	☐	06 Oct 1991
Ghana		accession	16 Oct 2002	☐	☐	15 Nov 2002
^a , Greece	03 Mar 1980	ratification	06 Sep 1991	☒	☐	06 Oct 1991
Grenada		accession	09 Jan 2002	☐	☐	08 Feb 2002
Guatemala	12 Mar 1980	ratification	23 Apr 1985	☒	☐	08 Feb 1987
Guinea		accession	29 Nov 2005	☐	☐	29 Dec 2005
Guinea-Bissau		accession	08 Oct 2008	☐	☐	07 Nov 2008
Guyana		accession	13 Sep 2007	☐	☐	13 Oct 2007
Haiti	09 Apr 1980			☐	☐	
Honduras		accession	28 Jan 2004	☐	☐	27 Feb 2004
Hungary	17 Jun 1980	ratification	04 May 1984	☒	☒	08 Feb 1987
Iceland		accession	18 Jun 2002	☐	☐	18 Jul 2002
India		accession	12 Mar 2002	☒	☐	11 Apr 2002
Indonesia	03 Jul 1986	ratification	05 Nov 1986	☒	☐	08 Feb 1987
^a , Ireland	13 Jun 1980	ratification	06 Sep 1991	☒	☐	06 Oct 1991
Israel	17 Jun 1983	ratification	22 Jan 2002	☒	☐	21 Feb 2002
^a , Italy	13 Jun 1980	ratification	06 Sep 1991	☒	☐	06 Oct 1991
Jamaica		accession	16 Aug 2005	☐	☐	15 Sep 2005
Japan		accession	28 Oct 1988	☐	☐	27 Nov 1988
Jordan		accession	07 Sep 2009	☒	☐	07 Oct 2009
Kazakhstan		accession	02 Sep 2005	☐	☐	02 Oct 2005
Kenya		accession	11 Feb 2002	☐	☐	13 Mar 2002
Korea, Republic of	29 Dec 1981	ratification	07 Apr 1982	☒	☐	08 Feb 1987
Kuwait		accession	23 Apr 2004	☒	☐	23 May 2004
Lao P.D.R.		accession	29 Sep 2010	☒	☐	29 Oct 2010
Latvia		accession	06 Nov 2002	☐	☐	06 Dec 2002
Lebanon		accession	16 Dec 1997	☐	☐	15 Jan 1998
Lesotho		accession	18 Aug 2010	☐	☐	17 Sep 2010
Libya		accession	18 Oct 2000	☐	☐	17 Nov 2000
Liechtenstein	13 Jan 1986	ratification	25 Nov 1986	☐	☐	08 Feb 1987
Lithuania		accession	07 Dec 1993	☐	☐	06 Jan 1994
^a , Luxembourg	13 Jun 1980	ratification	06 Sep 1991	☒	☐	06 Oct 1991
Madagascar		accession	28 Oct 2003	☐	☐	27 Nov 2003
Malawi		accession	17 Dec 2013	☐	☐	16 Jan 2014
Mali		accession	07 May 2002	☐	☐	06 Jun 2002

Malta		accession	16 Oct 2003	☐	☐	15 Nov 2003
Marshall Islands		accession	07 Feb 2003	☐	☐	09 Mar 2003
Mauritania		accession	29 Jan 2008	☐	☐	28 Feb 2008
Mexico		accession	04 Apr 1988	☐	☐	04 May 1988
Monaco		accession	09 Aug 1996	☐	☐	08 Sep 1996
Mongolia	23 Jan 1986	ratification	28 May 1986	☒	☒	08 Feb 1987
Montenegro		succession	21 Mar 2007	☐	☐	03 Jun 2006
Morocco	25 Jul 1980	ratification	23 Aug 2002	☐	☐	22 Sep 2002
Mozambique		accession	03 Mar 2003	☒	☐	02 Apr 2003
Namibia		accession	02 Oct 2002	☐	☐	01 Nov 2002
Nauru		accession	12 Aug 2005	☐	☐	11 Sep 2005
^a , ^a Netherlands	13 Jun 1980	acceptance	06 Sep 1991	☒	☐	06 Oct 1991
New Zealand		accession	19 Dec 2003	☐	☐	18 Jan 2004
Nicaragua		accession	10 Dec 2004	☐	☐	09 Jan 2005
Niger	07 Jan 1985	ratification	19 Aug 2004	☐	☐	18 Sep 2004
Nigeria		accession	04 Apr 2007	☐	☐	04 May 2007
Niue		accession	19 Jun 2009	☐	☐	19 Jul 2009
^a Norway	26 Jan 1983	ratification	15 Aug 1985	☒	☐	08 Feb 1987
Oman		accession	11 Jun 2003	☒	☐	11 Jul 2003
Pakistan		accession	12 Sep 2000	☒	☐	12 Oct 2000
Palau		accession	24 Apr 2007	☐	☐	24 May 2007
Panama	18 Mar 1980	ratification	01 Apr 1999	☐	☐	01 May 1999
Paraguay	21 May 1980	ratification	06 Feb 1985	☐	☐	08 Feb 1987
Peru		accession	11 Jan 1995	☒	☐	10 Feb 1995
Philippines	19 May 1980	ratification	22 Sep 1981	☐	☐	08 Feb 1987
Poland	06 Aug 1980	ratification	05 Oct 1983	☒	☒	08 Feb 1987
^a , ^a Portugal	19 Sep 1984	ratification	06 Sep 1991	☒	☐	06 Oct 1991
Qatar		accession	09 Mar 2004	☒	☐	08 Apr 2004
Republic of Moldova		accession	07 May 1998	☐	☐	06 Jun 1998
Romania	15 Jan 1981	ratification	23 Nov 1993	☒	☐	23 Dec 1993
Russian Federation	22 May 1980	ratification	25 May 1983	☒	☒	08 Feb 1987
Rwanda		accession	28 Jun 2002	☐	☐	28 Jul 2002
Saint Kitts and Nevis		accession	29 Aug 2008	☐	☐	28 Sep 2008
Saint Lucia		Accession	14 Sep 2012	☒	☐	14 Oct 2012
Saudi Arabia		accession	07 Jan 2009	☒	☐	06 Feb 2009
Senegal		accession	03 Nov 2003	☐	☐	03 Dec 2003
Serbia		succession	05 Feb 2002	☐	☐	27 Apr 1992
Seychelles		accession	13 Aug 2003	☐	☐	12 Sep 2003
Slovakia		succession	10 Feb 1993	☐	☐	01 Jan 1993
Slovenia		succession	07 Jul 1992	☐	☐	25 Jun 1991
South Africa	18 May 1981	ratification	17 Sep 2007	☒	☐	17 Oct 2007
^a , ^a Spain	07 Apr 1986	ratification	06 Sep 1991	☒	☐	06 Oct 1991
Sudan		accession	18 May 2000	☐	☐	17 Jun 2000
Swaziland		accession	17 Apr 2003	☐	☐	17 May 2003
^a Sweden	02 Jul 1980	ratification	01 Aug 1980	☒	☐	08 Feb 1987
^a Switzerland	09 Jan 1987	ratification	09 Jan 1987	☒	☐	08 Feb 1987
Tajikistan		accession	11 Jul 1996	☐	☐	10 Aug 1996
The Frm. Yug. Rep. of Macedonia		succession	20 Sep 1996	☐	☐	17 Nov 1991
Togo		accession	07 Jun 2006	☐	☐	07 Jul 2006
Tonga		accession	24 Jan 2003	☐	☐	23 Feb 2003
Trinidad and Tobago		accession	25 Apr 2001	☐	☐	25 May 2001
Tunisia		accession	08 Apr 1993	☐	☐	08 May 1993
Turkey	23 Aug 1983	ratification	27 Feb 1985	☒	☐	08 Feb 1987
Turkmenistan		accession	07 Jan 2005	☐	☐	06 Feb 2005
Uganda		accession	10 Dec 2003	☐	☐	10 Jan 2004
Ukraine		accession	06 Jul 1993	☐	☐	05 Aug 1993
United Arab Emirates		accession	16 Oct 2003	☐	☐	15 Nov 2003
^a , ^a United Kingdom	13 Jun 1980	ratification	06 Sep 1991	☒	☐	06 Oct 1991
United Republic of Tanzania		accession	24 May 2006	☐	☐	23 Jun 2006
United States of America	03 Mar 1980	ratification	13 Dec 1982	☐	☐	08 Feb 1987
Uruguay		accession	24 Oct 2003	☐	☐	23 Nov 2003
Uzbekistan		accession	09 Feb 1998	☐	☐	11 Mar 1998
Vietnam		accession	04 Oct 2012	☒	☐	03 Nov 2012
Yemen		accession	31 May 2007	☐	☐	30 Jun 2007
^a EURATOM	13 Jun 1980	confirmation	06 Sep 1991	☒	☐	06 Oct 1991

* signed/ratified as a EURATOM Member State

^a 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,
As of 31 January 2014 – Not yet in force]

Report by the Director General...

[Eds...]

Amendment to the Convention on the Physical Protection of Nuclear Material

17. 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

17. 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 I, 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;

I “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.

I 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;

I 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

I 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 fulfil 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;

(17) 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;
- I 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;
 - I 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;
 - I 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 I, or
 - (ii) to commit an offence described in sub-paragraphs (b) and I 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 I;
 - (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.

Status of Amendment to the Convention on the Physical Protection of Nuclear Material

[As at 31 January 2014]

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 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: 72

Last change of status: 10 January 2014

Country/Organization	Instrument	Date of deposit
Albania	ratification	26 Apr 2013
Algeria	ratification	25 Apr 2007
Antigua and Barbuda	ratification	17 Dec 2009
Argentina	ratification	15 Nov 2011
Armenia	ratification	22 May 2013
Australia	ratification	17 Jul 2008
Austria	ratification	18 Sep 2006
Bahrain	acceptance	9 Jun 2010
Belgium	ratification	22 Jan 2013
Bosnia and Herzegovina	ratification	21 Jun 2010
Bulgaria	ratification	17 Mar 2006
Canada	ratification	3 Dec 2013
Chile	acceptance	12 Mar 2009
China	ratification	14 Sep 2009
Croatia	approval	11 Sep 2006
Cuba	ratification	16 Sep 2013
Cyprus	acceptance	27 Feb 2013
Czech Republic	acceptance	30 Dec 2010
Denmark	approval	19 May 2010
Estonia	ratification	24 Feb 2009
Fiji	approval	22 Jun 2008
Finland	acceptance	17 Jun 2011
France	approval	01 Feb 2013
Gabon	acceptance	20 Mar 2008
Georgia	acceptance	05 Apr 2012
Germany	ratification	21 Oct 2010
Ghana	ratification	12 Dec 2012
Greece	ratification	13 Dec 2011
Hungary	ratification	4 Dec 2008
India	ratification	19 Sep 2007
Indonesia	ratification	27 May 2010
Israel	ratification	16 Mar 2012

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 ^b of Annex II of the Convention is replaced by the following text:

^b 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 ^e of Annex II of the Convention is replaced by the following text:

^e Other fuel which by virtue of its original fissile material content is classified as Category I 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...]

Jordan	acceptance	7 Oct 2009
Kazakhstan	ratification	26 Apr 2011
Kenya	acceptance	1 Aug 2007
Latvia	acceptance	23 Nov 2010
Libyan Arab Jamahiriya	ratification	19 Jul 2006
Liechtenstein	ratification	13 Oct 2009
Lithuania	ratification	19 May 2009
Luxembourg	ratification	24 Feb 2012
Mali	acceptance	27 Jan 2010
Malta	acceptance	16 Sep 2013
Mauritania	ratification	28 Feb 2008
Mexico	ratification	1 Aug 2012
Nauru	approval	14 Jun 2010
Netherlands	acceptance	17 Apr 2011
Niger	ratification	28 May 2009
Nigeria	ratification	4 May 2007
Norway	approval	20 Aug 2009
Poland	ratification	1 Jun 2007
Portugal	ratification	26 Nov 2010
Rep. of Moldova	ratification	22 Dec 2008
Romania	ratification	6 Feb 2007
Russian Federation	acceptance	19 Sep 2008
Saint Lucia	acceptance	8 Nov 2012
Saudi Arabia	acceptance	21 Jan 2011
Seychelles	acceptance	9 Jan 2006
Slovakia	ratification	07 Mar 2013
Slovenia	acceptance	1 Sep 2009
Spain	acceptance	9 Nov 2007
Sweden	ratification	23 March 2012
Switzerland	ratification	15 Oct 2008
Former Yug Rep of Macedonia	ratification	25 Nov 2011
Tunisia	acceptance	7 Jun 2010
Turkmenistan	acceptance	22 Sep 2005
Ukraine	ratification	24 Dec 2008
United Arab Emirates	acceptance	31 Jul 2009
United Kingdom	ratification	8 Apr 2010
Uzbekistan	acceptance	07 Feb 2013
Vietnam	ratification	3 Nov 2012

UN Security Council Resolution 1540

[Reproduced from S/RES/1540,
adopted on 28 April 2004]

The Security Council,

[Eds...]

Acting under Chapter VII of the Charter of the United Nations,

1. *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;
2. *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;
3. *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:
 - (a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
 - (b) Develop and maintain appropriate effective physical protection measures;
 - (c) 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;
 - (d) 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.

**Statement of Principles for the Global initiative
to Combat Nuclear Terrorism**

Bureau of International Security and Nonproliferation,
Washington, DC
[20 November 2006]

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.

2013 Global Initiative to Combat Nuclear Terrorism Plenary Meeting Joint Co-Chair Statement

[<http://www.gicnt.org/dev.htm>]

Partner nations and official observers in the Global Initiative to Combat Nuclear Terrorism (GICNT) gathered in Mexico City, Mexico, on May 24, 2013, for the GICNT Plenary Meeting. The GICNT has worked to strengthen global capacity to prevent, detect, and respond to nuclear terrorism since 2006. The Plenary Meeting in Mexico City is the 8th senior-level meeting of the GICNT. Over the past seven years, the GICNT has grown into a partnership of 85 nations and four official observers dedicated to taking cooperative actions against the shared threat of nuclear terrorism.

The meeting opened with host welcome remarks by Ambassador Arturo Hernandez Basave, Director General for the United Nations of the Mexican Ministry of Foreign Affairs. Mr. Pedro Joaquin Coldwell, Mexican Minister of Energy, gave the keynote address.

The Russian Federation and United States Co-Chairs thanked all GICNT partner nations and official observers for their continued commitment to the initiative and its Statement of Principles and welcomed new partners, Algeria, Azerbaijan, and Malaysia, that joined since the 2011 Plenary. The Co-Chairs also recognized Spain for its trail-blazing term as the first Implementation and Assessment Group (IAG) Coordinator. In this role, Spain has worked tirelessly to make progress on the plans for enhancing the GICNT agenda set forth at the 2010 Plenary Meeting in Abu Dhabi.

On behalf of all participants, the Co-Chairs thanked the Government of Mexico for hosting the 2013 Plenary Meeting and for its strong nonproliferation and counterterrorism record.

Plenary Reviews 2011-2013 Accomplishments

Partner nations briefed participants on key outcomes of GICNT exercises, workshops, and conferences conducted since the 2011 Plenary Meeting. During this time period, partners conducted the following GICNT activities:

- Australia hosted a public messaging seminar and discussion exercise entitled “i-Hermes.”
- Canada hosted its “RADEX Seminar on Response to a Radiological Terrorist Attack.”
- Australia hosted exercise “Iron Koala: Information Sharing During a Nuclear Smuggling Event.”
- The Russian Federation hosted “Exercise Guardian 2012” on nuclear detection response procedures.
- The United Kingdom, in partnership with the United States, hosted a second “Symposium on Enhanced Detection of Special Nuclear Material.”
- Spain and Morocco jointly conducted “Radiological Emergency Management Exercise (REMEX) 2013” to highlight international cooperation practices following a radiological event.

To date, partner nations have completed more than 50 activities aimed at building capacity to prevent, detect, deter, and respond to acts of nuclear terrorism. In addition, The Netherlands provided an update to the Plenary audience on preparations for the upcoming 2014 Nuclear Security Summit.

Implementation and Assessment Group (IAG) Progress

The IAG Coordinator provided a full report on progress since the previous GICNT Plenary meeting in Daejeon, South Korea, in 2011. IAG activities over the past two years included:

- Mid-year IAG Meetings in Marrakech, Morocco, in February 2012, and Madrid, Spain, in February 2013. Each meeting featured simultaneous technical sessions of the three IAG Working Groups on Nuclear Detection, Nuclear Forensics, and Response and Mitigation. These Working Groups are led by The Netherlands, Australia, and Morocco, respectively. Each Working Group outlined its path forward, with concrete benchmarks, for developing opportunities to engage in practical activities and produce best practices and guidance documents. Numerous partner nation representatives volunteered to host events and serve on document drafting committees, demonstrating their strong commitment to the principles of the GICNT.
- A joint Working Group activity in Arona and Ispra, Italy, in October 2012 that featured both separate sessions of the Nuclear Forensics and Response and Mitigation Working Groups, and a joint activity designed to highlight best practices for nuclear forensics crime scene investigation.
- Nuclear Detection Working Group technical review meetings in Zadar, Croatia in 2011, and Lviv, Ukraine in 2012. These sessions provided a forum for detailed partnership review and discussion of draft Nuclear Detection Working Group guidance documents.

The Dutch, Australian, and Moroccan chairs of the IAG Working Groups each provided a briefing noting their specific accomplishments and activities over the past two years, and described their plans for future activities and guidance document production. In addition, Australia provided a briefing on the importance of incorporating joint working group and cross-disciplinary activities into the GICNT plan of work. The Co-Chairs welcomed the working group presentations and encouraged continued partnership efforts in support of GICNT principles.

Endorsement of GICNT Documents

The IAG Coordinator introduced three documents produced in the IAG Working Groups for endorsement by GICNT Partner Nations. Documents included:

- *Nuclear Forensics Fundamentals for Policy Makers and Decision Makers* - Raises awareness of the importance of nuclear forensics to enhancing nuclear material security and discouraging illicit uses of nuclear and other radioactive material;
- *Guidelines for Awareness, Training, and Exercises* - Highlights best practices in integrating these aspects into a nation's nuclear detection architecture; and,
- *Guidelines for Planning and Organization* - Focuses on issues inherent to successful implementation and enhancement of nuclear detection architectures.

Partner nations adopted these documents by consensus and they are now considered official products of the GICNT.

Endorsement of a New IAG Coordinator

The Co-Chairs introduced the Republic of Korea as the candidate for the next two-year IAG Coordinator term. The Co-Chairs highlighted Korea's strong nuclear security record and history of involvement in the GICNT, notably as host of the 2011 Plenary Meeting. The GICNT partnership endorsed the Republic of Korea as IAG Coordinator by consensus.

Partner Nations Look Forward to 2015

The new IAG Coordinator presented a strategy for the coming years and emphasized the results of a recent partnership survey that called for an increase in practical, topically- and regionally-focused activities including more GICNT workshops, training events, and exercises. The IAG Coordinator welcomed offers by partner nations to consider hosting or co-hosting GICNT activities in concert with other partners on nuclear security topics that were of the greatest interest to that specific region. In hosting activities, partners were encouraged to keep in mind to global nature of the Initiative and to foster participation and observation by all interested partners.

Over the next two years, GICNT participants will advance the IAG's plan of work and engage in focused, pragmatic GICNT activities. Partners will also continue the development of GICNT documents in the three identified priority functional areas – nuclear detection, nuclear forensics, and response and mitigation. Participants will accomplish both of these objectives by engaging in workshops, exercises, information sharing, and other forms of collaboration, including the use of the Global Initiative Information Portal, and the hosting of cross-disciplinary activities. The Co-Chairs look forward to working further with the IAG Coordinator and all GICNT participants to deliver tangible documents and results for the next Plenary Meeting in 2015, which Finland has graciously agreed to host.

The Global Initiative to Combat Nuclear Terrorism: Partner Nation List

[Reproduced from <http://www.state.gov/t/isn/c37083.htm>]

85 Global Initiative Partner Nations and 4 Official Observers

1. Afghanistan	44. Luxembourg
2. Albania	45. Republic of Macedonia
3. Algeria	46. Madagascar
4. Argentina	47. Malaysia
5. Armenia	48. Malta
6. Australia	49. Mauritius
7. Austria	50. Mexico
8. Azerbaijan	51. Montenegro
9. Bahrain	52. Morocco
10. Belarus	53. Nepal
11. Belgium	54. Netherlands
12. Bosnia	55. New Zealand
13. Bulgaria	56. Norway
14. Cambodia	57. Pakistan
15. Canada	58. Palau
16. Cape Verde	59. Panama
17. Chile	60. Philippines
18. China	61. Poland
19. Cote d'Ivoire	62. Portugal
20. Croatia	63. Romania
21. Cyprus	64. Russian Federation
22. Czech Republic	65. Saudi Arabia
23. Denmark	66. Serbia
24. Estonia	67. Seychelles
25. Finland	68. Singapore
26. France	69. Slovakia
27. Georgia	70. Slovenia
28. Germany	71. Spain
29. Greece	72. Sri Lanka
30. Hungary	73. Sweden
31. Iceland	74. Switzerland
32. India	75. Tajikistan
33. Ireland	76. Thailand
34. Israel	77. Turkey
35. Italy	78. Turkmenistan
36. Japan	79. Ukraine
37. Jordan	80. United Arab Emirates
38. Kazakhstan	81. United Kingdom
39. Republic of Korea	82. United States
40. Kyrgyz Republic	83. Uzbekistan
41. Latvia	84. Vietnam
42. Libya	85. Zambia
43. Lithuania	

Official Observers

- International Atomic Energy Agency (IAEA)
- European Union (EU)
- International Criminal Police Organization (INTERPOL)
- United Nations Office on Drugs and Crime

Final communiqué of the 47-nation Nuclear Security Summit in Washington

[14 April 2010]

[Eds...]

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 accountability, 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]

[Eds...See 2013 Edition of NPT Briefing Book]

Highlights of National Commitments, Nuclear Security Summit

[Washington DC, April 12-13, 2010]

[Eds...See 2013 Edition of NPT Briefing Book]

Final Communiqué of the 2012 Seoul Nuclear Security Summit

[26-27 March 2012]

[Eds...]

We will continue to use the Washington Communiqué and Work Plan as a basis for our future work in advancing our nuclear security objectives. At this Seoul Summit, we agree that we will make every possible effort to achieve further progress in the following important areas.

Global Nuclear Security Architecture

1. We recognize the importance of multilateral instruments that address nuclear security, such as the Convention on the Physical Protection of Nuclear Material (CPPNM), as amended, and the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT). We therefore encourage the universal adherence to these Conventions. We urge states in a position to do so to accelerate their domestic approval of the 2005 Amendment to the CPPNM, seeking to bring the Amendment into force by 2014. We acknowledge the important role of the United Nations (UN) in promoting nuclear security, support the UN Security Council Resolutions 1540 and 1977 in strengthening global nuclear security, and welcome the extension of its mandate. We will strive to use the IAEA Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Rev.5) document and related Nuclear Security Series documents, and reflect them into national practice.

2. We recognize the contributions since the 2010 Summit of international initiatives and processes such as the Global Initiative to Combat Nuclear Terrorism (GICNT) and Global Partnership against the Spread of Weapons and Materials of Mass Destruction, within their respective mandates and memberships. We welcome the wider participation in the GICNT and the Global Partnership and value its extension beyond 2012. Noting the importance of strengthening coordination and complementarity among nuclear security activities, we welcome the proposal of the IAEA to organize an international conference in 2013. We welcome contributions from the industry, academia, institutes and civil society that promote nuclear security.

Role of the IAEA

3. We reaffirm the essential responsibility and central role of the IAEA in strengthening the international nuclear security framework, and recognize the value of the IAEA Nuclear Security Plan 2010-2013. We will work to ensure that the IAEA continues to have the appropriate structure, resources and expertise needed to support the implementation of nuclear security objectives. To this end, we encourage States in a position to do so and the nuclear industry to increase voluntary contributions to the IAEA's Nuclear Security Fund, as well as in-kind contributions. We also encourage continued IAEA activities to assist, upon request, national efforts to establish and enhance nuclear security infrastructure through its various support programs, and encourage States to make use of these IAEA resources.

Nuclear Materials

4. Recognizing that highly enriched uranium (HEU) and separated plutonium require special precautions, we reemphasize the importance of appropriately securing, accounting for and

consolidating these materials. We also encourage States to consider the safe, secure and timely removal and disposition of nuclear materials from facilities no longer using them, as appropriate, and consistent with national security considerations and development objectives.

5. We recognize that the development, within the framework of the IAEA, of options for national policies on HEU management will advance nuclear security objectives. We encourage States to take measures to minimize the use of HEU, including through the conversion of reactors from highly enriched to low enriched uranium (LEU) fuel, where technically and economically feasible, taking into account the need for assured supplies of medical isotopes, and encourage States in a position to do so, by the end of 2013, to announce voluntary specific actions intended to minimize the use of HEU. We also encourage States to promote the use of LEU fuels and targets in commercial applications such as isotope production, and in this regard, welcome relevant international cooperation on high-density LEU fuel to support the conversion of research and test reactors.

Radioactive Sources

6. Taking into account that radioactive sources are widely used and can be vulnerable to malicious acts, we urge States to secure these materials, while bearing in mind their uses in industrial, medical, agricultural and research applications. To this end, we encourage States in a position to do so to continue to work towards the process of ratifying or acceding to the ICSANT; reflect into national practices relevant IAEA Nuclear Security Series documents, the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and its supplementary document on the IAEA Guidance on the Import and Export of Radioactive Sources; and establish national registers of high-activity radioactive sources where required. We also commit to work closely with the IAEA to encourage cooperation on advanced technologies and systems, share best practices on the management of radioactive sources, and provide technical assistance to States upon their request. In addition, we encourage continued national efforts and international cooperation to recover lost, missing or stolen sources and to maintain control over disused sources.

Nuclear Security and Safety

7. Acknowledging that safety measures and security measures have in common the aim of protecting human life and health and the environment, we affirm that nuclear security and nuclear safety measures should be designed, implemented and managed in nuclear facilities in a coherent and synergistic manner. We also affirm the need to maintain effective emergency preparedness, response and mitigation capabilities in a manner that addresses both nuclear security and nuclear safety. In this regard, we welcome the efforts of the IAEA to organize meetings to provide relevant recommendations on the interface between nuclear security and nuclear safety so that neither security nor safety is compromised. We also welcome the convening of the High Level Meeting on Nuclear Safety and Security initiated by the UN Secretary-General, held in New York on 22 September 2011. Noting that the security of nuclear and other radioactive materials also includes spent nuclear fuel and radioactive waste, we encourage States to consider establishing appropriate plans for the management of these materials.

Transportation Security

8. We will continue efforts to enhance the security of nuclear and other radioactive materials while in domestic and international transport, and encourage States to share best practices and cooperate in acquiring the necessary technologies to this end. Recognizing the importance of a national layered defense against the loss or theft of nuclear and other radioactive materials, we encourage the establishment of effective national nuclear material inventory management and domestic tracking mechanisms, where required, that enable States to take appropriate measures to recover lost and stolen materials.

Combating Illicit Trafficking

9. We underscore the need to develop national capabilities to prevent, detect, respond to and prosecute illicit nuclear trafficking. In this regard, we encourage action-oriented coordination among national capacities to combat illicit trafficking, consistent with

national laws and regulations. We will work to enhance technical capabilities in the field of national inspection and detection of nuclear and other radioactive materials at the borders. Noting that several countries have passed export control laws to regulate nuclear transfers, we encourage further utilization of legal, intelligence and financial tools to effectively prosecute offenses, as appropriate and consistent with national laws. In addition, we encourage States to participate in the IAEA Illicit Trafficking Database program and to provide necessary information relating to nuclear and other radioactive materials outside of regulatory control. We will work to strengthen cooperation among States and encourage them to share information, consistent with national regulations, on individuals involved in trafficking offenses of nuclear and other radioactive materials, including through INTERPOL's Radiological and Nuclear Terrorism Prevention Unit and the World Customs Organization.

Nuclear Forensics

10. We recognize that nuclear forensics can be an effective tool in determining the origin of detected nuclear and other radioactive materials and in providing evidence for the prosecution of acts of illicit trafficking and malicious uses. In this regard, we encourage States to work with one another, as well as with the IAEA, to develop and enhance nuclear forensics capabilities. In this regard, they may combine the skills of both traditional and nuclear forensics through the development of a common set of definitions and standards, undertake research and share information and best practices, as appropriate. We also underscore the importance of international cooperation both in technology and human resource development to advance nuclear forensics.

Nuclear Security Culture

11. Recognizing that investment in human capacity building is fundamental to promoting and sustaining a strong nuclear security culture, we encourage States to share best practices and build national capabilities, including through bilateral and multilateral cooperation. At the national level, we encourage all stakeholders, including the government, regulatory bodies, industry, academia, nongovernmental organizations and the media, to fully commit to enhancing security culture and to maintain robust communication and coordination of activities. We also encourage States to promote human resource development through education and training. In this regard, we welcome the establishment of Centers of Excellence and other nuclear security training and support centers since the Washington Summit, and encourage the establishment of new centers. Furthermore, we welcome the effort by the IAEA to promote networking among such centers to share experience and lessons learned and to optimize available resources. We also note the holding of the Nuclear Industry Summit and the Nuclear Security Symposium on the eve of the Seoul Nuclear Security Summit.

Information Security

12. We recognize the importance of preventing non-state actors from obtaining information, technology or expertise required to acquire or use nuclear materials for malicious purposes, or to disrupt information technology based control systems at nuclear facilities. We therefore encourage States to: continue to develop and strengthen national and facility-level measures for the effective management of such information, including information on the procedures and protocols to protect nuclear materials and facilities; to support relevant capacity building projects; and to enhance cyber security measures concerning nuclear facilities, consistent with the IAEA General Conference Resolution on Nuclear Security(GC(55)/Res(10) and bearing in mind the International

Telecommunication Union Resolution 174. We also encourage States to: promote a security culture that emphasizes the need to protect nuclear security related information; engage with scientific, industrial and academic communities in the pursuit of common solutions; and support the IAEA in producing and disseminating improved guidance on protecting information.

International Cooperation

13. We encourage all States to enhance their physical protection of and accounting system for nuclear materials, emergency preparedness and response capabilities and relevant legal and regulatory framework. In this context, we encourage the

international community to increase international cooperation and to provide assistance, upon request, to countries in need on a bilateral, regional, and multilateral level, as appropriate. In particular, we welcome the intent by the IAEA to continue to lead efforts to assist States, upon request. We also reaffirm the need for various public diplomacy and outreach efforts to enhance public awareness of actions taken and capacities built to address threats to nuclear security, including the threat of nuclear terrorism.

We will continue to make voluntary and substantive efforts toward strengthening nuclear security and implementing political commitments made in this regard. We welcome the information on the progress made in the field of nuclear security since the Washington Summit provided by the participants at this Seoul Summit. The next Nuclear Security Summit will be held in the Netherlands in 2014.

Highlights of Achievements and National Commitments, Seoul Nuclear Security Summit

[26-27 March 2012]

Algeria: Updating its domestic regulations to strengthen nuclear security; joining the Global Initiative to Combat Nuclear Terrorism (GICNT); established a Nuclear Security Training and Support Center in 2011

Argentina: Incorporating nuclear security in courses on nuclear and radiation safety in its training centers; ratified the 2005 Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM); joined the GICNT in June 2010

Armenia: Ratifying the 2005 Amended CPPNM; enacting a Law on Regulation of State Register and Control of nuclear materials; developing national rules on the physical protection of radioactive materials

Australia: Repatriating surplus stocks of HEU in 2013; inviting the IAEA's International Physical Protection Advisory Service (IPPAS) in 2013; developing technologies to improve nuclear detection and forensic capabilities

Azerbaijan: Established a national registry of all radioactive sources; strengthening export control system to combat illicit trafficking of nuclear materials

Belgium: Repatriating unneeded HEU and separated plutonium to the US; converting a research reactor and a processing facility for medical radioisotopes from using HEU to LEU; participating in a joint project to qualify high-density LEU fuel to replace HEU fuel in research reactors; contributing to the IAEA Nuclear Security Fund (NSF)

Brazil: Ratifying the 2005 Amended CPPNM; revising domestic regulations on nuclear and radiological security; establishing a Nuclear Security Support Centre

Canada: Ratifying the 2005 Amended CPPNM and the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT); repatriating US-origin spent HEU to the US; exploring an alternate method to replace HEU in the production of medical radioisotopes; supporting US-led HEU cleanout projects in Mexico and Viet Nam; championing the expansion of the membership of the Global Partnership; contributing to the IAEA NSF

Chile: Working toward the legislation of a Nuclear Security Bill; strengthening monitoring capability at critical border posts; drafting and updating national regulatory instruments on nuclear security; establishing a Nuclear Security Support Center; developing a centralized remote system to monitor radioactive sources

China: Converting a miniature research reactors in China and those in other countries from using HEU fuel to LEU fuel; advancing the establishment of a Center of Excellence on nuclear security; establishing a Radiation Detection Training Center in customs; implemented the Yangshan Port Pilot Program in Shanghai as part of the Megaport Initiative

Czech Republic: Repatriating remaining HEU from research reactors to its origin state; enacting a new version of the Atomic Act to harmonize it with international norms on nuclear security and safety

Denmark: Contributing to the IAEA NSF directed at activities in the wider Middle- Eastern and North African region; championing the development of a EU report on the security of nuclear power plants by the EU Ad Hoc Council Working Group

Egypt: Established an independent authority for controlling nuclear materials; intending to organize a regional workshop on IAEA ITDB in 2012

Finland: Revising its nuclear security regulatory requirements to reflect the latest developments of the IAEA's recommendations; conducting a follow-up mission of the IAEA's IPPAS; updating the national DBT (Design Basis Threat) process

France: Participating in a joint project to qualify high-density LEU fuel to replace HEU fuel in research reactors; working on a joint project to replace HEU targets with LEU targets in the production of medical radioisotopes; ratifying the 2005 Amended CPPNM and the ICSANT; hosting an international seminar on the IAEA IPPAS in 2013 in collaboration with the IAEA; repatriating French origin radioactive sources worldwide to France

Gabon: Enacting a new Bill on the Regulatory Framework of Nuclear and Radiation Safety, Security and Safeguards; establishing the Gabonese Agency on Nuclear Safety and Security

Georgia: Ratifying the 2005 Amended CPPNM; enacting the Law on Nuclear and Radiation Safety to reflect international norms on nuclear security and safety

Germany: Installing a special CBRN reporting Scheme for police and customs; championing a gift basket joint statement on security of radioactive sources

Hungary: Completing the conversion of research reactors from using HEU fuel to LEU fuel in 2012 and repatriating remaining HEU to Russia in 2013; compiled a national central registry of all radioactive materials and waste above exemption level; upgrading the physical security system in sites of category 1 or 2 radioactive sources

India: Advancing the establishment of a Global Centre for Nuclear Energy Partnership; establishing an independent Nuclear Safety Regulatory Authority; pledged US 1 million dollars to the IAEA NSF in 2012-13; developed an advanced heavy water reactor based on LEU with new safety and proliferation-resistant features

Indonesia: Ratifying the ICSANT; installing radioactive portal monitors at major key seaports; championing a gift basket joint statement on national legislation implementation kit on nuclear security; preparing a Presidential Decree on the safety and security of nuclear institutions; converting HEU to LEU in the production of radio isotope

Israel: ratifying the ICSANT; ratified the 2005 Amended CPPNM in March 2012; completed the repatriation of US-origin HEU spent fuel from its Soreq research reactor; operating the Megaport Initiative

Italy: Working to repatriate excess HEU and plutonium to the US by the 2014 Summit; ratifying the 2005 Amended CPPNM and the ICSANT; developing a National Nuclear Security Plan; intending to make permanent the International School on Nuclear Security in Trieste; operating the Megaport Initiative

Japan: Establishing an independent Nuclear Regulatory Agency; augmenting measures to overcome the vulnerabilities in nuclear facilities; established US-Japan Nuclear Security Working Group in November 2010; working on the feasibility study for converting the Kyoto Univ. Critical Assembly to LEU use; working toward the shipment of HEU fuel in Material Testing Reactor to the US; contributing to the IAEA NSF; championing a gift basket joint statement on transport security

Jordan: Creating a counter nuclear smuggling team; championing a gift basket joint statement on activity and cooperation to counter nuclear smuggling

Kazakhstan: Moving spent nuclear fuels which contain more than 10 tonnes of HEU and 3 tonnes of weapons-grade Pu equivalent to 775 nuclear weapons to a safe storage facility; converting a research reactor from using HEU fuel to LEU fuel; strengthening nuclear security measures at the former nuclear test site "Semipalatinsk"; joined the Global at Partnership January 2012;

developing the Kazakhstan Regional Training Centre for accounting, control and physical protection of nuclear materials and facilities

Lithuania: Establishing a Nuclear Security Centre of Excellence; hosting a regional workshop on the implementation of the UN Security Council Resolution 1540 in June 2012

Malaysia: Ratifying the 2005 Amended CPPNM and the ICSANT; joining the GICNT; established a Nuclear Security Support Centre; planning to expand the Megaport Initiative to Penang Port in 2012

Mexico: Completed the removal of all HEU stockpiles in February 2012; ratifying the 2005 Amended CPPNM; hosting the 2013 GICNT Plenary Meeting; completing a two-year pilot program on building national capacity to implement the UN Security Council Resolution 1540; joined the GICNT in June 2010

Morocco: Ratifying the 2005 Amended CPPNM; enhancing border control and national capacity to detect illicit trafficking; legislating a new law on nuclear and radiological safety and security which envisages the establishment of an independent authority for nuclear safety and security; established a centre of excellence

The Netherlands: Working on a joint project to replace HEU targets with LEU targets in the production of medical radioisotopes; contributing to the IAEA NSF; establishing a Center of Excellence; organizing an international table top exercise on nuclear forensics in November 2012; making mandatory the use of a DBT concept on cyber terrorism for the nuclear sector as from January 2013

New Zealand: Ratifying the 2005 Amended CPPNM and the ICSANT; developing a new radiation safety legislation; provided financial contribution for the work of WINS

Nigeria: Converting a miniature research reactor from using HEU fuel to LEU fuel in cooperation with China, US and the IAEA; ratifying the ICSANT; passing the Nuclear Safety, Security and Safeguards Bill to domesticate international treaties; establishing a nuclear security supporting centre

Norway: Ratifying the ICSANT within the year 2012; contributing to the IAEA NSF; continues to provide financial contribution to the Global Partnership; hosted the 2nd international symposium on HEU minimization in January 2012

Pakistan: Opening Nuclear Security Training Center to act as a regional and international hub; deploying Special Nuclear Material Portals on key exit and entry points to counter the illicit trafficking of nuclear and radioactive materials

Philippines: Ratifying the 2005 Amended CPPNM, and the ICSANT; joined the GICNT in June 2010; drafting regulation on the security of radioactive materials during transport; expanding the Megaport Initiative to Cebu port in 2012

Poland: Removing spent HEU nuclear fuel from research reactors by the end of 2016; completing the conversion of MARIA reactor in the first quarter of 2014; established a system of accounting and controlling nuclear material as well as a registry of radioactive sources

Republic of Korea: Championing a joint project to develop high-density LEU fuel to replace HEU fuel in research reactors; launching a pilot project of real time tracking system of radiological materials based on GPS technology in Viet Nam; ratifying the 2005 Amended CPPNM and the ICSANT; inviting the IAEA's IPPAS mission in 2013; contributing US 1 million dollars to the IAEA NSF; advancing the establishment of a Center of Excellence

Romania: Intending to provide assistance and expertise on conversion of research reactor from using HEU to LEU and repatriation of HEU; inviting IAEA's IPPAS mission; contributing to the IAEA NSF; operating the Megaport Initiative

Russia: Converted excess military HEU to LEU for use in nuclear power plants; received Russian-origin HEU from those countries that have been provided with Russian HEU; assessing the economic and technical feasibility of converting six research reactors from using HEU fuel to LUE fuel jointly with the US; hosting a workshop on nuclear security culture in 2012 in collaboration with the IAEA; organizing a GICNT training on transport security of nuclear and radiological materials in late 2012

Saudi Arabia: Established a Center of Excellence; pledged to contribute US 500,000 dollars to the UN Security Council 1540 Committee

Singapore: Ratifying the 2005 Amended CPPNM and the ICSANT; establishing a national nuclear forensics laboratory by 2013; hosting an ASEM seminar on nuclear safety in 2012; joined the GICNT in June 2010

South Africa: Successfully converted Mo-99 production from the use of HEU to LEU; ratifying the 2005 Amended CPPNM; considering establishing a Center of Excellence in collaboration with the IAEA

Spain: Contributing to the IAEA NSF; serving as the Implementation Assessment Group (IAG) Coordinator for GICNT since 2010; operating the Megaport Initiative; amended anti-smuggling act and export control regulations to effectively respond to illicit nuclear trafficking; launched a nuclear forensics task force

Sweden: Removed several kilograms of separated plutonium to the US in March 2012; ratifying the ICSANT; contributing to the IAEA NSF; implementing the recommendations from the IAEA's IPPAS mission carried out in May 2011

Switzerland: Implementing full administrative compatibility with the IAEA Code of Conduct on the Safety and Security of Radioactive Sources in future revisions of pertinent legislations; drafting a strategy for the protection against cyber attacks

Thailand: Acceding to the CPPNM and ratifying the ICSANT; establishing a nuclear forensics center; operating the Megaport Initiative; initiating the proposal of establishing a network of nuclear regulatory bodies in Southeast Asia; joined the GICNT in June 2010; considering joining the Proliferation Security Initiative (PSI)

Turkey: Ratifying the 2005 Amended CPPNM and the ICSANT; inviting the IAEA's IPPAS mission for a follow-up review in 2012; drafting a new regulation on the physical protection of the nuclear facilities and nuclear material

United Arab Emirates: Establishing a regulatory infrastructure regarding the management of radioactive material; issued new regulations related to nuclear security

Ukraine: Completed the removal of all HEU stockpile; developing a new plan on nuclear security assistance in cooperation with the IAEA; established the State Nuclear Inspectorate to enhance regulatory aspects of nuclear security; established the radioactive detection system to secure the border crossing points in the North of the country and at all main airports and interstate motorways

United Kingdom: Intending to share cutting edge technology in detecting radiological and nuclear material; supporting countries in ratifying the 2005 Amended CPPNM and the ICSANT; chairing a working group on coordinating Centers of Excellence within the Global Partnership; championing a gift basket joint statement on nuclear information security

United States: Put into effect the Plutonium Disposal Agreement signed with Russia on the disposal of 68 tonnes of plutonium (equivalent to 17,000 nuclear weapons); converted 10.5 tonnes of HEU to LEU for use as fuel in nuclear power plants; assisted Russia in converting 2 tonnes of HEU to LEU; assisted the removal of over 400 kilograms of HEU from eight countries; championing gift basket joint statements on the contributions of the GICNT and on the Nuclear Security Summit outreach efforts; championing gift basket joint statements on nuclear security training and support centers and on the Global Partnership; removing all category I and II material at Lawrence Livermore National Laboratory; intending to host a first "International Regulators Conference on Nuclear Security" by the end of 2012; completing new security assessments at all NNSA facilities and completing security upgrades at the Y-12 National Security Complex and a Los Alamos National Laboratory facility; enhancing force-on-force and performance testing for US facilities; recovering over 4,000 unneeded radiological sources; upgrading physical protection at over 175 domestic facilities; enhancing the capability to counter nuclear smuggling; conducting exercise to increase nuclear preparedness; intending to host a workshop on nuclear security as the chair of the Global Partnership; intending to support WINS activities

Viet Nam: Repatriating spent HEU fuels to Russia (expected to be

completed in 2013); launching a pilot project on the establishment of a real time tracking system of radiological materials in the country in cooperation with the Republic of Korea and the IAEA; ratifying the 2005 Amended CPPNM; operating the Megaport Initiative; joined the GICNT in June 2010

Nuclear security

[GC(57)/RES/10 20 September 2013]

See Section G

Measures to prevent terrorists from acquiring weapons of mass destruction

[Resolution A/RES/68/4, adopted by the General Assembly at its 68th session]

See Section U

Speech by Secretary-General Renée Jones-Bos of the Netherlands Ministry of Foreign Affairs at a preparatory meeting for the 2014 Nuclear Security Summit

[25 March 2013]

[Eds...]

[T]he Netherlands has selected six themes.

Number one: improving security and reducing use of highly enriched uranium and plutonium. We want to see less fissile material, in fewer locations, in fewer countries.

Number two: getting more countries to ratify the amended Convention on the Physical Protection of Nuclear Material. This agreement is badly needed, but has still not entered into force. We still need 34 ratifications. Ideally before the Summit in 2014. That gives us one year from today. I want to ask all ambassadors from countries that have yet to ratify the amendment to draw their governments' attention to this issue again.

Number three: increasing the thoroughness and frequency of monitoring by the IAEA. Countries can arrange voluntary inspections of their nuclear installations. At the moment this is not happening enough.

Number four: arranging for national registration and protection of highly radioactive sources like medical equipment. Even medical equipment parts could fall into the wrong hands and end up in a dirty bomb.

Number five: giving the nuclear industry a bigger role in the protection and regulation of nuclear material. Because the nuclear industry is on the front line. It faces major risks. So it should be included from the outset.

And finally, number six: ensuring that countries play their part in improving the protection of their own nuclear installations and sources. That starts with awareness. Another reason why the NSS is crucial.

To increase the chance of success in each of these themes, we need to involve the right people in our plans. I already mentioned the nuclear industry. But of course we also need to involve the wider scientific and academic community. To this end, we will be holding a number of side events during the Summit: The Nuclear Industry Summit. The Nuclear Knowledge Summit. And the Atomic 2014 organised by our National Coordinator for Security and Counter-Terrorism.

N – Documents Related to the Conferences on the Humanitarian Impact of Nuclear Weapons

Chair's Summary of the Conference on the Humanitarian Impact of Nuclear Weapons, Oslo, 4-5 March 2013

[5 March 2013]

The Conference on the Humanitarian Impact of Nuclear Weapons in Oslo 4-5 March 2013 has heard presentations from a wide range of experts on the various effects of nuclear weapon detonations. Presentations have covered preparedness and first-line response as well as the medium- and long-term humanitarian, developmental and environmental effects.

The objective has been to present a facts-based understanding of the humanitarian impacts of nuclear weapon detonations and to facilitate an informed discussion of these effects with stakeholders from states, the United Nations, other international organisations and civil society.

Delegations representing 127 states, the United Nations, the International Committee of the Red Cross, the Red Cross and Red Crescent movement and civil society participated in the conference. It is the chair's view that this broad participation reflects the increasing global concern regarding the effects of nuclear weapons detonations, as well as the recognition that this is an issue of fundamental significance to us all.

Some key points can be discerned from the presentations and the discussions:

It is unlikely that any state or international body could address the immediate humanitarian emergency caused by a nuclear weapon detonation in an adequate manner and provide sufficient assistance to those affected. Moreover, it might not be possible to establish such capacities, even if it were attempted.

The historical experience from the use and testing of nuclear weapons has demonstrated their devastating immediate and long-term effects. While political circumstances have changed, the destructive potential of nuclear weapons remains.

The effects of a nuclear weapon detonation, irrespective of cause, will not be constrained by national borders, and will affect states and people in significant ways, regionally as well as globally.

This conference aimed at presenting key aspects of the humanitarian consequences of a nuclear weapon detonation. During the discussions a number of states expressed an interest in further exploring this important issue in ways that ensure global participation. States expressed their interest in continuing the discussions, and to broaden the discourse on the humanitarian impact of nuclear weapons. The chair welcomes the offer from Mexico to host a follow-up meeting to this conference. The chair also welcomes the intention expressed by other states to organise events on this subject.

Joint Statement on the humanitarian impact of nuclear weapons to Second Session of the Preparatory Committee for the 2015 NPT Review Conference

[24 April 2013]

[O]n behalf of the following States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), namely Algeria, Argentina, Austria, Belarus, Bangladesh, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Cambodia, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Cuba, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Georgia, Grenada, Guatemala, Holy See, Honduras, Iceland, Indonesia, Iran, Ireland, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lebanon, Lesotho, Liechtenstein, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Morocco, Mozambique, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Serbia, Samoa, Singapore, Solomon Islands, Swaziland, Switzerland,

Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Uganda, Ukraine, Uruguay, Yemen, Zambia and [...] South Africa.

Our countries are deeply concerned about the catastrophic humanitarian consequences of nuclear weapons. While this has been known since nuclear weapons were first developed and is reflected in various UN resolutions and multilateral instruments, it has not been at the core of nuclear disarmament and nuclear non-proliferation deliberations for many years. Although it constitutes the *raison d'être* of the NPT, which cautions against 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", this issue has consistently been ignored in the discourse on nuclear weapons.

Yet, past experience from the use and testing of nuclear weapons has amply demonstrated the unacceptable harm caused by the immense, uncontrollable destructive capability and indiscriminate nature of these weapons. The effects of a nuclear weapon detonation are not constrained by national borders - it is therefore an issue of deep concern to all. Beyond the immediate death and destruction caused by a detonation, socio-economic development will be impeded, the environment will be destroyed, and future generations will be robbed of their health, food, water and other vital resources.

In recent years, the humanitarian impact of nuclear weapons has increasingly been recognised as a fundamental and global concern that must be at the core of all deliberations on nuclear disarmament and nuclear non-proliferation. This issue is now firmly established on the global agenda: The 2010 Review Conference of the NPT expressed "deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons". Similarly, the 2011 resolution of the Council of Delegates of the International Red Cross and Red Crescent Movement emphasised the incalculable human suffering associated with any use of nuclear weapons, and the implications for international humanitarian law.

The March 2013 Conference [Eds...]

It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances. The catastrophic effects of a nuclear weapon detonation, whether by accident, miscalculation or design, cannot be adequately addressed. All efforts must be exerted to eliminate this threat. The only way to guarantee that nuclear weapons will never be used again is through their total elimination. It is a shared responsibility of all States to prevent the use of nuclear weapons, to prevent their vertical and horizontal proliferation and to achieve nuclear disarmament, including through fulfilling the objectives of the NPT and achieving its universality. The full implementation of the 2010 Action Plan and previous outcomes aimed at achieving the objectives of the NPT must therefore not be postponed any further.

Addressing the humanitarian impact of nuclear weapons is an absolute necessity. As an element that underpins the NPT, it is essential that the humanitarian consequences inform our work and actions during the current Review Cycle and beyond.

This is an issue that affects not only governments, but each and every citizen of our interconnected world. By raising awareness about the catastrophic humanitarian consequences of nuclear weapons, civil society has a crucial role to play, side-by-side with governments, as we fulfil our responsibilities. We owe it to future generations to work together to rid our world of the threat posed by nuclear weapons. [Eds...]

Second Conference on the Humanitarian Impact of Nuclear Weapons Chair's Summary

[Nayarit, Mexico, 14 February 2014]

Delegations representing 146 States, the United Nations, the International Committee of the Red Cross, the Red Cross and Red

Crescent movement and civil society organizations, participated in the Second Conference on the Humanitarian Impact of Nuclear Weapons held in Nayarit, Mexico, on 13 and 14 February 2014, to discuss global and long-term consequences of any nuclear detonation, accidental or deliberate, from the perspective and concerns of the 21st century society, including areas such as public health, humanitarian assistance, the economy, development and environmental issues, climate change, food security and risk management, amongst others.

From the Chair's view, the broad and active participation of States and civil society reflects the global concern regarding the effects of nuclear weapons, as well as the increasing recognition that this is an issue of the utmost importance to all peoples in the world.

The Nayarit Conference expresses its gratitude for the participation of the victims and survivors of the Hiroshima and Nagasaki attacks, as well as for the references made to the victims of nuclear tests.

The Nayarit Conference succeeded in presenting a facts-based approach to facilitate an informed discussion of these effects. Some key conclusions can be extracted from the presentations and discussion:

- The effects of a nuclear weapon detonation are not constrained by national borders – it is therefore an issue of deep concern shared by all.
- Beyond the immediate death and destruction caused by a detonation, socio-economic development will be hampered and the environment will be damaged. Suffering will be widespread, the poor and vulnerable being the most severely affected. Reconstruction of infrastructure and regeneration of economic activities, trade, communications, health facilities, and schools would take several decades, causing profound social and political harm.
- Radiation exposure could result in short and long-term negative effects in every organ of the human body and would increase cancer risks and future hereditary pathologies.
- Today the risk of nuclear weapons use is growing globally as a consequence of proliferation, the vulnerability of nuclear command and control networks to cyber-attacks and to human error, and potential access to nuclear weapons by non-state actors, in particular terrorist groups.
- As more countries deploy more nuclear weapons on higher levels of combat readiness, the risks of accidental, mistaken, unauthorized or intentional use of these weapons grow significantly.
- It is a fact that no State or international organization has the capacity to address or provide the short and long term humanitarian assistance and protection needed in case of a nuclear weapon explosion. Moreover, it would not be possible to establish such capacities, even if attempted.

As the Nayarit Conference is a follow-up of the First Conference on the Humanitarian Impact of Nuclear Weapons (Oslo, March 2013), these conclusions build upon those reached in Oslo.

The wide range of damage and negative impact in the likelihood of a nuclear explosion, as well as the vast resources allocated to maintain and modernize nuclear arsenals, make the mere existence of these weapons absurd, question the arguments in their defense and ultimately are contrary to human dignity.

It is the Chair's perception that awareness of the humanitarian impact of nuclear weapons is already changing the hearts and minds worldwide of those engaging in discussions concerning nuclear weapons.

Actions such as the entry into force of the Comprehensive Nuclear Test-Ban Treaty as a core element of the international nuclear disarmament and non-proliferation regime, and the achievement of a comprehensive outcome in the 2015 Nuclear Non-Proliferation Treaty (NPT) Review Conference, together with the discussions on the humanitarian impact of nuclear weapons, are mutually reinforcing processes. When it comes to the total elimination of nuclear weapons, no efforts are small. In this regard, many delegations underscored the positive impulse provided by the United Nations General Assembly High-level Meeting on Disarmament held in 2013.

The Chair expresses its deep gratitude to civil society and its involvement and inputs to the Nayarit Conference, and calls on all governments to forge new and renewed multisectorial partnerships with civil society to work towards mutually beneficial objectives.

The Chair warmly welcomes the Austrian offer to host the Third Conference on the Humanitarian Impact of Nuclear Weapons. This offer has been received with great support from participants as a follow-up to Oslo and Nayarit, to deepen the momentum, anchor these conclusions and take them forward. As it was expressed by many delegations, the Conference reiterates the invitation to nuclear weapon States and States non-parties to the NPT to participate in the Third Conference, in Austria.

In doing so, we need to take into account that, in the past, weapons have been eliminated after they have been outlawed. We believe this is the path to achieve a world without nuclear weapons.

In our view, this is consistent with our obligations under international law, including those derived from the NPT as well as from Common Article 1 to the Geneva Conventions.

The broad-based and comprehensive discussions on the humanitarian impact of nuclear weapons should lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument.

It is the view of the Chair that the Nayarit Conference has shown that time has come to initiate a diplomatic process conducive to this goal. Our belief is that this process should comprise a specific timeframe, the definition of the most appropriate fora, and a clear and substantive framework, making the humanitarian impact of nuclear weapons the essence of disarmament efforts.

It is time to take action. The 70th anniversary of the Hiroshima and Nagasaki attacks is the appropriate milestone to achieve our goal. Nayarit is a point of no return.

O – 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-by-step 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 Dimitrograd 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:

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.

Entry into Force of the U.S.-Russian Agreement to Dispose of Excess Weapon-Grade Plutonium

[Office of the Spokesperson, Washington, DC, 13 July 2011]

Secretary of State Hillary Rodham Clinton and Foreign Minister Sergey Lavrov today exchanged diplomatic notes bringing the U.S.-Russian Plutonium Management and Disposition Agreement and its 2006 and 2010 Protocols into force. This marks another significant step in both countries' efforts to eliminate nuclear-weapon-grade materials and to reduce nuclear dangers.

The amended Agreement commits each country to dispose of no less than 34 metric tons of excess weapon-grade plutonium, under strict non-proliferation conditions. The initial combined amount, 68 metric tons, represents enough material for about 17,000 nuclear weapons, and the Agreement envisions disposition of more weapon-grade plutonium over time. Disposition of the plutonium is scheduled to begin in 2018.

Entry into force of the Agreement also represents a significant milestone in U.S.-Russian cooperation on nuclear security measures, and it marks an essential step in the nuclear disarmament process by making these reductions in plutonium stocks irreversible.

In addition, the Agreement breaks new ground on cooperative transparency. Pursuant to a joint request by Secretary Clinton and Foreign Minister Lavrov to International Atomic Energy Agency (IAEA) Director General Amano last August, the two countries and the IAEA are making progress on appropriate IAEA verification measures for each country's disposition program.

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

[Signed 8 April 2010 Prague;
Entered into Force 5 February 2011 Munich]

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

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)

[Distributed by the Bureau of International Information Programs, U.S. Department of State. Web site: <http://www.state.gov/r/pa/prs/ps/2011/01/154318.htm> 12 January 2011]

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.

P – Documents Related to the P5 Conferences

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.kcl.ac.uk/csss/>]

P5 Statement on Disarmament and Non-Proliferation Issues

[UK Foreign and Commonwealth Office, 4 September 2009]

The P5 states (China, France, Russia, UK and US) met in London on 3-4 September for a conference on confidence building measures towards disarmament and non-proliferation issues. After the conference they issued a statement reaffirming their commitment to all objectives of the Non-Proliferation Treaty.

The conference was originally proposed by the UK Defence Secretary at the Conference on Disarmament in February 2008 and was referred to by the UK Prime Minister, Gordon Brown, in a speech on 17 March 2009.

The P5 reaffirmed their commitment to all objectives of the Non-Proliferation Treaty and that we should advance on all fronts to achieve them. They reiterated their enduring commitment to the fulfilment of their obligations under Article VI of the NPT and noted that these obligations apply to all NPT States Parties. They stressed their intention to work with all States Parties to the NPT in creating the conditions to enable further progress under Article VI. They called upon all non NPT States to work towards the same objective.

In a wide ranging discussion, the P5 considered the confidence-building, verification and compliance challenges associated with achieving further progress toward disarmament and non-proliferation, and steps to address those challenges. They looked at ways to increase mutual understanding by sharing definitions of nuclear terminology and information about their nuclear doctrines and capabilities. They made presentations on enhancing P5 strategic stability and building mutual confidence through voluntary transparency and other measures. They also considered the international challenges associated with responding to nuclear accidents and undertook to consider ways to co-operate to address these challenges.

P5 Statement: First P5 Follow-up Meeting to the NPT Review Conference'

[French Ministry of Foreign and European Affairs, Paris, 1 July 2011]

The P5 met in Paris on 30 June - 1 July for their first follow-up meeting to the NPT Review Conference, with a view to consider progress on the commitments they made at this Conference, as well as to following on the London Conference on Confidence Building Measures towards Nuclear Disarmament in September 2009.

They reaffirmed their unconditional support for the NPT, which 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. They also reaffirmed the recommendations set out in the balanced Action Plan agreed in the Final Document of the 2010 NPT Review Conference, and called on all States Parties to the NPT to work together to advance its implementation.

They met with the determination to work together in pursuit of their shared goal of nuclear disarmament under article VI of the NPT, including engagement on the steps outlined in Action 5, as well as reporting and other efforts called for in the 2010 Review Conference Action Plan. They called on all States, both States Parties and Non Parties, to contribute to this nuclear disarmament objective, including by ensuring that the international nuclear non-proliferation regime remains robust and reliable.

The P5 continued their previous discussions on the issues of transparency and mutual confidence, including nuclear doctrine and capabilities, and of verification, recognizing such measures are important for establishing a firm foundation for further disarmament efforts. In order to increase efficiency of P5 nuclear consultation,

they approved to continue working on an agreed glossary of definitions for key nuclear terms and established a dedicated working group.

The P5 discussed the particular political and technical challenges associated with verification in achieving further progress towards disarmament and ensuring non-proliferation. They shared information on their respective bilateral and multilateral experiences in verification. They will continue their discussion of this issue later this year at an expert-level meeting in London.

As a follow-up to the 2010 NPT RevCon discussions, the P5 shared their views on how to respond to notifications of withdrawal from the Treaty, while recognising the provisions of article X. They also stressed the need for strengthening IAEA safeguards, including through promoting the adoption of the Additional Protocol and the reinforcement of IAEA's resources and capabilities for deterring and detecting non-compliance.

The P5 States recalled their commitment to promote and ensure the swift entry into force of the CTBT and its universalization. They called upon all States to uphold the moratorium on nuclear weapons-test explosions or any other nuclear explosion, and to refrain from acts that would defeat the object and purpose of the treaty pending its entry into force. They reiterated their support for immediate commencement of negotiations at the Conference on Disarmament (CD) on fissile material cut-off treaty (FMCT) banning the production of fissile material for nuclear weapons or other nuclear explosive devices, including verification provisions. In order to sustain the potential of negotiations in the CD, the P5 will, prior to the next UNGA, renew their efforts with other relevant partners to promote such negotiations.

The P5 welcomed the steps taken by the US, Russia and UK towards holding a Conference on a Middle East WMD Free Zone (MEWMDFFZ) in 2012.

The P5 will follow on their discussions and hold a third P5 Conference in the context of the next NPT Preparatory Committee.

Statement by the People's Republic of China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America to the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Vienna, 3 May 2012

[NPT/CONF.2015/PC.I/12]

[Eds...]

4. As nuclear-weapon States, we reaffirm our enduring commitment to the fulfillment of our obligations under Article VI of the NPT. We are pleased to recall that we met in Paris from 30 June - 1 July, 2011, for our first follow-up meeting to the 2010 NPT RevCon, with a view to considering progress on the commitments we made at this Conference, as well as to following up on the September 2009 London Conference on Confidence Building Measures towards Nuclear Disarmament. We met with the determination to work together in pursuit of our shared goal of nuclear disarmament under Article VI, including engagement on the steps outlined in the 2010 RevCon's Action 5, as well as other efforts called for in the Action Plan.

5. We continued our previous discussions on the issues of transparency, mutual confidence, and verification, and considered proposals for a standard reporting form. We recognize the importance of establishing a firm foundation for mutual confidence and further disarmament efforts, and we will continue our discussions within the P5 with a view to reporting to the 2014 PrepCom, consistent with our commitments under Action 5 of the 2010 RevCon final document. We decided to continue working on an agreed glossary of definitions for key nuclear terms and, to that end, we are pleased to announce that we have established a

dedicated working group, to be led by China. In this regard, enhancing our understanding of each other's thinking about nuclear weapons is an important building block for strengthened and continuing P-5 engagement toward nuclear disarmament.

Having shared information on our respective bilateral and multilateral experiences in verification, we followed this up with an expert-level meeting in London on 4 April at which UK scientists and technical experts shared the outcomes and lessons from the UK-Norway Initiative – a research project on nuclear warhead dismantlement verification. At the P-5 meeting P-5 experts offered comments on the Initiative. We also stressed the need for strengthening IAEA safeguards. As a follow-up to the 20 10 NPT RevCon discussions, we shared views on how to respond to notifications of withdrawal from the Treaty, while recognizing the provisions of Article X.

6. At the Paris meeting, we also recalled our commitment to promote and ensure the swift entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) and its universalization. We called upon all States to uphold their national moratoria on nuclear weapons-test explosions or any other nuclear explosion, and to refrain from acts that would defeat the object and purpose of the Treaty pending its entry into force. The moratoria, though important, are not substitutes for legally binding obligations under the CTBT. We call upon all States that have not yet done so to sign and ratify this Treaty. We reiterated our support for immediate commencement of negotiations at the Conference on Disarmament (CD), within a balanced work programme based on the CD 1864 program of work, on a fissile material cut-off treaty (FMCT) for the purpose of banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices. We committed to renew our efforts with other relevant States toward achieving this goal. In that context, we met again, with other relevant parties, during the United Nations General Assembly First Committee and in Geneva, and will continue to provide information on our efforts. We will follow up on our discussions and hold a third P5 Conference in Washington on June 27-29, 2012.

P5 Statement: Third P5 Conference: Implementing the NPT

[US State Department, 29 June 2012]

The five Nuclear Nonproliferation Treaty (NPT) nuclear-weapon states, or "P5," met in Washington on June 27-29, 2012, in the wake of the 2009 London and 2011 Paris P5 conferences to review progress towards fulfilling the commitments made at the 2010 NPT Review Conference, and to continue discussions on issues related to all three pillars of the NPT – nonproliferation, the peaceful uses of nuclear energy and disarmament, including confidence-building, transparency, and verification experiences.

The P5 reaffirmed their commitment to the shared goal of nuclear disarmament and emphasized the importance of working together in implementing the 2010 NPT Review Conference Action Plan. The P5 reviewed significant developments in the context of the NPT since the 2011 Paris P5 Conference. In particular, the P5 reviewed the outcome of the 2012 Preparatory Committee for the 2015 NPT Review Conference, continued their discussion of how to report on their relevant activities, and shared views, across all three pillars of the NPT, on objectives for the 2013 Preparatory Committee and the intersessional period. The 2012 PrepCom outcome included issuance of a P5 statement comprehensively addressing issues in all three pillars (NPT/CONF.2015/PC.I/12).

The P5 continued their previous discussions on the issues of transparency, mutual confidence, and verification, and considered proposals for a standard reporting form. The P5 recognize the importance of establishing a firm foundation for mutual confidence and further disarmament efforts, and the P5 will continue their discussions in multiple ways within the P5, with a view to reporting to the 2014 PrepCom, consistent with their commitments under Actions 5, 20, and 21 of the 2010 RevCon final document.

Participants received a briefing from the United States on U.S. activities at the Nevada National Security Site. This was offered with a view to demonstrate ideas for additional approaches to transparency.

Another unilateral measure was a tour of the U.S. Nuclear Risk

Reduction Center located at the U.S. Department of State, where the P5 representatives have observed how the United States maintains a communications center to simultaneously implement notification regimes, including under the New Strategic Arms Reduction Treaty (New START), Hague Code of Conduct Against Ballistic Missile Proliferation (HCOB), and Organization for Security and Co-operation in Europe (OSCE) Vienna Document.

The P5 agreed on the work plan for a P5 working group led by China, assigned to develop a glossary of definitions for key nuclear terms that will increase P5 mutual understanding and facilitate further P5 discussions on nuclear matters.

The P5 again shared information on their respective bilateral and multilateral experiences in verification, including information on the P5 expert level meeting hosted by the UK in April, at which the UK shared the outcomes and lessons from the UK-Norway Initiative disarmament verification research project. The P5 heard presentations on lessons learned from New START Treaty implementation, were given an overview of U.S.-UK verification work, and agreed to consider attending a follow-up P5 briefing on this work to be hosted by the United States.

As a further follow-up to the 2010 NPT Review Conference, the P5 shared their views on how to discourage abuse of the NPT withdrawal provision (Article X), and how to respond to notifications made consistent with the provisions of that article. The discussion included modalities under which NPT States Party could respond collectively and individually to a notification of withdrawal, including through arrangements regarding the disposition of equipment and materials acquired or derived under safeguards during NPT membership. The P5 agreed that states remain responsible under international law for violations of the Treaty committed prior to withdrawal.

The P5 underlined the fundamental importance of an effective International Atomic Energy Agency (IAEA) safeguards system in preventing nuclear proliferation and facilitating cooperation in the peaceful uses of nuclear energy. The P5 discussed concrete proposals for strengthening IAEA safeguards, including through promoting the universal adoption of the Additional Protocol; and the reinforcement of the IAEA's resources and capabilities for effective safeguards implementation, including verification of declarations by States.

The P5 reiterated their commitment to promote and ensure the swift entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and its universalization. The P5 reviewed progress in developing the CTBT's verification regime in all its aspects and efforts towards entry into force. Ways to enhance the momentum for completing the verification regime, including the on-site inspection component, were explored. The P5 called upon all States to uphold their national moratoria on nuclear weapons-test explosions or any other nuclear explosion, and to refrain from acts that would defeat the object and purpose of the Treaty pending its entry into force. The moratoria, though important, are not substitutes for legally binding obligations under the CTBT.

The P5 discussed ways to advance a mutual goal of achieving a legally binding, verifiable international ban on the production of fissile material for use in nuclear weapons. The P5 reiterated their support for the immediate start of negotiations on a treaty encompassing such a ban in the Conference on Disarmament (CD), building on CD/1864, and exchanged perspectives on ways to break the current impasse in the CD, including by continuing their efforts with other relevant partners to promote such negotiations within the CD.

The P5 remain concerned about serious challenges to the non-proliferation regime and in this connection, recalled their joint statement of May 3 at the Preparatory Committee of the NPT.

An exchange of views on how to support a successful conference in 2012 on a Middle East zone free of weapons of mass destruction was continued.

The P5 agreed to continue to meet at all appropriate levels on nuclear issues to further promote dialogue and mutual confidence. The P5 will follow on their discussions and hold a fourth P5 conference in the context of the next NPT Preparatory Committee.

**Preparatory Committee for the 2015 Review
Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons
23 April 2013**

[NPT/CONF.2015/PC.II/7]

**-- Joint Statement of Fourth P5 Conference: On
the way to the 2015 NPT Review Conference,**

[Geneva, April 18-19, 2013]

The five Nuclear Non-Proliferation Treaty (NPT) nuclear-weapon states, or "P5," met in Geneva on April 18-19, 2013 under the chairmanship of the Russian Federation to build on the 2009 London, 2011 Paris, and 2012 Washington P5 conferences. The P5 reviewed progress towards fulfilling the commitments made at the 2010 NPT Review Conference, and continued discussions on issues related to all three pillars of the NPT – non-proliferation, the peaceful uses of nuclear energy, and disarmament, including confidence-building, transparency, and verification experiences. The P5 also had a positive exchange with representatives of civil society during the Geneva P5 Conference.

The P5 reaffirmed their commitment to the shared goal of nuclear disarmament and general and complete disarmament as provided for in Article VI of the NPT, and emphasized the importance of continuing to work together in implementing the 2010 NPT Review Conference Action Plan. The P5 reviewed the outcome of the 2012 Preparatory Committee for the 2015 NPT Review Conference, and significant developments in the context of the NPT since the 2012 Washington P5 Conference. They assessed issues relating to strategic stability and international security, and exchanged views concerning prospects for further steps to promote dialogue and mutual confidence in this area, including in a multilateral format.

In addition, the P5 welcomed a briefing by the Russian Federation and the United States on the ongoing implementation of the New START Treaty and its success to date. The P5 were also briefed by the Russian Federation and the United States on the joint 2012 inspection in Antarctica conducted pursuant to the Antarctic Treaty of 1959 and its Environmental Protocol. This joint inspection included verification that the international stations are implementing relevant environmental rules and that facilities are used only for peaceful purposes. The P5 shared views on objectives for the 2013 Preparatory Committee, the intersessional period thereafter, and looked ahead to the 2014 Preparatory Committee and 2015 Review Conference.

The P5 discussed the latest developments in the area of multilateral disarmament initiatives including the situation at the Conference on Disarmament. They expressed their shared disappointment that the Conference on Disarmament continues to be prevented from agreeing on a comprehensive program of work, including work on a legally binding, verifiable international ban on the production of fissile material (FMCT) for use in nuclear weapons, and discussed efforts to find a way forward in the Conference on Disarmament, including by continuing their efforts with other relevant partners to promote such negotiations within the CD. The P5 reiterated their support for the immediate start of negotiations on a treaty encompassing such a ban in the Conference on Disarmament. They noted the Group of Governmental Experts (GGE) on FMCT, and expressed the hope that its work will help spur negotiations in the Conference on Disarmament. The P5 reaffirmed the historic contribution of the pragmatic, step-by-step process to nuclear disarmament and stressed the continued validity of this proven route. In this context, they also emphasized their shared understanding of the serious consequences of nuclear weapon use and that the P5 would continue to give the highest priority to avoiding such contingencies.

The P5 advanced their previous discussions of an approach to reporting on their relevant activities across all three pillars of the NPT Action Plan at the 2014 NPT Preparatory Committee Meeting, consistent with the NPT Action Plan, and resolved to continue working on this issue under France's leadership. They plan to continue their discussions in multiple ways within the P5 with a view to reporting to the 2014 PrepCom, consistent with their commitments under Actions 5, 20, and 21 of the 2010 RevCon Final Document. They welcomed the progress made on the

development of the P5 glossary of key nuclear terms under China's leadership and discussed next steps. They stressed the importance of this work, which will increase P5 mutual understanding and facilitate further P5 discussions on nuclear matters. The P5 reaffirmed their objective to submit a P5 glossary of key nuclear terms to the 2015 NPT Review Conference. The P5 are working toward the establishment of a firm foundation for mutual confidence and further disarmament efforts. They shared further information on their respective bilateral and multilateral experiences in verification and resolved to continue such exchanges.

The P5 recalled their Joint Statement of 3 May 2012 at the Preparatory Committee of the NPT Review Conference and pledged to continue their efforts in different formats and at various international fora to find peaceful diplomatic solutions to the outstanding problems faced by the non-proliferation regime. They reiterated their call on the states concerned to fulfill without delay their international obligations under the appropriate UN Security Council resolutions, undertakings with the International Atomic Energy Agency (IAEA), and other appropriate international commitments. In the context of the nuclear test conducted by the DPRK on 12 February 2013 and the continued pursuit of certain nuclear activities by Iran, both contrary to the relevant UN Security Council resolutions and IAEA Board of Governors resolutions, the P5 reaffirmed their concerns about these serious challenges to the non-proliferation regime.

The P5 underlined the fundamental importance of an effective IAEA safeguards system in preventing nuclear proliferation and facilitating cooperation in the peaceful uses of nuclear energy. The P5 stressed the need for strengthening IAEA safeguards including through the promotion of the universal adoption of the Additional Protocol and the development of approaches to IAEA safeguards implementation based on objective state factors. They also discussed the role of the P5 in assisting the IAEA in cases involving possible detection of nuclear weapon programs in non-nuclear weapons states (NNWS) in conformity with the provisions of the NPT.

The P5 continued their previous discussions of efforts to achieve the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), and reviewed the recent UK-hosted P5 Experts Meeting on CTBT, at which the P5 identified a number of areas for future P5 collaboration and decided to pursue further intersessional work, in particular ahead of the Integrated Field Exercise in 2014. The P5 called upon all States to uphold their national moratoria on nuclear weapons-test explosions or any other nuclear explosions, and to refrain from acts that would defeat the object and purpose of the Treaty pending its entry into force.

The P5 shared their views on how to prevent abuse of NPT withdrawal (Article X). The discussion included modalities under which NPT States Party could respond collectively and individually to a notification of withdrawal, including through arrangements regarding the disposition of equipment and materials acquired or derived under safeguards during NPT membership. They resolved to make efforts to broaden consensus among NPT States Party on the latter issue at the 2014 PrepCom, thus making a further contribution to the NPT Review Process.

The P5 reiterated the importance of the implementation of the 2010 NPT Review Conference decisions related to the 1995 Resolution on the Middle East, in particular those related to the convening of a conference to be attended by all the States of the Middle East on the establishment of the 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. They underlined their support for all States concerned, making all efforts necessary for the preparation and convening of the Conference in the nearest future. They also reiterated their full support to the ongoing efforts of the facilitator.

The P5 reviewed their efforts to bring about the entry into force of the relevant legally binding protocols of nuclear-weapon-free zone treaties. They reaffirmed their view that establishment of such zones helps to build confidence between nuclear and non-nuclear weapon states, enhance regional and international security, and reinforce the NPT and the international nuclear non-proliferation regime. They reaffirmed their readiness to sign the Protocol to the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone as soon

as possible. They underlined the importance of holding consultations, including on the margins of the Second PrepCom, with the States Party to the Treaty on a Nuclear Weapon-Free-Zone in Central Asia. They noted also the parallel declarations, adopted by the P5 and Mongolia concerning Mongolia's nuclear-weapon-free status, at the United Nations headquarters in New York on 17 September 2012.

The P5 pledged to continue to meet at all appropriate levels on nuclear issues to further promote dialogue and mutual confidence. The P5 plan to follow up their discussions and hold a fifth P5 conference in 2014.

Q – 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 a 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.

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.

Statement by the DPRK on Nuclear Test

[Pyongyang, 9 October 2006, as reported by North Korean news agency KCNA (unofficial translation)]

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.”

UN Security Council Resolution 1718

[S/RES/1718 (2006), adopted 14 October 2006]

The Security Council,

[Eds.....]

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.

[Eds...]

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.

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]

[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]

[Eds...]

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]

[Eds...]

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.

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.

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.

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.

Chairman's Statement of the Six-Party Talks

[11 December 2008]

[Eds...]

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,

[Eds...]

(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..

Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea

[GC(54)/RES/12 September 2010]

[Editorial note – footnote not included]

The General Conference.

[Eds...]

(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.

Application of Safeguards in the Democratic People's Republic of Korea

[GOV/2011/53-GC(55)/24 2 September 2011]

[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]

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.

[Eds...]

(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 Safeguards in the Democratic People's Republic of Korea

[GOV/2012/36-GC(56)/11 30 August 2012]

[Eds.]

[Eds note – footnotes not included]

C. Recent Developments

6. The Director General, in his introductory statement to the Board of Governors on 5 March 2012, said that the outcome of the February 2012 talks between the United States of America (USA) and the DPRK was an important step in the right direction and that the Agency had an essential role to play in verifying the DPRK's nuclear programme.

7. The Director General of the General Department of Atomic Energy (GDAE) of the DPRK, in a letter to the Director General dated 16 March 2012, invited an Agency delegation to visit the DPRK to "discuss technical issues with regard to the monitoring of [a] moratorium on uranium enrichment activities at Nyongbyon in accordance with the agreement of the DPRK-US high-level Talks held in Beijing...". In his letter of reply, dated 30 March 2012, the Director General expressed the Agency's readiness to follow up on the DPRK's invitation in a constructive spirit.

8. On 1 June 2012, in a meeting with officials of the DPRK's Permanent Mission in Vienna, the Agency was informed that the effectiveness of the DPRK's invitation to the Agency had been

"discontinued".

9. The Agency has maintained its readiness to return to the DPRK, if requested to do so by the DPRK and subject to approval by the Board, through an ongoing process of: collecting and evaluating safeguards relevant information regarding the DPRK's nuclear programme; preparing safeguards equipment and developing relevant procedures for its use; and staff training. In this regard, the Agency has prepared a detailed plan for the implementation of monitoring and verification activities in the DPRK as envisaged in the 29 February 2012 statements.

D. Other Information on the DPRK's Nuclear Programme

10. As the Agency remains unable to carry out verification activities in the DPRK, its knowledge of the DPRK's nuclear programme is limited. Nevertheless, it is important for the Agency to remain cognisant of developments in the DPRK's nuclear programme to the fullest extent possible, especially in light of encouragement by the General Conference that the Secretariat maintain its readiness to play an essential role in verifying the DPRK's nuclear programme, including the capability to re-establish the implementation of safeguards related activities in the DPRK.

11. The Agency continues to monitor, mainly through satellite imagery, developments at the Yongbyon site. The Agency has observed building renovation and new construction work at various locations within the site. Although the purpose of such activities cannot be determined through satellite imagery alone, they appear to be broadly consistent with the DPRK's statements that it is further developing its nuclear capabilities.

12. There is no indication of significant activity at the declared facilities at the Yongbyon site. However, the Agency is closely monitoring developments at two undeclared facilities at the Yongbyon site, which the DPRK has reportedly stated to be a 100 MW(th) light water reactor (LWR) and a centrifuge enrichment facility. Since the Director General's previous report, significant progress has been made in the construction of the LWR: the dome has been put in place on the reactor containment building; there have been indications that some components may have been installed inside the building; and a system for pumping water from the river to the LWR for cooling purposes has also been built. However, without access to the site, the Agency is unable to assess either the design features of the LWR or the likely date for its completion. With regard to the reported centrifuge enrichment facility, the Agency has no new information and remains unable to determine the facility's configuration or operational status.

13. Through the use of satellite imagery, the Agency has been monitoring the locations where the DPRK reportedly conducted nuclear tests in 2006 and 2009. Although certain activities have been observed at these locations again, without access to the locations the Agency is unable to provide a technical assessment of the purpose of these activities or of whether nuclear material is being used.

E. Summary

14. The nuclear programme of the DPRK is a matter of serious concern and statements by the DPRK about uranium enrichment activities and the construction of an LWR in the DPRK continue to be deeply troubling.

15. 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 NPT Safeguards Agreement, and to resolve any outstanding issues that may have arisen during the long absence of Agency safeguards being applied in the DPRK. The Agency will continue to maintain its readiness to play an essential role in verifying the DPRK's nuclear programme.

United Nations Security Council Resolution 2087 (2013)

[S/RES/2087 22 January 2013]

[Eds. – annexes not included]

Adopted by the Security Council at its 6904th meeting, on 22 January 2013

The Security Council.

Recalling its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004), resolution 1695 (2006), resolution 1718 (2006), resolution 1874 (2009), resolution 1887 (2009), as well as the statements of its President of 6 October 2006 (S/PRST/2006/41), 13 April 2009 (S/PRST/2009/7) and 16 April 2012 (S/PRST/2012/13),

Recognizing the freedom of all States to explore and use outer space in accordance with international law, including restrictions imposed by relevant Security Council resolutions,

1. *Condemns* the DPRK's launch of 12 December 2012, which used ballistic missile technology and was in violation of resolutions 1718 (2006) and 1874 (2009);

2. *Demands* that the DPRK not proceed with any further launches using ballistic missile technology, and comply with resolutions 1718 (2006) and 1874 (2009) by suspending all activities related to its ballistic missile program and in this context re-establish its pre-existing commitments to a moratorium on missile launches;

3. *Demands* that the DPRK immediately comply fully with its obligations under resolutions 1718 (2006) and 1874 (2009), including that it: abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner; immediately cease all related activities; and not conduct any further launches that use ballistic missile technology, nuclear test or any further provocation;

4. *Reaffirms* its current sanctions measures contained in resolutions 1718 (2006) and 1874 (2009);

5. *Recalls* the measures imposed by paragraph 8 of resolution 1718 (2006), as modified by resolution 1874 (2009), and determines that:

(a) The measures specified in paragraph 8 (d) of resolution 1718 (2006) shall apply to the individuals and entities listed in Annex I and II, and the measures specified in paragraph 8 (e) of resolution 1718 (2006) shall apply to the individuals listed in Annex I; and,

(b) The measures imposed in paragraph 8 (a), 8 (b) and 8 (c) of resolution 1718 (2006) shall apply to the items in INFCIRC/254/Rev.11/Part 1 and INFCIRC/254/Rev.8/Part 2 and S/2012/947;

6. *Recalls* paragraph 18 of resolution 1874 (2009), and *calls upon* Member States to exercise enhanced vigilance in this regard, including monitoring the activities of their nationals, persons in their territories, financial institutions, and other entities organized under their laws (including branches abroad) with or on behalf of financial institutions in the DPRK, or of those that act on behalf or at the direction of DPRK financial institutions, including their branches, representatives, agents and subsidiaries abroad;

7. *Directs* the Committee established pursuant to resolution 1718 (2006) to issue an Implementation Assistance Notice regarding situations where a vessel has refused to allow an inspection after such an inspection has been authorized by the vessel's Flag State or if any DPRK-flagged vessel has refused to be inspected pursuant to paragraph 12 of resolution 1874 (2009);

8. *Recalls* paragraph 14 of resolution 1874 (2009), *recalls* that States may seize and dispose of items consistent with the provisions of resolutions 1718 (2006), 1874 (2009) and this resolution, and further *clarifies* that methods for States to dispose include, but are not limited to, destruction, rendering inoperable, storage or transferring to another State other than the originating or destination States for disposal;

9. *Clarifies* that the measures imposed in resolutions 1718 (2006) and 1874 (2009) prohibit the transfer of any items if a State relevant to a transaction has information that provides reasonable grounds to believe that a designated individual or entity is the originator, intended recipient or facilitator of the item's transfer;

10. *Calls upon* Member States which have not yet done so to report on the measures they have taken to implement the provisions of resolutions 1718 (2006) and 1874 (2009), *encourages* other Member States to submit, if any, additional information on implementing the provisions of resolutions 1718 (2006) and 1874 (2009);

11. *Encourages* international agencies to take necessary steps to ensure that all their activities with respect to the DPRK are consistent with the provisions of resolutions 1718 (2006) and 1874 (2009), and further *encourages* relevant agencies to engage with the Committee regarding their activities with respect to the DPRK that may relate to provisions of these resolutions;

12. *Deplores* the violations of the measures imposed in resolution 1718 (2006) and 1874 (2009), including the use of bulk cash to evade sanctions, *underscores* its concern over the supply, sale or transfer to or from the DPRK or through States' territories of any item that could contribute to activities prohibited by resolutions 1718 (2006) or 1874 (2009) and the importance of appropriate action by States in this regard, *calls on* States to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals working on behalf or at the direction of a designated individual or entity, *directs* the Committee to review reported violations and take action as appropriate, including through designating entities and individuals that have assisted the evasion of sanctions or in violating the provisions of resolutions 1718 (2006) and 1874 (2009);

13. *Emphasizes* the importance of all States, including the DPRK, taking the necessary measures to ensure that no claim shall lie at the instance of the DPRK, or of any person or entity in the DPRK, or of persons or entities designated pursuant to resolutions 1718 (2006) and 1874 (2009), 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 1718 (2006) and 1874 (2009);

14. *Reaffirms* its desire for a peaceful, diplomatic and political solution to the situation, *welcomes* efforts by Council members as well as other States to facilitate a peaceful and comprehensive solution through dialogue, and *underlines* the need to refrain from any action that might aggravate tensions;

15. *Reaffirms* its support to the Six Party Talks, *calls* for their resumption, *urges* all the participants to intensify their efforts on the full and expeditious implementation of the 19 September 2005 Joint Statement issued by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, with a view to achieving the verifiable denuclearization of the Korean Peninsula in a peaceful manner and to maintaining peace and stability on the Korean Peninsula and in northeast Asia;

16. *Calls upon* all Member States to implement fully their obligations pursuant to resolutions 1718 (2006) and 1874 (2009);

17. *Re-emphasizes* that all Member States should comply with the provisions of paragraphs 8 (a) (iii) and 8 (d) of resolution 1718 (2006) without prejudice to the activities of the diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations;

18. *Underlines* that measures imposed by resolutions 1718 (2006) and 1874 (2009) are not intended to have adverse humanitarian consequences for the civilian population of the DPRK;

19. *Affirms* that it shall keep the DPRK's actions under continuous review and is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance, and, in this regard, *expresses its determination* to take significant action in the event of a further DPRK launch or nuclear test;

20. *Decides* to remain actively seized of the matter.

DPRK National Defence Commission statement on UNSC Resolution 2087

[Pyongyang, 24 January 2013 (KCNA)]

The National Defence Commission (NDC) of the DPRK issued a statement on Thursday.

It said:

Our successful launch of satellite Kwangmyongsong 3-2 was a great jubilee in the history of the nation as it placed the nation's dignity and honor on the highest plane and a spectacular success made in the efforts to develop space for peaceful purposes recognized by the world.

The world people who love justice and value conscience unanimously rejoice as their own over the signal success made by our country, not a big one, by its own efforts.

Even space institutions of a hostile country accustomed to have repugnancy towards others could not but recognize the DPRK's successful satellite launch for peaceful purposes, from a low-profile stance.

This being a hard reality, the U.S. at the outset of the year termed our satellite launch "long-range missile launch," "wanton violation" of the UN resolutions and "blatant challenge" to world peace and security in a bid to build up public opinion on this. Finally, it prodded the UNSC into cooking up a new resolution on tightening sanctions against the DPRK.

The keynote of the resolution was worked out through backstage dealing with the U.S. as a main player and it was adopted at the UNSC with blind hand-raising by its member nations. This goes to clearly prove that the U.S. hostile policy toward the DPRK has entered a new dangerous phase.

This shows, at the same time, that those big countries, which are obliged to take the lead in building a fair world order, are abandoning without hesitation even elementary principle, under the influence of the U.S. arbitrary and high-handed practices, failing to come to their senses.

Moreover, this also indicates that the UNSC, which should regard it as its mission to guarantee sovereign rights and security of its member nations, has turned into a defunct marionette international body on which no hope can be pinned.

The DPRK National Defence Commission solemnly declares as follows as regards the adoption of the entirely unreasonable resolution on the DPRK:

1. We totally reject all the illegal resolutions on the DPRK adopted by the UNSC.

We have never recognized all forms of base resolutions tightening sanctions cooked up by the hostile forces to encroach upon the DPRK's sovereignty.

Sovereignty is what keeps a country and nation alive.

The country and the nation without sovereignty are more dead than alive.

The satellite launch was the exercise of an independent right pertaining to the DPRK as well as its legitimate sovereignty recognized by international law.

Therefore, the U.S. and those countries which launched satellites before have neither justification nor reason to find fault with the DPRK's satellite launch.

They are making a brigandish assertion that what they launched were satellites but what other country launched was a long-range missile. They are seriously mistaken if they think this assertion can work in the bright world today.

The U.S. should clearly know that the times have changed and so have the army and the people of the DPRK.

Along with the nationwide efforts to defend the sovereignty, the DPRK will continue launching peaceful satellites to outer space one after another.

2. As the U.S. hostile policy toward the DPRK has entered more dangerous phase, overall efforts should be directed to denuclearizing big powers including the U.S. rather than the denuclearization of the Korean Peninsula.

The biggest threat to the peace and security on the Korean Peninsula is the hostile policy toward the DPRK being pursued by all kinds of dishonest forces including the U.S. as well as the U.S. huge nuclear armed forces that back the policy.

The army and people of the DPRK drew a final conclusion that only when the denuclearization of the world is realized on a perfect level including the denuclearization of the U.S., will it be possible to denuclearize the Korean Peninsula and ensure peace and security of the DPRK.

The U.S. is taking the lead in encroaching upon the sovereignty of the DPRK, its allies are siding with it and the UN Security Council

has been reduced into an organization bereft of impartiality and balance. Under this situation the DPRK can not but declare that there will no longer exist the six-party talks and the September 19 joint statement.

No dialogue on the denuclearization of the Korean Peninsula will be possible in the future even though there may be dialogues and negotiations on ensuring peace and security in the region including the Korean Peninsula.

3. We will launch an all-out action to foil the hostile policy toward the DPRK being pursued by the U.S. and those dishonest forces following the U.S., and safeguard the sovereignty of the country and the nation.

The UN Security Council resolution on expanding sanctions against the DPRK, which was adopted on the initiative of the U.S., represents the most dangerous phase of the hostile policy toward the DPRK.

The army and people of the DPRK will never remain an on-looker to such happenings in which the sovereignty of the nation is encroached upon and the supreme interests of the country are violated.

Under the prevailing situation, the army and people of the DPRK will turn out in an all-out action to defend its sovereignty which is more precious than their own lives and frustrate the moves of the U.S. and its allies to isolate and stifle the DPRK.

The drive for building an economic power being pushed forward by the army and people of the DPRK, the effort to conquer space that has entered a new phase and the endeavors to bolster the deterrence for safeguarding the country and defending its security will all orientate toward the purpose of winning in the all-out action for foiling the U.S. and all other hostile forces' maneuvers.

We do not hide that a variety of satellites and long-range rockets which will be launched by the DPRK one after another and a nuclear test of higher level which will be carried out by it in the upcoming all-out action, a new phase of the anti-U.S. struggle that has lasted century after century, will target against the U.S., the sworn enemy of the Korean people.

Settling accounts with the U.S. needs to be done with force, not with words as it regards jungle law as the rule of its survival.

The world will clearly see how the army and people of the DPRK punish all kinds of hostile forces and emerge as a final victor while following the just road of defending its sovereignty, convinced of the justice of its cause.

Application of Safeguards in the Democratic People's Republic of Korea

[GOV/2013/39-GC(57)/22, 28 August 2013]

Report by the Director General

[Eds...]

C. Recent Developments

6. As stated in the Director General's previous report, in a meeting with officials of the DPRK's Permanent Mission in Vienna in June 2012, the Agency was informed that the effectiveness of the DPRK's invitation to the Agency of 16 March 2012 to "discuss technical issues with regard to the monitoring of [a] moratorium on uranium enrichment activities at Nyongbyon in accordance with the agreement of the DPRK-US high-level Talks held in Beijing...", had been "discontinued".

7. The DPRK announced on 12 February 2013 that, on the same date, it had conducted a third nuclear test. The radionuclide network of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (PrepCom CTBTO) made "a significant detection of radioactive noble gases that could be attributed to the nuclear test announced by the [DPRK]". Based on the information available to it, the Agency has assessed that the radionuclides detected in the region were highly unlikely to have originated from a nuclear facility.

8. On 1 April 2013, the Supreme People's Assembly of the DPRK announced that the DPRK would "bolster up the nuclear deterrence and nuclear retaliatory strike power both in quality and

quantity...". On 2 April 2013, the General Department of Atomic Energy of the DPRK said it would take measures for "readjusting and restarting all the nuclear facilities in Nyongbyon including uranium enrichment plant and 5MW[(e)] graphite moderated reactor".

D. Other Information on the DPRK's Nuclear Programme

9. As the Agency remains unable to carry out verification activities in the DPRK, its knowledge of the DPRK's nuclear programme is limited and, as further nuclear activities have reportedly taken place in the country, that knowledge will have declined. Nevertheless, it is important for the Agency to remain cognisant of developments in that programme to the fullest extent possible, especially in light of encouragement by the General Conference that the Secretariat maintain its readiness to play an essential role in verifying the programme, including the capability to re-establish the implementation of safeguards related activities in the DPRK.

10. In that regard, the Agency has maintained its readiness to return to the DPRK, if requested to do so by the DPRK and subject to approval by the Board of Governors, through an ongoing process of: collecting and evaluating safeguards relevant information regarding the DPRK's nuclear programme; preparing safeguards equipment and developing relevant procedures for its use; and staff training. The Agency has prepared, and continues to update, a detailed plan for the implementation of monitoring and verification activities in the DPRK.

11. The Agency continues to monitor, mainly through satellite imagery, developments at the Yongbyon site. Since the Director General's previous report, the Agency has continued to observe building renovation and new construction activities at various locations within the site. Although the purpose of such activities cannot be determined through satellite imagery alone, they appear to be broadly consistent with the DPRK's statements that it is further developing its nuclear capabilities.

12. As previously reported, the DPRK stated in April 2009 that it would build a light water reactor (LWR). In November 2010, a group visiting the Yongbyon site was shown a building that was stated to be a future 100 MW(th) LWR. Since the Director General's previous report, the Agency has observed through satellite imagery continued construction activities on and around that building. These activities include the installation of a ventilation stack, the construction of an electrical switchyard and the excavation of trenches apparently to accommodate water pipes for cooling the reactor. As of June 2013, external work on the building appeared to have been completed, but no indications of the delivery or installation of major reactor components had been observed. Without access to the site, the Agency is unable to assess either the design features of the LWR or the likely date for its completion.

13. During the period March to June 2013, the Agency observed through satellite imagery construction activities on buildings adjacent to the 5 MW(e) reactor building and the excavation of trenches in the vicinity of the reactor. These trenches appear to be related to the reconfiguration of the reactor's cooling system. If this is the case, such a reconfiguration could possibly enable the reactor to be restarted without rebuilding the cooling tower. As of April 2009, the Agency had observed that the DPRK had a stockpile of approximately 2000 fresh fuel rods for the 5 MW(e) reactor and enough uranium present in other forms that, if further processed into fuel rods, together would be sufficient to provide a full core load for the reactor. Since the Agency has had no access to the 5 MW(e) reactor or related facilities since April 2009, it is not possible to determine when the reactor may start operation.

14. During March 2013, the DPRK began the construction of an extension to the building housing the reported centrifuge enrichment facility within the Fuel Rod Fabrication Plant.¹³ Without access to the site, the Agency cannot confirm the purpose of this construction activity. The Agency has no further information regarding this facility and remains unable to determine its configuration or operational status.

E. Summary

15. The nuclear programme of the DPRK remains a matter of serious concern. The DPRK's statements concerning its

conducting of a third nuclear test and its intention to readjust and restart its nuclear facilities at Yongbyon, together with its previous statements about uranium enrichment activities and the construction of an LWR, are deeply regrettable. Such actions are clear violations of relevant UN Security Council resolutions.

16. The Director General continues to call upon the DPRK to comply fully with its obligations under relevant Security Council resolutions, to cooperate promptly with the Agency in the full and effective implementation of its NPT Safeguards Agreement and to resolve all outstanding issues, including those that have arisen during the absence of Agency inspectors from the DPRK. The Agency will continue to maintain its readiness to play an essential role in verifying the DPRK's nuclear programme.

Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea

[GC(57)/RES/14, September 2013]

See Section G

Extract from Worldwide Threat Assessment of the US Intelligence Community for the House Permanent Select Committee on Intelligence

[Unclassified statement for the record, 4 February 2014]

WEAPONS OF MASS DESTRUCTION AND PROLIFERATION

[Eds...]

Iran and North Korea Developing WMD-Applicable Capabilities

[Eds...]

North Korea's nuclear weapons and missile programs pose a serious threat to the United States and to the security environment in East Asia, a region with some of the world's largest populations, militaries, and economies. North Korea's export of ballistic missiles and associated materials to several countries, including Iran and Syria, and its assistance to Syria's construction of a nuclear reactor, destroyed in 2007, illustrate the reach of its proliferation activities. Despite the reaffirmation of its commitment in the Second-Phase Actions for the Implementation of the September 2005 Joint Statement not to transfer nuclear materials, technology, or know-how, North Korea might again export nuclear technology.

In addition to conducting its third nuclear test on 12 February 2013, North Korea announced its intention to "adjust and alter" the uses of existing nuclear facilities, to include the uranium enrichment facility at Yongbyon, and restart its graphite moderated reactor that was shut down in 2007. We assess that North Korea has followed through on its announcement by expanding the size of its Yongbyon enrichment facility and restarting the reactor that was previously used for plutonium production. North Korea has publicly displayed its KN08 road-mobile ICBM twice. We assess that North Korea has already taken initial steps towards fielding this system, although it remains untested. North Korea is committed to developing long-range missile technology that is capable of posing a direct threat to the United States. Its efforts to produce and market ballistic missiles raise broader regional and global security concerns.

Because of deficiencies in their conventional military forces, North Korean leaders are focused on deterrence and defense. We have long assessed that, in Pyongyang's view, its nuclear capabilities are intended for deterrence, international prestige, and coercive diplomacy. We do not know Pyongyang's nuclear doctrine or employment concepts.

[Eds...]

R – Documents Relating to Iran (Islamic Republic of)

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.kcl.ac.uk/csss>]

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran

[GOV/2012/37 30 August 2012]

[Editorial Note – footnotes not included]

Report by the Director General

A. Introduction

[Eds...]

4. This report addresses developments since the last report (GOV/2012/23, 25 May 2012), as well as issues of longer standing. It 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. Clarification of Unresolved Issues

[Eds...]

7. Further talks between the Agency and Iranian officials were held in Vienna on 8 June 2012 and 24 August 2012 with a view to finalizing the structured approach, based on the document resulting from the talks in May 2012. However, important differences remain and no agreement could be reached on the structured approach.

8. Despite the intensified dialogue between the Agency and Iran since January 2012, efforts to resolve all outstanding substantive issues have achieved no concrete results: Iran, in an initial declaration, simply dismissed the Agency's concerns in connection with the issues identified in Section C of the Annex to GOV/2011/65; Iran has not responded to the Agency's initial questions on Parchin and the foreign expert; Iran has not provided the Agency with access to the location within the Parchin site to which the Agency has requested access; and Iran has been conducting activities at that location that will significantly hamper the Agency's ability to conduct effective verification. Notwithstanding Mr Jalili's statement referred to above, agreement on the structured approach has yet to materialize.

C. Facilities Declared under Iran's Safeguards Agreement

9. 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 the relevant resolutions of the Board of Governors and the Security Council, as indicated below, the Agency continues to verify the non-diversion of declared material at these facilities and LOFs.

D. Enrichment Related Activities

[Eds...]

11. Iran has stated that the purpose of enriching UF₆ up to 5% U-235 is the production of fuel for its nuclear facilities and that the purpose of enriching UF₆ up to 20% U-235 is the manufacture of fuel for research reactors.

12. Since Iran began enriching uranium at its declared facilities, it has produced at those facilities approximately:

- 6876 kg (+679 kg since the previous report) of UF₆ enriched up to 5% U-235 (see Figures 1 and 2)
- 189.4 kg (+43.8 kg since the previous report) of UF₆ enriched up to 20% U-235 (see Figures 3 and 4)

D.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant

[Eds...]

14. As of 21 August 2012, Iran had fully installed 55 cascades in Production Hall A, of which 54 were declared by Iran as being fed with natural UF₆, and partially installed one other cascade. Preparatory installation work had been completed for another 34 cascades, and was ongoing in relation to 54 others (see Figure 5). All the centrifuges installed in Production Hall A are IR-1 machines. During a design information verification (DIV) on 11 August 2012, the Agency noted that Iran had started general preparatory work in Production Hall B. In a letter dated 23 August 2012, the Agency requested that Iran provide an updated DIQ for FEP including information for Production Hall B.

15. As previously reported,¹⁶ the Agency has verified that, as of 16 October 2011, 55 683 kg of natural UF₆ had been fed into the cascades since production began in February 2007, and a total of 4871 kg of UF₆ enriched up to 5% U-235 had been produced. Iran has estimated that, between 17 October 2011 and 6 August 2012, a total of 23 698 kg of natural UF₆ was fed into the cascades and a total of approximately 2005 kg of UF₆ enriched up to 5% U-235 had been produced, which would result in a total production of 6876 kg of UF₆ enriched up to 5% U-235 since production began.

16. 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 relevant DIQ.

[Eds...]

18. **Production area:** As of 21 August 2012, Iran was feeding low enriched UF₆ into two interconnected cascades (Cascades 1 and 6).

19. As previously reported, the Agency has verified that, as of 13 September 2011, 720.8 kg of UF₆ enriched up to 5% U-235 produced at FEP had been fed into the cascades in the production area since production began in February 2010, and that a total of 73.7 kg of UF₆ enriched up to 20% U-235 had been produced. Iran has estimated that, between 14 September 2011 and 21 August 2012, a total of 364 kg of UF₆ enriched up to 5% U-235 at FEP was fed into the cascades in the production area and that approximately 50.4 kg of UF₆ enriched up to 20% U-235 were produced. This would result in a total production of 124.1 kg of UF₆ enriched up to 20% U-235 at PFEP since production began.

20. **R&D area:** Since the previous report, Iran has been intermittently feeding natural UF₆ into IR-2m and IR-4 centrifuges, sometimes into single machines and sometimes into small or larger cascades. Iran has yet to install three new types of centrifuge (IR-5, IR-6 and IR-6s) as it had indicated it intends to do. Iran has also been intermittently feeding one cascade with depleted UF₆ instead of natural UF₆.

21. Between 19 May 2012 and 21 August 2012, a total of approximately 3.4 kg of natural UF₆ and 20.3 kg of depleted UF₆ was fed into centrifuges in the R&D area, but no LEU was withdrawn as the product and the tails were recombined at the end of the process.

22. 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 relevant DIQ.

D.2. Fordow Fuel Enrichment Plant

[Eds...]

24. As of 18 August 2012, Iran had installed all eight cascades in Unit 2, four of which (configured in two sets of two interconnected cascades) it was feeding with UF₆ enriched to 3.5% U-235. In Unit 1, Iran had completely installed four cascades and partially installed a fifth cascade, none of which it was feeding with UF₆ (see Figure 7).

25. Iran has estimated that, between 14 December 2011, when feeding of the first set of two interconnected cascades began, and 12 August 2012, a total of 482 kg of UF₆ enriched up to 5% U-235 was fed into cascades at FFEP, and that approximately 65.3 kg of

UF6 enriched up to 20% U-235 were produced, 50 kg of which has been withdrawn from the process and verified by the Agency.

26. With regard to the presence of particles with enrichment levels above 20% U-235, Iran's explanation is not inconsistent with the further assessment made by the Agency since the previous report. The Agency and Iran have exchanged views on ways to avoid a recurrence of transient enrichment levels above the level stated in the DIQ.

D.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. Iran has not provided information, as requested by the Agency, 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.

E. Reprocessing Activities

28. [Eds...] The Agency carried out an inspection and DIV at TRR on 6 August 2012, and a DIV at the MIX Facility on 8 August 2012. 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.

F. Heavy Water Related Projects

[Eds...]

30. On 1 August 2012, the Agency carried out a DIV at the IR-40 Reactor at Arak and observed that, as part of the facility's ongoing construction, cooling and moderator circuit piping was being installed. As previously reported, Iran has stated that the operation of the IR-40 Reactor is due to commence in the third quarter of 2013.

31. Since its visit to the Heavy Water Production Plant (HWPP) on 17 August 2011, the Agency has not been provided with further access to the plant. As a result, the Agency is again relying on satellite imagery to monitor the status of HWPP. Based on recent images, the plant appears to be in operation. To date, Iran has not permitted the Agency to take samples from the heavy water stored at the Uranium Conversion Facility (UCF).

G. Uranium Conversion and Fuel Fabrication

33. According to the latest information available to the Agency, Iran has produced:

- at UCF: 550 tonnes of natural UF₆, 91 tonnes of which has been sent to FEP; and
- at FMP and FPPF: seven fuel items containing uranium enriched up to 20% U-235, two fuel items containing uranium enriched to 3.34% U-235 and five fuel items containing natural uranium (see Figure 8).

34. **Uranium Conversion Facility:** Between 5 and 9 March 2012, the Agency carried out a physical inventory verification (PIV) at UCF, the results of which are now being evaluated by the Agency. As previously reported, the Agency has verified that Iran produced 24 kg of uranium in the form of UO₂ during R&D activities involving the conversion of UF₆ enriched up to 3.34% U-235 into UO₂, and that 13.6 kg of uranium in the form of UO₂ was subsequently transferred to FMP. As of 10 August 2012, Iran had resumed these R&D activities, but had not produced additional uranium in the form of UO₂. As of the same date, Iran, through the conversion of uranium ore concentrate (UOC), had produced about 3340 kg of natural uranium in the form of UO₂, of which the Agency has verified that Iran transferred 1272 kg to FMP (see Figure 9).

[Eds...]

36. **Fuel Manufacturing Plant:** On 22 August 2012, the Agency carried out a DIV and an inspection at FMP and confirmed that the manufacture of pellets for the IR-40 Reactor using natural UO₂ was ongoing. While Iran was continuing to manufacture dummy

fuel assemblies for the IR-40 Reactor, it was not manufacturing fuel assemblies containing nuclear material.

37. **Fuel Plate Fabrication Plant:** As previously reported, Iran has combined into one facility the activities involving the conversion of UF₆ enriched up to 20% U-235 into U₃O₈ and the manufacture of fuel assemblies made of fuel plates containing U₃O₈. Between the start of conversion activities on 17 December 2011 and 12 August 2012, Iran has fed into the process 71.25 kg of UF₆ enriched up to 20% U-235 and produced 31.1 kg of uranium enriched up to 20% U-235 in the form of U₃O₈.

H. 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.

39. The Annex to the Director General's November 2011 report (GOV/2011/65) provided a detailed analysis of the information available to the Agency, indicating that Iran has carried out activities that are relevant to the development of a nuclear explosive device. [Eds...] Since November 2011, the Agency has obtained more information which further corroborates the analysis contained in the aforementioned Annex.

40. 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 [Eds...]. In its resolution GOV/2011/69 of 18 November 2011, the Board of Governors, inter alia, expressed its deep and increasing concern about the unresolved issues regarding the Iranian nuclear programme, including those which need to be clarified to exclude the existence of possible military dimensions.

41. **Parchin:** As stated in the Annex to the Director General's November 2011 report, information provided to the Agency by Member States indicates that Iran constructed a large explosives containment vessel in which to conduct hydrodynamic experiments. The information also indicates that this vessel was installed at the Parchin site in 2000. The location at the Parchin site of the vessel was only identified in March 2011. The Agency notified Iran of that location in January 2012.

42. Satellite imagery available to the Agency for the period from February 2005 to January 2012 shows virtually no activity at or near the building housing the containment vessel. However, since the Agency's first request for access to this location, satellite imagery shows that extensive activities and resultant changes have taken place at this location. A number of satellite images of the location since February 2012 show: large amounts of liquid 'run off' emanating from the building in which the vessel is housed; equipment in open storage immediately outside the building; the removal of external fixtures from the building itself; and the presence of light and heavy vehicles. Satellite imagery shows that, as of May 2012, five other buildings or structures at the location had been demolished, and power lines, fences and all paved roads had been removed. Significant ground scraping and landscaping have been undertaken over an extensive area at and around the location, with new dirt roads established. Satellite images from August 2012 show the containment vessel building shrouded. In light of these extensive activities, the Agency's ability to verify the information on which its concerns are based has been adversely affected and, when the Agency gains access to the location, its ability to conduct effective verification will have been significantly hampered.

43. In a letter to the Agency dated 29 August 2012, Iran stated that the allegation of nuclear activities at the Parchin site is "baseless" and that "the recent activities claimed to be conducted in the vicinity of the location of interest to the Agency, has nothing to do with specified location by the Agency".

44. The activities observed and Iran's letter of 29 August 2012 further strengthen the Agency's assessment that it is necessary to have access to the location at Parchin without further delay.

I. Design Information

45. Contrary to its Safeguards Agreement and relevant resolutions of the Board of Governors and the Security Council, Iran is not implementing the provisions of the modified Code 3.1 of the Subsidiary Arrangements General Part to Iran's Safeguards Agreement, [Eds...]. 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.

46. Iran last provided the Agency with some updated information on the IR-40 Reactor in 2007, but has not provided a DIQ for the facility since 2006. Since 2007, Iran has conducted significant additional design and construction work on the reactor, but has not provided further information, as required pursuant to modified Code 3.1 of Iran's Subsidiary Arrangements General Part. The lack of up-to-date information on the IR-40 Reactor is now having an adverse impact on the Agency's ability to effectively verify the design of the facility and to implement an effective safeguards approach. On 1 August 2012, the Agency conducted a survey of the site in order to identify which safeguards equipment it would need to install at the IR-40 Reactor and where it should be located. Although Iran provided the Agency with some relevant technical details during that visit, it did not provide an updated DIQ.

47. As previously reported, Iran's response to Agency requests that Iran confirm or provide further information regarding its stated 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.

J. Additional Protocol

[Eds...]

K. Other Matters

49. As previously reported, the Agency found a discrepancy of 19.8 kg between the amount of nuclear material declared by the operator and that measured by the Agency in connection with conversion experiments carried out by Iran at the Jibr Ibn Hayan Multipurpose Research Laboratory (JHL) between 1995 and 2002. Following further analysis and measurement of the relevant material by the Agency and evaluation of clarifications and corrections provided by Iran, the Agency has been able to reduce its initial estimate of the discrepancy. The Agency and Iran have agreed to conduct further analysis with a view to resolving the discrepancy.

50. In June 2012, Iran started using one of the fuel assemblies consisting of 19 fuel plates containing U3O8 enriched up to 20% U-235 as an integral part of the core of TRR. In August 2012, Iran also started using in the core of TRR one of the control fuel assemblies consisting of 14 fuel plates containing U3O8 enriched up to 20% U-235. Iran has also continued to use a fuel assembly containing 12 rods of UO2 enriched to 3.34% U-235 as one of the control assemblies in the core of TRR. On 9 July 2012, the Agency verified the receipt at TRR of one control fuel assembly containing 14 plates and two fuel rods containing natural UO2. As requested, Iran has provided the Agency with further information about the irradiation of nuclear material received from FMP, as well as the TRR operator's plans for irradiating such material.

[Eds...]

L. 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. Despite the intensified dialogue between the Agency and Iran since January 2012, no concrete results have been achieved in resolving the outstanding issues. [Eds...]

54. It is a matter of concern that the activities which have taken place since February 2012 at the location within the Parchin site to which the Agency has requested access will have an adverse

impact on the Agency's ability to undertake effective verification. The Agency reiterates its request for access to that location without further delay.

55. The Director General continues to urge 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, and to urge Iran to engage with the Agency to achieve concrete results on all outstanding substantive issues.

[Eds...]

Communication dated 12 September 2012 received from the Resident Representative of the Islamic Republic of Iran concerning "Facts on Iran's Nuclear Policy"

[INFCIRC/842 12 September 2012]

[Eds...]

The international community has the right to know the factual situation about Iran's nuclear policy and activities. The distorted, bias information by some Western intelligence services and media with political motivation have created confusions and misunderstandings. Following are the facts on Iran's nuclear policy that has been and is being followed:

- Soon after the Revolution in 1979, late Imam Khomeini, the Founder of the Islamic Republic of Iran, in a public statement said: *"... If they continue to make huge atomic weapons and so forth the world may be pushed into destruction and major loss will afflict the nations. Everybody, wherever he is, the writers, intellectuals, scholars, and scientists throughout the world, should enlighten the people of this danger so that the masses of people will stand up vis-à-vis these two powers themselves and prevent the proliferation of these arms. ..."*

- Based on the above mentioned policy, though NPT was ratified before the Islamic Revolution in 1979, Islamic Republic of Iran did continue to be committed to it.

- The Islamic Republic of Iran was never and is not pursuing a nuclear weapon program. Since the triumph of the Islamic Revolution of Iran, the same policy based on Islamic school of thoughts has been well established.

- Declaration by the Supreme Leader of the Islamic Republic of Iran in the opening statement to the Heads of State and Government of the Non-Aligned Movement during the 16th NAM Summit in Tehran on 30 August 2012: *"The Islamic Republic of Iran considers the use of nuclear, chemical and similar weapons as a great and unforgivable sin. We proposed the idea of "Middle East free of nuclear weapons" and we are committed to it. This does not mean forgoing our right to peaceful use of nuclear power and production of nuclear fuel. On the basis of international laws, peaceful use of nuclear energy is a right of every country. All should be able to employ this wholesome source of energy for various vital uses for the benefit of their country and people, without having to depend on others for exercising this right. Some Western countries, themselves possessing nuclear weapons and guilty of this illegal action, want to monopolize the production of nuclear fuel. Surreptitious moves are under way to consolidate a permanent monopoly over production and sale of nuclear fuel in centres carrying an international label but in fact within the control of a few Western countries."*

- The relevant sector of the Supreme Leader's address at the 16th NAM Summit in Tehran this August is as follows: *"I stress that the Islamic Republic has never been after nuclear weapons and that it will never give up the right of its people to use nuclear energy for peaceful purposes. Our motto is: "Nuclear energy for all and nuclear weapons for none." We will insist on each of these two precepts, and we know that breaking the monopoly of certain Western countries on production of nuclear energy in the framework of the Non-Proliferation Treaty is in the interest of all independent countries, including the members of the Non-Aligned Movement."*

- Iran's nuclear file is still open due to allegations by a few Western countries and not due to routine inspections which according to all reports of former and present Director General are performed

without any obstacle, and reports repeatedly inform that the Agency is able to continue its verification, and no evidence of diversion of nuclear material to military purposes has been found.

- The Islamic Republic of Iran is fully committed to its obligations under the NPT. It would never compromise its inalienable right for peaceful use of nuclear energy including enrichment for peaceful purposes under IAEA comprehensive safeguards.
- Considering the above, it is highly recommended that parties concerned refrain from jeopardizing a conducive environment desperately needed in both tracks, for Iran and the IAEA and also for Iran and the Group of 5+1, for an amicable solution at this historical juncture.
- Undoubtedly, dialogue and negotiations without precondition, with mutual respect, and on equal footing is the only solution.

Implementation of the NPT safeguards agreement and relevant provisions of United Nations Security Council resolutions in the Islamic Republic of Iran

[GOV/2012/50 13 September 2012]

Resolution adopted by the Board of Governors on 13 September 2012

The Board of Governors,

[Eds...]

(b) Recalling the Board's previous resolutions, in particular GOV/2011/69 adopted 18 November 2011, which stressed 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 relevant information, documentation, sites, material, and personnel in Iran";

(c) Noting that the dialogue between Iran and the Agency on the resolution of all outstanding substantive issues was intensified but no agreement has been reached so far on the structured approach, and noting that in the meantime, Iran has not allowed the access to the sites requested by the IAEA, including Parchin, and that the IAEA has observed activities that the Director General has stated will significantly hamper the Agency's ability to conduct effective verification;

(d) Recalling the statements by High Representative Ashton on behalf of China, France, Germany, Russia, The United Kingdom, and the United States that their overall goal in talks with Iran regarding its nuclear program 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) 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, including the continuing and expanding uranium enrichment activities in Iran, as reported in GOV/2012/37, in particular at the Fordow Fuel Enrichment Plant; and

(f) 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;

1. Stresses the repeated conclusion by the Director General that the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and Locations Outside Facilities declared by Iran under its safeguards agreement, also notes the Director General's repeated conclusion that, 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;

2. Urges Iran to comply fully and without delay with all of its obligations under the relevant Resolutions of the UN Security

Council, and to meet the requirements of the Board of Governors, including the application of the modified Code 3.1 and the implementation and prompt entry into force of the Additional Protocol;

3. Expresses its serious concern regarding the continued enrichment and heavy water-related activities in Iran, contrary to the relevant resolutions of the Board of Governors and the UN Security Council;

4. Commends the Secretariat for its intensive efforts, pursuant to GOV/2011/69, to conclude with Iran an agreement on a structured approach for resolving outstanding issues related to possible military dimensions and stresses that it is essential for Iran to immediately conclude and implement such an approach, including as a first step providing the access the IAEA has requested to relevant sites, and decides that Iranian cooperation with IAEA requests aimed at the resolution of all outstanding issues is essential and urgent in order to restore international confidence in the exclusively peaceful nature of Iran's nuclear programme;

5. Expresses continued support for a peaceful resolution of the international community's concerns, which could best be achieved through a constructive diplomatic process which restores international confidence in the exclusively peaceful nature of Iran's nuclear programme on the basis of reciprocity and a step-by-step approach and consistent with the NPT, and takes note of the ongoing political dialogue and encourages the intensification of this dialogue;

6. Requests the Director General to include in his progress report at the November 2012 Board of Governors a comprehensive report on substantive implementation of the 18 November 2011 resolution (GOV/2011/69) and this resolution, especially with respect to the possible military dimensions of Iran's nuclear program; and

7. Decides to remain seized of the matter.

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran

[Gov/2012/55 16 November 2012]

A. Introduction

[Eds]

3. In line with the request of the Board of Governors in resolution GOV/2012/50 (13 September 2012), this document provides a comprehensive report on substantive implementation of that resolution and of resolution GOV/2011/69 (18 November 2011), especially with respect to the possible military dimensions of Iran's nuclear programme. It also addresses developments since the Director General's previous report (GOV/2012/37, 30 August 2012), as well as issues of longer standing. It 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. Clarification of Unresolved Issues

[Eds...]

6. In light of resolution GOV/2012/50, and immediately following the September 2012 Board meeting, the Agency took steps to engage Iran in further talks, including at a meeting on 17 September 2012 between the Director General and H.E. Mr Fereydoon Abbasi, Vice President of Iran and Head of the Atomic Energy Organization of Iran. On 24 October 2012, the Agency wrote to Iran reaffirming the Agency's commitment to dialogue, and suggesting that a senior level meeting be held on 13 and 14 November 2012 aimed at finalising the structured approach document, agreement on which would allow the Agency and Iran to start substantive work on the outstanding issues. In a letter dated 1 November 2012, Iran reaffirmed its commitment to dialogue with the Agency and invited an Agency delegation to Tehran in mid-December 2012 in order to "discuss the modality for the resolution of the allegations, based on principles elaborated in the meeting between H.E. Dr. Jalili, the Secretary of Supreme National Security

Council and the Director General on 30 May 2012". It was subsequently agreed that the Agency and Iran would meet in Tehran on 13 December 2012.

C. Facilities Declared under Iran's Safeguards Agreement

[Eds...]

D. Enrichment Related Activities

[Eds...]

10. Since Iran began enriching uranium at its declared facilities, it has produced at those facilities approximately:

- 7611 kg (+735 kg since the Director General's previous report) of UF₆ enriched up to 5% U-235, of which: 5303 kg is presently in storage; 1226 kg has been fed into the Pilot Fuel Enrichment Plant (PFEP) and 1029 kg has been fed into the Fordow Fuel Enrichment Plant (FFEP) for enrichment up to 20% U-235; and 53 kg has been fed into the Uranium Conversion Facility (UCF) for conversion to UO₂; and
- 232.8 kg (+43.4 kg since the Director General's previous report) of UF₆ enriched up to 20% U-235, of which: 134.9 kg is presently in storage; 1.6 kg has been downblended; and 96.3 kg has been fed into the Fuel Plate Fabrication Plant (FPFP) for conversion to U3O₈.

D.1. Natanz

[Eds...]

12. As of 10 November 2012, Iran had fully installed 61 cascades in Production Hall A, 54 of which were declared by Iran as being fed with natural UF₆. Iran had also partially installed one other cascade. Preparatory installation work had been completed for another 28 cascades, and was ongoing in relation to 54 others. All of the centrifuges installed in Production Hall A are IR-1 machines.

13. Between 20 October 2012 and 11 November 2012, the Agency conducted a physical inventory verification (PIV) at FEP and verified that, as of 21 October 2012, 85 644 kg of natural UF₆ had been fed into the cascades since production began in February 2007, and a total of 7451 kg of UF₆ enriched up to 5% U-235 had been produced. Iran has estimated that, between 22 October 2012 and 9 November 2012, a total of 1576 kg of natural UF₆ was fed into the cascades and a total of approximately 160 kg of UF₆ enriched up to 5% U-235 was produced, which would result in a total production of 7611 kg of UF₆ enriched up to 5% U-235 since production began.

14. 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 relevant design information questionnaire (DIQ).

15. **Pilot Fuel Enrichment Plant:** PFEP is a research and development (R&D) facility, and a pilot 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).

16. As a result of the PIV carried out by the Agency at PFEP between 15 September 2012 and 1 October 2012, the Agency verified, within measurement uncertainties normally associated with such a facility, the inventory as declared by Iran on 15 September 2012.

17. **Production area:** As of 6 November 2012, Iran was feeding low enriched UF₆ into two interconnected cascades (Cascades 1 and 6) containing a total of 328 IR-1 centrifuges.

18. The Agency has verified that, as of 15 September 2012, 1119.6 kg of UF₆ enriched up to 5% U-235 produced at FEP had been fed into the cascades in the production area since production began in February 2010, and that a total of 129.1 kg of UF₆ enriched up to 20% U-235 had been produced. Iran has estimated that, between 16 September 2012 and 11 November 2012, a total of 57.4 kg of UF₆ enriched up to 5% U-235 produced at FEP was fed into the cascades in the production area and that

approximately 8.2 kg of UF₆ enriched up to 20% U-235 were produced. This would result in a total production of 137.3 kg of UF₆ enriched up to 20% U-235 at PFEP since production began.

19. **R&D area:** Since the Director General's previous report, Iran has been intermittently feeding natural UF₆ into IR-2m and IR-4 centrifuges, sometimes into single machines and sometimes into small or larger cascades. Iran has yet to install three new types of centrifuge (IR-5, IR-6 and IR-6s) as it had indicated it intends to do.

20. Between 22 August 2012 and 11 November 2012, a total of approximately 198.6 kg of natural UF₆ was fed into centrifuges in the R&D area, but no LEU was withdrawn as the product and the tails were recombined at the end of the process.

21. 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 relevant DIQ.

D.2. Fordow

[Eds...]

23. Since the Director General's previous report, Iran has installed 644 centrifuges at FFEP, thereby completing the installation of centrifuges in all eight cascades in Unit 1, none of which it was feeding with UF₆. Iran had installed all eight cascades in Unit 2, four of which (configured in two sets of two interconnected cascades) it was feeding with UF₆ enriched up to 5% U-235 and four of which, having been subjected to vacuum testing, were ready for feeding with UF₆.

24. Iran has estimated that, between 14 December 2011, when feeding of the first set of two interconnected cascades began, and 10 November 2012, a total of 693 kg of UF₆ enriched up to 5% U-235 was fed into cascades at FFEP, and that approximately 95.5 kg of UF₆ enriched up to 20% U-235 were produced, 73.7 kg of which has been withdrawn from the process and verified by the Agency.

25. Based on the results of the analysis of environmental samples taken at FFEP, and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in its most recent relevant DIQ.

D.3. Other Enrichment Related Activities

[Eds...]

E. Reprocessing Activities

27. [Eds...] The Agency carried out an inspection and design information verification (DIV) at TRR on 11 November 2012, and a DIV at the MIX Facility on 12 November 2012. 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.

F. Heavy Water Related Projects

[Eds...]

29. On 10 November 2012, the Agency carried out a DIV at the IR-40 Reactor at Arak and observed that the installation of cooling and moderator circuit piping was continuing. During the DIV, Iran stated that the operation of the IR-40 Reactor was now expected to commence in the first quarter of 2014.

30. Since its visit to the Heavy Water Production Plant (HWPP) on 17 August 2011, the Agency has not been provided with further access to the plant. As a result, the Agency is again relying on satellite imagery to monitor the status of HWPP. Based on recent images, the plant appears to continue to be in operation. To date, Iran has not permitted the Agency to take samples from the heavy water stored at UCF.

G. Uranium Conversion and Fuel Fabrication

[Eds...]

32. According to the latest information available to the Agency:

- Iran has produced at UCF: 550 tonnes of natural UF₆, 99 tonnes of which has been sent to FEP; and
- Iran has transferred to TRR the following fuel items produced at FMP and FPFP: ten containing uranium

enriched up to 20% U-235, four containing uranium enriched to 3.34% U-235 and five containing natural uranium.

33. Uranium Conversion Facility: As previously reported, the Agency carried out a PIV at UCF in March 2012. In order to finalise its evaluation of the PIV results, the Agency has requested that Iran provide further information.

34. In the DIQ for UCF dated 13 October 2012, Iran informed the Agency of an increase in its capacity to produce natural UO₂ at UCF from 10 tonnes per year to 14 tonnes per year. The Agency has verified that, as of 5 November 2012, Iran had produced 24 kg of uranium in the form of UO₂ during R&D activities involving the conversion of UF₆ enriched up to 3.34% U-235. Iran subsequently transferred 13.6 kg of uranium in the form of UO₂ to FMP. As of 6 November 2012, Iran had resumed these R&D activities, but had not produced additional uranium in the form of UO₂ from the conversion of UF₆ enriched to 3.34% U-235. As of the same date, Iran, through the conversion of uranium ore concentrate, had produced about 6231 kg of natural uranium in the form of UO₂, of which the Agency has verified that Iran transferred 3100 kg to FMP. **36.** During a DIV carried out at UCF on 6 November 2012, Iran informed the Agency that, due to the rupture of a storage tank, a large quantity of liquid containing natural uranium scrap material had spilled onto the floor of the facility. Agency inspectors confirmed that the spillage had taken place. The Agency is discussing with Iran the accountancy of the nuclear material that has spilled from the tank.

37. Fuel Manufacturing Plant: Between 4 and 6 September 2012, the Agency carried out a PIV at FMP, the results of which it is still evaluating. On 7 November 2012, the Agency carried out a DIV and an inspection at FMP and confirmed that the manufacture of pellets for the IR-40 Reactor using natural UO₂ was ongoing. Iran informed the Agency that it had completed the manufacture of dummy fuel assemblies for the IR-40 Reactor. As of 7 November 2012, Iran had not commenced the manufacture of fuel assemblies containing nuclear material. On the same date, the Agency also verified two prototype fuel rods made of UO₂ enriched to 3.34% U-235 prior to their transfer to TRR.

38. Fuel Plate Fabrication Plant: The Agency carried out a PIV at FPFP on 29 September 2012 and verified that, between the start of conversion activities on 17 December 2011 and 26 September 2012, 82.7 kg of UF₆ enriched up to 20% U-235 had been fed into the conversion process and 38 kg of uranium had been produced in the form of U₃O₈ powder and fuel items. Iran has declared that, between 27 September 2012 and 10 November 2012, it did not convert any more of the UF₆ enriched up to 20% U-235 contained in the cylinder attached to the process. On 11 November 2012, the Agency verified a new fuel assembly prior to its transfer to TRR and verified the presence of 46 fuel plates. On 12 November 2012, the Agency and Iran agreed to an updated safeguards approach for FPFP.

H. Possible Military Dimensions

[Eds...]

40. The Annex to the Director General's November 2011 report (GOV/2011/65) provided a detailed analysis of the information available to the Agency, indicating that Iran has carried out activities that are relevant to the development of a nuclear explosive device. This information, which 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, is assessed by the Agency to be, overall, credible. The information indicates that, prior to the end of 2003 the activities took place under a structured programme; that some continued after 2003; and that some may still be ongoing. Since November 2011, the Agency has obtained more information which further corroborates the analysis contained in the aforementioned Annex.

41. 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. In its resolution GOV/2011/69, the Board of Governors, inter alia, expressed its deep and increasing concern about the unresolved issues regarding the Iranian nuclear programme, including those which need to be clarified to exclude the existence of possible military dimensions. As indicated above, in its resolution GOV/2012/50, the Board of Governors decided, inter alia, that Iranian cooperation with Agency requests aimed at the resolution of all outstanding issues was essential and urgent to restore international confidence in the exclusively peaceful nature of Iran's nuclear programme.

42. As indicated in Section B above, since the November 2011 Board, the Agency, through several rounds of formal talks and numerous informal contacts with Iran, has made intensive efforts to seek to resolve all of the outstanding issues related to Iran's nuclear programme, especially with respect to possible military dimensions, but without concrete results. Specifically, the Agency has:

- Sought agreement with Iran on a structured approach to the clarification of all outstanding issues (referred to in paragraph 4 above), focusing on the issues outlined in the Annex to GOV/2011/65. Agreement has yet to be reached;
- Requested that Iran provide the Agency with an initial declaration in connection with the issues identified in Section C of the Annex to GOV/2011/65. Iran's subsequent declaration dismissed the Agency's concerns in relation to these issues, largely on the grounds that Iran considered them to be based on unfounded allegations;
- Identified, as part of the structured approach, thirteen topics, consistent with those identified in the Annex to GOV/2011/65, which need to be addressed;
- Provided Iran with clarification of the nature of the Agency's concerns, and the information available to it, about Parchin and the foreign expert, and presented Iran with initial questions in this regard, to which Iran has not responded; and
- Requested on several occasions, from January 2012 onwards, access to the Parchin site. Contrary to Board resolution GOV/2012/50, Iran has still not provided the Agency with access to the site.

43. Parchin: As stated in the Annex to the Director General's November 2011 report, information provided to the Agency by Member States indicates that Iran constructed a large explosives containment vessel in which to conduct hydrodynamic experiments; such experiments would be strong indicators of possible nuclear weapon development. The information also indicates that the containment vessel was installed at the Parchin site in 2000. As previously reported, the location at the Parchin site of the vessel was only identified in March 2011, and the Agency notified Iran of that location in January 2012. Iran has stated that "the allegation of nuclear activities in Parchin site is baseless".

44. As previously reported, satellite imagery available to the Agency for the period from February 2005 to January 2012 shows virtually no activity at or near the building housing the containment vessel. Since the Agency's first request for access to this location, however, satellite imagery shows that extensive activities and resultant changes have taken place at this location. Among the most significant developments observed by the Agency at this location since February 2012 are:

- Frequent presence of, and activities involving, equipment, trucks and personnel;
- Run off of large amounts of liquid from the containment building over a prolonged period;
- Removal of external pipework from the containment vessel building;
- Razing and removal of five other buildings or structures and the site perimeter fence;

- Reconfiguration of electrical and water supply infrastructure;
- Shrouding of the containment vessel building and another building; and
- Initial scraping and removal of considerable quantities of earth at the location and its surrounding area, covering over 25 hectares, followed by further removal of earth to a greater depth at the location and the depositing of new earth in its place.

45. In light of the extensive activities that have been, and continue to be, undertaken by Iran at the aforementioned location on the Parchin site, when the Agency gains access to the location, its ability to conduct effective verification will have been seriously undermined. While the Agency continues to assess that it is necessary to have access to this location without further delay, it is essential that Iran also provide without further delay substantive answers to the Agency's detailed questions regarding the Parchin site and the foreign expert, as requested by the Agency in February 2012.

I. Design Information

[Eds...]

47. Contrary to Iran's obligations under the modified Code 3.1, Iran has not provided the Agency with an updated DIQ for the IR-40 Reactor since 2006. The lack of up-to-date information is having an adverse impact on the Agency's ability to effectively verify the design of the facility and to implement an effective safeguards approach.

48. Iran's response to Agency requests that Iran confirm or provide further information regarding its stated 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.

J. Additional Protocol

49. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran is not implementing its Additional Protocol. [Eds...]

K. Other Matters

50. The Agency and Iran have continued to discuss the discrepancy between the amount of nuclear material declared by the operator and that measured by the Agency in connection with conversion experiments carried out by Iran at the Jibril Ibn Hayan Multipurpose Research Laboratory (JHL) between 1995 and 2002.

51. As previously reported, Iran is now using in the core of TRR a number of fuel assemblies that were produced in Iran and which contain nuclear material that was enriched in Iran up to 3.5% and up to 20% U-235.

52. As indicated in the Director General's previous report, on 29 and 30 July 2012, the Agency conducted an inspection at the Bushehr Nuclear Power Plant (BNPP) while the reactor was operating at 75% of its nominal power. In a letter dated 15 October 2012, Iran informed the Agency that "fuel assemblies will be transferred from the core to spent fuel pond" from 22 to 29 October 2012. On 6 and 7 November 2012, the Agency conducted an inspection at BNPP and verified that the fuel assemblies were in the spent fuel pond.

L. Summary

53. 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.

54. Contrary to the Board resolutions of November 2011 and September 2012, and despite the intensified dialogue between the Agency and Iran since January 2012, no concrete results have been achieved in resolving the outstanding issues, including Iran

having not concluded and implemented the structured approach. The Director General is, therefore, unable to report any progress on clarifying the issues relating to possible military dimensions to Iran's nuclear programme.

55. It is a matter of concern that the extensive and significant activities which have taken place since February 2012 at the location within the Parchin site to which the Agency has requested access will have seriously undermined the Agency's ability to undertake effective verification. The Agency reiterates its request that Iran, without further delay, provide both access to that location and substantive answers to the Agency's detailed questions regarding the Parchin site and the foreign expert.

56. Given the nature and extent of credible information available, the Agency continues to consider it essential for Iran to engage with the Agency without further delay on the substance of the Agency's concerns. In the absence of such engagement, the Agency will not be able to resolve concerns about issues regarding the Iranian nuclear programme, including those which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme.

57. The Director General continues to urge 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, and to urge Iran to engage with the Agency to achieve concrete results on all outstanding substantive issues.

[Eds...]

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran

[GOV/2013/6, 21 February 2013]

[Editorial note – Footnotes not included]

Report by the Director General

A. Introduction

[Eds...]

1. This report addresses developments since the Director General's previous report (GOV/2012/55, 16 November 2012), as well as issues of longer standing. It 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. Clarification of Unresolved Issues

4. In November 2011, the Board adopted resolution GOV/2011/69, in which, inter alia, it stressed that it was essential for Iran and the Agency to intensify their dialogue aimed 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. In that resolution, the Board also called on Iran to engage seriously and without preconditions in talks aimed at restoring international confidence in the exclusively peaceful nature of Iran's nuclear programme. In light of this, between January and the beginning of September 2012, Agency and Iranian officials held six rounds of talks in Vienna and Tehran, including during a visit by the Director General to Tehran in May 2012. However, no concrete results were achieved.

5. On 13 September 2012, the Board adopted resolution GOV/2012/50, in which, inter alia, it decided that Iranian cooperation with Agency requests aimed at the resolution of all outstanding issues was essential and urgent in order to restore international confidence in the exclusively peaceful nature of Iran's nuclear programme. The Board also stressed that it was essential for Iran to immediately conclude and implement a structured approach for resolving outstanding issues related to possible military dimensions to its nuclear programme, including, as a first step, providing the Agency with the access it had requested to relevant sites. Immediately following the adoption of that resolution, the Agency took steps to engage Iran in further talks.

6. Since the Director General's November 2012 report, Agency and Iranian officials have held three further rounds of talks in Tehran – on 13 December 2012, 16 and 17 January 2013 and 13 February 2013 – aimed at finalizing the structured approach document. While the Secretariat's commitment to continued dialogue is unwavering, it has not been possible to reach agreement with Iran on the structured approach or to begin substantive work on the outstanding issues, including those related to possible military dimensions to Iran's nuclear programme.

C. Facilities Declared under Iran's Safeguards Agreement

7. 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 the relevant resolutions of the Board of Governors and the Security Council, as indicated below, the Agency continues to verify the non-diversion of declared material at these facilities and LOFs.

D. 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 declared facilities referred to below. All of these activities are under Agency safeguards, and all of the nuclear material, installed cascades and the feed and withdrawal stations at those facilities are subject to Agency containment and surveillance.

9. Iran has stated that the purpose of enriching UF₆ up to 5% U-235 is the production of fuel for its nuclear facilities and that the purpose of enriching UF₆ up to 20% U-235 is the manufacture of fuel for research reactors.

10. Since Iran began enriching uranium at its declared facilities, it has produced at those facilities:

- 8271 kg (+660 kg since the Director General's previous report) of UF₆ enriched up to 5% U-235, of which 5974 kg remain in the form of UF₆ enriched up to 5% U-235¹³ and the rest has been further processed (as detailed in paras 19 and 25–27 below); and
- 280 kg (+47 kg since the Director General's previous report) of UF₆ enriched up to 20% U-235, of which 167 kg remain in the form of UF₆ enriched up to 20% U-235¹⁴ and the rest has been further processed (as detailed in para. 45 below).

D.1. Natanz

11. Fuel Enrichment Plant: FEP is a centrifuge enrichment plant for the production of low enriched uranium (LEU) enriched up to 5% U-235, which was first brought into operation in 2007. The plant is divided into Production Hall A and Production Hall B. According to design information submitted by Iran, eight units are planned for Production Hall A, with 18 cascades in each unit, which totals approximately 25 000 centrifuges in 144 cascades. Iran has yet to provide the corresponding design information for Production Hall B.

12. As of 19 February 2013, Iran had fully installed 74 cascades in Production Hall A, partially installed three other cascades and completed preparatory installation work for the other 67 cascades. On that date, Iran declared that it was feeding 53 of the fully installed cascades with natural UF₆.

13. In a letter dated 23 January 2013, Iran informed the Agency that IR-2m centrifuges "will be used" in one of the units of Production Hall A. At the request of the Agency, Iran, in a letter dated 6 February 2013, provided additional information on the planned cascade configuration for the unit that would comprise IR-2m centrifuges and provided other related technical information. On 6 February 2013, the Agency observed that Iran had started the installation of IR-2m centrifuges and empty centrifuge casings. This is the first time that centrifuges more advanced than the IR-1 have been installed in FEP.

14. As a result of the physical inventory verification (PIV) carried out by the Agency at FEP between 20 October 2012 and 11 November 2012, the Agency verified, within measurement uncertainties normally associated with such a facility, the inventory of nuclear material as declared by Iran on 21 October 2012.

15. The Agency has confirmed that, as of 21 October 2012, 85 644 kg of natural UF₆ had been fed into the cascades since production began in February 2007, and a total of 7451 kg of UF₆ enriched up to 5% U-235 had been produced. Iran has estimated that, between 22 October 2012 and 3 February 2013, a total of 9106 kg of natural UF₆ was fed into the cascades and a total of approximately 820 kg of UF₆ enriched up to 5% U-235 was produced, which would result in a total production of 8271 kg of UF₆ enriched up to 5% U-235 since production began.

16. 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 relevant design information questionnaire (DIQ).

17. Pilot Fuel Enrichment Plant: PFEP is a research and development (R&D) facility, and a pilot 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 by Iran for the production of UF₆ enriched up to 20% U-235 (Cascades 1 and 6) and an area designated by Iran for R&D (Cascades 2, 3, 4 and 5).

18. Production area: As of 12 February 2013, Iran was continuing to feed low enriched UF₆ into two interconnected cascades (Cascades 1 and 6) containing a total of 328 IR-1 centrifuges.

19. As previously reported, the Agency has verified that, as of 15 September 2012, 1119.6 kg of UF₆ enriched up to 5% U-235 produced at FEP had been fed into the cascades in the production area since production began in February 2010, and that a total of 129.1 kg of UF₆ enriched up to 20% U-235 had been produced. Iran has estimated that, between 16 September 2012 and 12 February 2013, a total of 145.5 kg of UF₆ enriched up to 5% U-235 produced at FEP was fed into the cascades in the production area and that approximately 20.8 kg of UF₆ enriched up to 20% U-235 were produced. This would result in a total production of 149.9 kg of UF₆ enriched up to 20% U-235 at PFEP since production began.

20. R&D area: Since the Director General's previous report, Iran has installed two new types of centrifuge (IR-6 and IR-6s) and has been intermittently feeding natural UF₆ into them as single machines. Iran has also been intermittently feeding natural UF₆ into IR-2m and IR-4 centrifuges, sometimes into single machines and sometimes into cascades of various sizes.

21. Between 12 November 2012 and 12 February 2013, a total of approximately 469.2 kg of natural UF₆ was fed into centrifuges in the R&D area, but no LEU was withdrawn as the product and the tails were recombined at the end of the process.

22. In an updated DIQ dated 6 February 2013, Iran informed the Agency that it planned to start withdrawing from Cascades 4 and 5 the product and the tails separately, rather than recombining them at the end of the process as it had done previously. The Agency and Iran are discussing how safeguards measures will need to be modified as a result of the changes in the operation of these cascades. Iran has agreed not to start operations until such safeguards measures are in place.

23. Based on the results of the analysis of the environmental samples taken at PFEP, 20 and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the relevant DIQ.

D.2. Fordow

24. Fordow Fuel Enrichment Plant: FFEP is, according to the DIQ of 18 January 2012, a centrifuge enrichment plant for the production of UF₆ enriched up to 20% U-235 and the production of UF₆ enriched up to 5% U-235. Additional information from Iran is still needed in connection with this facility, particularly in light of the difference between the original stated purpose of the facility and the purpose for which it is now being used. The facility, which was first brought into operation in 2011, is designed to contain up to 2976 centrifuges in 16 cascades, divided between Unit 1 and Unit 2. To date, all of the centrifuges installed are IR-1 machines. Iran has yet to inform the Agency which of the cascades are to be used for enrichment up to 5% U-235 and/or for enrichment up to 20% U-235.

25. As of 17 February 2013, Iran was continuing to feed four cascades (configured in two sets of two interconnected cascades) of Unit 2 with UF₆ enriched up to 5% U-235; none of the other 12 cascades had been fed with UF₆.

26. Between 17 November 2012 and 3 December 2012, the Agency conducted a PIV at FFEP and verified that, as of 17 November 2012, a total of 769 kg of UF₆ enriched up to 5% U-235 produced at FEP had been fed into cascades at FFEP since production began in December 2011, and that 101.2 kg of UF₆ enriched up to 20% U-235 had been produced. As a result of this PIV, the Agency verified, within measurement uncertainties normally associated with such a facility, the inventory of nuclear material as declared by Iran on 17 November 2012.

27. Iran has estimated that between 18 November 2012 and 10 February 2013, a total of 210.1 kg of UF₆ enriched up to 5% U-235 was fed into cascades at FFEP, and that approximately 28.7 kg of UF₆ enriched up to 20% U-235 were produced. This would result in a total production of 129.9 kg of UF₆ enriched up to 20% U-235 since production began, 125.3 kg of which have been withdrawn from the process and verified by the Agency.

28. Based on the results of the analysis of environmental samples taken at FFEP, and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in its most recent DIQ for FFEP.

D.3. Other Enrichment Related Activities

29. Iran has not provided a substantive response 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. Nor has Iran provided information, as requested by the Agency, 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.

E. Reprocessing Activities

30. 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. Iran has stated that it "does not have reprocessing activities".

31. The Agency has continued to monitor the use 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 design information verification (DIV) at TRR on 12 February 2013, and a DIV at the MIX Facility on 13 February 2013. 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.

F. Heavy Water Related Projects

32. 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 ongoing construction of the heavy water moderated research reactor at Arak, the Iran Nuclear Research Reactor (IR-40 Reactor), which is under Agency safeguards.

33. On 11 February 2013, the Agency carried out a DIV at the IR-40 Reactor at Arak and observed that the installation of cooling and moderator circuit piping was almost complete. As previously reported, Iran has stated that the operation of the IR-40 Reactor is expected to commence in the first quarter of 2014.

34. Since its visit to the Heavy Water Production Plant (HWPP) on 17 August 2011, the Agency has not been provided with further access to the plant. As a result, the Agency is again relying only on satellite imagery to monitor the status of HWPP. Based on recent images, the plant appears to continue to be in operation. To date, Iran has not permitted the Agency to take samples of the heavy water stored at the Uranium Conversion Facility (UCF). Since the Director General's previous report, the Agency has reiterated its requests to Iran for access to HWPP and for the taking of samples of the aforementioned heavy water. Iran has again not provided the requested access.

G. Uranium Conversion and Fuel Fabrication

35. Although Iran is obliged to suspend all enrichment related activities and heavy water related projects, it is conducting a number of activities at UCF, the Fuel Manufacturing Plant (FMP) and the Fuel Plate Fabrication Plant (FPFP) at Esfahan, as indicated below, which are in contravention of those obligations, notwithstanding that the facilities are under Agency safeguards.

36. Since Iran began conversion and fuel fabrication at its declared facilities, it has, inter alia:

- Produced 550 tonnes of natural UF₆ at UCF, of which 107 tonnes have been transferred to FEP;
- Fed into the R&D conversion process at UCF 53 kg of UF₆ enriched up to 3.34% U-235 and produced 24 kg of uranium in the form of UO₂;
- Fed into the conversion process at FPFP 111 kg of UF₆ enriched up to 20% U-235 (+28.3 kg since the Director General's previous report) and produced 50 kg of uranium in the form of U₃O₈; and
- Transferred to TRR five fuel assemblies containing uranium enriched up to 20% U-235 and two fuel assemblies containing uranium enriched to 3.34% U-235.

37. Uranium Conversion Facility: As a result of the PIV carried out by the Agency at UCF in March 2012 and following the receipt of further information from Iran, the Agency verified, within measurement uncertainties normally associated with such a facility, the inventory of nuclear material as declared by Iran on 2 March 2012.

38. Since the previous report, Iran has informed the Agency that it intends to conduct R&D conversion activities involving the use of natural UF₆ for the production of UO₂.

39. According to Iran, as of 3 February 2013, it had produced 9056 kg of natural uranium in the form of UO₂ through the conversion of uranium ore concentrate. As of 5 February 2013, the Agency had verified that Iran had transferred 3823 kg of this UO₂ to FMP.

40. Since the Director General's previous report, Iran has informed the Agency that it has recovered

– in the form of liquid scrap, sludge and solid waste – the majority of the nuclear material that spilled onto the floor of the facility when a storage tank ruptured last year. The Agency is currently assessing Iran's declaration.

41. Fuel Manufacturing Plant: As a result of the PIV carried out by the Agency at FMP between 4 and 6 September 2012, the Agency verified, within measurement uncertainties normally associated with such a facility, the inventory of nuclear material as declared by Iran on 4 September 2012.

42. On 26 November 2012, the Agency verified a prototype IR-40 natural uranium fuel assembly before its transfer to TRR for irradiation testing.

43. On 9 and 11 February 2013, the Agency carried out an inspection and a DIV at FMP and confirmed that the manufacture of pellets for the IR-40 Reactor using natural UO₂ was ongoing.

44. Fuel Plate Fabrication Plant: As a result of the PIV carried out by the Agency at FPFP on 29 September 2012, the Agency verified, within measurement uncertainties normally associated with such a facility, the inventory of nuclear material as declared by Iran on that date.

45. On 27 September 2012, Iran suspended converting UF₆ enriched up to 20% U-235 into U₃O₈ at FPFP. Iran has estimated that, between 2 December 2012, when it resumed such conversion activities, and 11 February 2013, 28.3 kg of UF₆ enriched up to 20% U-235 were fed into the conversion process at FPFP and 12 kg of uranium were produced in the form of U₃O₈. This would bring the total amount of UF₆ enriched up to 20% U-235 which had been fed into the conversion process to 111 kg and the total amount of uranium in the form of U₃O₈ which had been produced to 50 kg.

46. On 12 and 13 February 2013, the Agency verified seven fuel assemblies and 95 fuel plates present at the facility.

H. Possible Military Dimensions

47. 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. Iran has dismissed the Agency's concerns, largely on the grounds that Iran considers them to be based on unfounded allegations.

48. The Annex to the Director General's November 2011 report (GOV/2011/65) provided a detailed analysis of the information available to the Agency, indicating that Iran has carried out activities that are relevant to the development of a nuclear explosive device. This information is assessed by the Agency to be, overall, credible. Since November 2011, the Agency has obtained more information which further corroborates the analysis contained in the aforementioned Annex.

49. 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. As indicated in Section B above, since the publication of the Director General's November 2011 report, although the Board has adopted two resolutions addressing the urgent need to resolve outstanding issues regarding the Iranian nuclear programme, including those which need to be clarified to exclude the existence of possible military dimensions, it has not been possible to finalize the structured approach document or to begin substantive work in this regard.

50. Parchin: As stated in the Annex to the Director General's November 2011 report, information provided to the Agency by Member States indicates that Iran constructed a large explosives containment vessel in which to conduct hydrodynamic experiments; such experiments would be strong indicators of possible nuclear weapon development. The information also indicates that the containment vessel was installed at the Parchin site in 2000. The location at the Parchin site of the vessel was only identified in March 2011, and the Agency notified Iran of that location in January 2012.

51. As previously reported, satellite imagery available to the Agency for the period from February 2005 to January 2012 shows virtually no activity at or near the building housing the containment vessel (chamber building). Since the Agency's first request for access to this location, however, satellite imagery shows that extensive activities and resultant changes have taken place at

this location. The Agency has reiterated during each round of talks with Iran its request for access to the location at the Parchin site, but Iran has not acceded to that request.

52. Among the most significant developments observed by the Agency at this location since the Director General's report in November 2012 are:

- Reinstatement of some of the chamber building's features (e.g. wall panels and exhaust piping);
- Alterations to the roofs of the chamber building and the other large building;
- Dismantlement and reconstruction of the annex to the other large building;
- Construction of one small building at the same place where a building of similar size had previously been demolished;
- Spreading, levelling and compacting of another layer of material over a large area; and
- Installation of a fence that divides the location into two areas.

53. As previously reported, Iran has stated that the allegation of nuclear activities at the Parchin site is "baseless" and that "the recent activities claimed to be conducted in the vicinity of the location of interest to the Agency, has nothing to do with specified

location by the Agency". To date, Iran has only provided an explanation for the soil displacement by trucks, which it stated was "due to constructing the Parchin new road".

54. In light of the extensive activities that have been, and continue to be, undertaken by Iran at the aforementioned location on the Parchin site, when the Agency gains access to the location, its ability to conduct effective verification will have been seriously undermined. While the Agency continues to assess that it is necessary to have access to this location without further delay, it is essential that Iran also provide without further delay substantive answers to the Agency's detailed questions regarding the Parchin site and the foreign expert, as requested by the Agency in February 2012.

I. Design Information

55. Contrary to its Safeguards Agreement and relevant resolutions of the Board of Governors and the Security Council, Iran is not implementing the provisions of the modified Code 3.1 of the Subsidiary Arrangements General Part to Iran's Safeguards Agreement. 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.

56. Contrary to Iran's obligations under the modified Code 3.1, Iran has not provided the Agency with an updated DIQ for the IR-40 Reactor since 2006. The lack of up-to-date information is having an adverse impact on the Agency's ability to effectively verify the design of the facility and to implement an effective safeguards approach.

57. Iran's response to Agency requests that Iran confirm, or provide further information regarding, its stated 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.

J. Additional Protocol

58. 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.

K. Other Matters

59. The Agency and Iran continue to discuss the discrepancy between the amount of nuclear material declared by the operator and that measured by the Agency in connection with conversion experiments carried out by Iran at the Jibr Ibn Hayan Multipurpose Research Laboratory (JHL) between 1995 and 2002.

60. On 12 February 2013, three fuel assemblies that had been produced in Iran and which contain nuclear material that was enriched in Iran up to 3.5% and up to 20% U-235 were in the core of TRR.

61. On 26 and 27 November 2012, the Agency conducted a PIV at the Bushehr Nuclear Power Plant (BNPP) and verified that the fuel assemblies that previously had been transferred to the spent fuel pond had since been reloaded into the reactor core. During an inspection conducted by the Agency at BNPP on 16 and 17 February 2013, Iran informed the Agency that the reactor was shut down.

L. Summary

62. 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.

63. Iran has started the installation of more advanced centrifuges (IR-2m) at FEP for the first time.

64. Contrary to the Board resolutions of November 2011 and September 2012 and despite the intensified dialogue between the Agency and Iran since January 2012 in nine rounds of talks, it has not been possible to agree on the structured approach. The Director General is unable to report any progress on the clarification of outstanding issues, including those relating to possible military dimensions to Iran's nuclear programme.

65. It is a matter of concern that the extensive and significant activities which have taken place since February 2012 at the location within the Parchin site to which the Agency has repeatedly requested access will have seriously undermined the Agency's ability to undertake effective verification. The Agency reiterates its request that Iran, without further delay, provide both access to that location and substantive answers to the Agency's detailed questions regarding the Parchin site and the foreign expert.

66. Given the nature and extent of credible information available, the Agency continues to consider it essential for Iran to engage with the Agency without further delay on the substance of the Agency's concerns. In the absence of such engagement, the Agency will not be able to resolve concerns about issues regarding the Iranian nuclear programme, including those which need to be clarified to exclude the existence of possible military dimensions to Iran's nuclear programme.

67. The Director General continues to urge Iran to take steps towards the full implementation of its Safeguards Agreement and its other obligations and to engage with the Agency to achieve concrete results on all outstanding substantive issues, as required in the binding resolutions of the Board of Governors and the mandatory Security Council resolutions.

68. The Director General will continue to report as appropriate.

Communication dated 6 March 2013 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

[INFCIRC/849 13 March 2013]

[Editorial note: footnotes not included]

The following are comments on some paragraphs of the Director General's Report GOY/2013/6, dated 21 February 2013.

A. General Observations

1- The report 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. For more elaboration of this assessment, three letters addressed to the DG are attached.

2- 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 arbitrarily step beyond its statutory and legal mandate in preparing its reports, assessments and comments without considering the relevant concrete obligations of a State.

3- 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.

4- 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, which have been already explained in INFCIRCS/: 786, 804, 805, 810, 817, 823, 827, 833, 837 and 847. 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.

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".

6- The Non-Aligned Movement in its several statements to the Board of Governors has stated that "NAM emphasizes 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 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 for 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 and the Agency 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 have not 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 his inability to fulfill his commitments on confidentiality measures. It comes as no surprise that almost at the same time the DG report is released, some websites such as ISIS, publish the report contained with 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 the 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 continuous violation must be stopped.

8- Regrettably, the main portion of DG report is based on certain information related to missile issue, not involving nuclear material activities. The Agency is not entitled to step beyond its mandate to the bilateral Safeguards Agreement, or interfere with Iran's national security concerns on the pretext of Iran's nuclear program. Moreover, DG has relied on some forged, fabricated and false information provided by western intelligence services, assessed as "overall credible" information, without any authenticity verification, while independent observers have revealed part of the

false information used by the Agency and criticized ironically its immature assessment on allegations against Iran.

9- The report in its introductory part for the first time entered into a legal qualification and judgment that is absolutely not on discretion and responsibility of the Director General of the IAEA. Defining unilaterally obligations on a sovereign state is beyond mandate of the Director General. As clearly described above, the DG has deviated from its mandate. It is our right to reserve to follow claims against his acts on the damages arises.

10- In the light of the above, the claims and baseless allegations against Islamic Republic of Iran's peaceful nuclear activities as contained in the DG report (GOV/2013/6, dated 21 February 2013) are unprofessional, unfair, illegal and politicized.

B. Clarification of Allegations

BI. Negotiation on Modality (Structured Approach)

11- Pursuant to high level political negotiation, a Work Plan (INFCIRC/711) was agreed between Iran and the IAEA on 27 August 2007 for clarification of all outstanding issues. As the result of Iran's proactive cooperation all outstanding issues (six issues) were resolved by 2008 and reported by the former Director General to the Board of Governors.

12- In spite of the fact that the IAEA did not fulfill its obligations including delivery of the documents on "Alleged Studies" to Iran, Iran did submit to the Agency its assessment in a 117-pages document. The Work Plan was therefore concluded but the Agency contrary to the Work Plan has not declared it.

13- Despite this fact the Islamic Republic of Iran, once again, wrote to the IAEA Director General on 30 October 2011 that "the DDG for Safeguards, Mr. Nackaerts, to be delegated to Iran for discussion aiming at resolution of matters and to put an end to the seemingly endless process".

14- The Director General, through a communication made on 2 November 2011 rejected this historical invitation and postponed it. However, the Islamic Republic of Iran reemphasized on its offer by communication on 3 November 2011 that "I hereby once again request you to send an Agency's team headed by Mr. Nackaerts to Iran. " Regrettably, the DG did not pay attention to this and also refrained from truly reflecting these facts in his November report (GOV/2011/65) to the Board of Governors.

Observations on the Meetings after November 2011

[Eds...]

C. Implementation of Iran's Safeguards Agreement

CI. General

65 - Article 2 of the Iran's safeguards agreement (INFCIRC/214) requires that safeguards to be implemented "in accordance with the terms of this Agreement". Every DG report to the Board of Governors including GOV/2013/6 shows and confirms that the Safeguards implementation in the I.R. of Iran is in accordance with its Safeguards Agreement without any failure, inconsistency or ambiguity, as reflected in different parts of the report GOV/2013/6, such as the followings:

a. Paragraph 7 reads: "Iran has declared to the Agency 16 nuclear facilities and nine locations outside facilities" and "... the Agency continues to verify the non-diversion of declared material at these facilities and LOFs. "

b. All Iran's nuclear facilities are under the Agency's Safeguards (paragraph 7), specifically enrichment facilities (paragraphs 8-28), heavy water research reactor (paragraphs 32-34), Tehran Research Reactor (TRR) (paragraphs 31 and 60), Radioisotope Production Facility (paragraph 31), Uranium Conversion Facility (UCF) and Fuel Manufacturing Plant (paragraphs 35-46), Bushehr Nuclear Power Plant (paragraph 61), Jabr Ibn Hayan Multipurpose Research Laboratory (JHL) (Paragraph 59).

c. The Agency has been able to take samples from nuclear facilities to verify Iran's declarations, specifically at Natanz Fuel Enrichment Plant as read in paragraph 16: "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 the relevant Design Information Questionnaire (DIQ)"; and at Natanz Pilot Fuel Enrichment Plant as read in paragraph 23: "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 relevant DIQ"; and at Fordow as read in paragraph 28: "Based on the results of the analysis of the environmental samples taken at FFEP, and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in its most recent DIQ for FFEP".

C2. Design Information (Modified Code 3.1 of Subsidiary Arrangements) [Eds]

C3. Heavy Water Related Projects [Eds...]

D. Additional Protocol [Eds...]

E. Illegal Resolutions of the IAEA Board of Governors and UNSC regarding Iran peaceful nuclear program

86- 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 BOG 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.

87- Since the said Security Council Resolutions have not passed through the pertinent legal proceedings and have been issued in contravention of UN Charter, they are by no means legally-binding. Referring Iran's case to the Council, issued in violation of Article XII.C of the IAEA Statute; consequently, the UNSC resolutions also issued in contrast with the Purposes and Principles of the Charter (breach of Article 24 of U.N 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 fulfilling 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 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 standards and parallel groups. The Director General ought to ponder upon why it 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 it's piled-over functions and leave out the tasks of others for themselves.

88- 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 its Statute 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 precondition 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 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 BOG conveyed Iran's nuclear file to UNSC, not based on Article 19, but based on XII.C which is 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 is no diversion of nuclear material and activities in Iran.

89- 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

[Eds...]

Communication dated 10 July 2013 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

[INFCIRC/853, 23 July 2013]

The following are comments on some paragraphs of the Director General's Report GOV/2013/27, dated 22 May 2013.

A. General Observations

1- The report 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. For more elaboration of this assessment, three letters addressed to the DG are attached.

2- 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 arbitrarily step beyond its statutory and legal mandate in preparing its reports, assessments and comments without considering the relevant concrete obligations of a State.

3- 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.

4- 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, which have been already explained in INFCIRC/214: 786, 804, 805, 810, 817, 823, 827, 833, 837, 847, 849 and 850. 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.

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" and "irrelevant" language with regard to the Safeguards conclusions, by stating: "the Agency is unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran", 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".

6- The Non-Aligned Movement in its several statements to the Board of Governors has stated that "NAM emphasizes 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 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 for resolution of the Outstanding Issues" (INFCIRC/7 11), 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 and the Agency 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 have not been published. The DG by including detailed information in his reports such as the number of installed and/or operating centrifuges, amount of nuclear

material fed and/or produced, etc., has demonstrated his inability to fulfill his commitments on confidentiality measures. It comes as no surprise that almost at the same time the DG report is released, some websites such as ISIS, publish the report contained with 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 the DG's generosity in disclosing confidential information to unauthorized circles before even the 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 continuous violation must be stopped.

8- Regrettably, the main portion of the DG's report is based on certain information related to missile issue, not involving nuclear material activities. The Agency is not entitled to step beyond its mandate to the bilateral Safeguards Agreement, or interfere with Iran's national security concerns on the pretext of Iran's nuclear program. Moreover, the DG has relied on some forged, fabricated and false information provided by western intelligence services and known sources hostile to Iran, assessed as "overall credible" information, without any authenticity verification, while independent observers have revealed part of the false information used by the Agency and criticized ironically its immature assessment on allegations against Iran.

9- The report in its introductory part enters into a legal qualification and judgment that is not absolutely at the discretion and the responsibility of the Director General of the IAEA. Defining unilaterally obligations on a sovereign State is beyond the mandate of the Director General. As clearly described above, the DG has deviated from his mandate. Iran reserves its right to file claims against his acts on the damages arising.

10- In the light of the above, the claims and baseless allegations against the Islamic Republic of Iran's peaceful nuclear activities as contained in the DG's report (GOV/2013/27, dated 22 May 2013) are unprofessional, unfair, illegal and politicized.

B. Clarification of Allegations

Bl. Negotiation on Modality (Structured Approach)

[Eds...]

B2. Alleged Possible Military Dimensions

[Eds...]

C. Implementation of Iran's Safeguards Agreement

C1. General

72- Article 2 of the Iran's safeguards agreement (INFCIRC/214) requires that safeguards be implemented "in accordance with the terms of this Agreement". Every DG report to the Board of Governors including GOV/2013/27 shows and confirms that the safeguards implementation in the of Iran is in accordance with its Safeguards Agreement without any failure, inconsistency or ambiguity, as reflected in different parts of the report GOV/2013/27, such as the following:

a. Paragraph 7 reads: "Iran has declared to the Agency 16 nuclear facilities and nine locations outside facilities" and "... the Agency continues to verify the non-diversion of declared material at these facilities and LOFs."

b. All Iran's nuclear facilities are under the Agency's Safeguards (paragraph 7), specifically enrichment facilities (paragraphs 8-26), heavy water research reactor (paragraphs 31-35), Tehran Research Reactor (TRR) (paragraphs 29 and 65), Radioisotope Production Facility (paragraph 29), Uranium Conversion Facility (UCF) and Fuel Manufacturing Plant (paragraphs 38-49), Bushehr Nuclear Power Plant (paragraph 66), Jabr Ibn Hayan Multipurpose Research Laboratory (JHL) (Paragraph 64).

c. The Agency has been able to take samples from nuclear facilities to verify Iran's declarations, specifically at Natanz Fuel Enrichment Plant as read in paragraph 15: "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

relevant Design Information Questionnaire (DIQJ"; and at Natanz Pilot Fuel Enrichment Plant as read in paragraph 22: "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 relevant DIQ"; and at Fordow as read in paragraph 26: "Based on the results of the analysis of the environmental samples taken at FFEP, and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in its most recent DIQ for FFEP".

C2. Design Information (Modified Code 3.1 of Subsidiary Arrangements) [Eds...]

C3. Heavy Water Related Projects [Eds...]

D. Additional Protocol [Eds...]

E. Illegal Resolutions of the IAEA Board of Governors and UNSC regarding Iran's peaceful nuclear program [Eds...]

F. Contradiction of the UN Security Council's & IAEA Board of Governors Resolutions with the United Nations Charter and International Law [Eds...]

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran

[GOV/2013/40, 28 August 2013]

[Editorial Note: Footnotes not included]

Report by the Director General

A. Introduction

3. This report addresses developments since the Director General's previous report (GOV/2013/27, 22 May 2013), as well as issues of longer standing. It 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. Clarification of Unresolved Issues

4. In November 2011, the Board of Governors adopted resolution GOV/2011/69, in which, inter alia, it stressed that it was essential for Iran and the Agency to intensify their dialogue aimed 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. In September 2012, the Board of Governors adopted resolution GOV/2012/50, in which, inter alia, it decided that Iranian cooperation with Agency requests aimed at the resolution of all outstanding issues was essential and urgent in order to restore international confidence in the exclusively peaceful nature of Iran's nuclear programme. The Board of Governors also stressed that it was essential for Iran to immediately conclude and implement a structured approach for resolving outstanding issues related to possible military dimensions to its nuclear programme, including, as a first step, providing the Agency with the access it had requested to relevant sites. In light of these resolutions, between January 2012 and May 2013, Agency and Iranian officials held ten rounds of talks in Vienna and Tehran, including during a visit by the Director General to Tehran in May 2012, aimed at reaching agreement on a structured approach document. However, no concrete results were achieved.

5. The Agency has not been able to begin substantive work with Iran on resolving the outstanding issues, including those related to possible military dimensions to Iran's nuclear programme. Since the Director General's previous report, no further talks aimed at concluding the structured approach document have been held. However, another round of talks is planned for 27 September 2013 in Vienna.

6. To restore international confidence in the exclusively peaceful nature of Iran's nuclear programme, it is essential that the structured approach enable the Agency to conduct effective verification, that is, to conduct those verification activities that it

considers necessary to support credible conclusions. Therefore, it is important that the structured approach document be sufficiently unambiguous to minimize any possible future misunderstandings between the Agency and Iran in implementing the structured approach. The Agency has assured Iran that it will take into account Iran's security concerns and has indicated its willingness to include in the structured approach document modalities that address those concerns.

7. The following describes the Agency's views regarding the main elements of the structured approach document on which it has not been possible to reach agreement:

- It is essential for the Agency to address all outstanding issues, not just those related to possible military dimensions to Iran's nuclear programme. It is important, therefore, that the structured approach document, which is focused on those issues outlined in the Annex to the Director General's November 2011 report (GOV/2011/65), make explicit reference to the fact that all other outstanding issues remain to be addressed separately;
- To ensure comprehensive coverage and to remove ambiguity, it is also important that all aspects of the possible military dimensions, as reflected in the Annex to GOV/2011/65, be explicitly addressed in the structured approach document;
- The Agency needs to be able to request further information and conduct follow up actions as it considers necessary. While taking into account Iran's security concerns, these follow up actions should not be subject to undue restrictions on access to "all relevant information, documentation, sites, material and personnel in Iran" (GOV/2011/69);
- The Agency should not be expected, nor would it be in a position, to provide at the outset all details of how, when and where it will conduct its verification activities;
- The Agency needs to be able to return to issues previously discussed, if necessary;
- The Agency is prepared to share information with Iran if and when the Agency considers it to be appropriate to the conduct of effective verification; and
- The Agency needs to be able to confirm the satisfactory resolution of all of the issues identified in the Annex to GOV/2011/65 before it considers them to be no longer outstanding and report them as such to the Board of Governors.

C. Facilities Declared under Iran's Safeguards Agreement

8. Under its Safeguards Agreement, Iran has declared to the Agency 17 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 verify the non-diversion of declared material at these facilities and LOFs.

D. Enrichment Related Activities

[Eds...]

10. Iran has stated that the purpose of enriching UF₆ up to 5% U-235 is the production of fuel for its nuclear facilities and that the purpose of enriching UF₆ up to 20% U-235 is the manufacture of fuel for research reactors.

11. Since Iran began enriching uranium at its declared facilities, it has produced at those facilities:

- 9704 kg (+744 kg since the Director General's previous report) of UF₆ enriched up to 5% U-235, of which 6774 kg (+417 kg since the Director General's previous report) remain in the form of UF₆ enriched up to 5% U-23514 and the rest has been further processed (as detailed in paragraphs 20, 26 and 40 below); and
- 372.5 kg (+48.5 kg since the Director General's previous report) of UF₆ enriched up to 20% U-235, of which 185.8 kg (+3.8 kg since the Director General's previous report) remain in the form of UF₆ enriched up to 20% U-23515 and the rest has been further processed (as detailed in paragraph 49 below).

D.1. Natanz

[Eds...]

14. As of 24 August 2013, in Production Hall A, Iran had fully installed 89 IR-1 cascades, partially installed one other IR-1 cascade and completed preparatory installation work for the other 36 IR-1 cascades. On that date, Iran declared that it was feeding 54 of the fully installed IR-1 cascades with natural UF₆.

15. Iran has continued to install IR-2m centrifuges in one of the units of Production Hall A. As of 24 August 2013, six cascades had been fully installed with IR-2m centrifuges and were under vacuum, and preparatory installation work had been completed for the other 12 IR-2m cascades in the unit. As of the same date, none of the IR-2m centrifuges at FEP had been fed with natural UF₆. Iran has indicated that the performance of IR-2m cascades will be tested using the six fully installed cascades.

16. As previously reported, the Agency has confirmed that, as of 21 October 2012, 85 644 kg of natural UF₆ had been fed into the cascades since production began in February 2007, and a total of 7451 kg of UF₆ enriched up to 5% U-235 had been produced. Iran has estimated that, between 22 October 2012 and 10 August 2013, a total of 24 946 kg of natural UF₆ was fed into the cascades and a total of approximately 2253 kg of UF₆ enriched up to 5% U-235 was produced. This would result in a total production of 9704 kg of UF₆ enriched up to 5% U-235 since production began.

17. Based on the results of the analysis of environmental samples taken at FEP, and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the relevant DIQ.

[Eds...]

19. Production area: As of 16 August 2013, Iran was continuing to feed low enriched UF₆ into two interconnected cascades (Cascades 1 and 6) containing a total of 328 IR-1 centrifuges.

20. As previously reported, the Agency has verified that, as of 15 September 2012, 1119.6 kg of UF₆ enriched up to 5% U-235 produced at FEP had been fed into the cascades in the production area since production began in February 2010, and that a total of 129.1 kg of UF₆ enriched up to 20% U-235 had been produced. Iran has estimated that, between 16 September 2012 and 16 August 2013, a total of 335.7 kg of UF₆ enriched up to 5% U-235 produced at FEP was fed into the cascades in the production area and that approximately 48.7 kg of UF₆ enriched up to 20% U-235 were produced. This would result in a total production of 177.8 kg of UF₆ enriched up to 20% U-235 at PFEP since production began, of which 174.6 kg have been withdrawn from the process and verified by the Agency.

21. R&D area: Since the Director General's previous report, Iran has been intermittently feeding natural UF₆ into IR-6s centrifuges as single machines and into IR-1, IR-2m, IR-4 and IR-6 centrifuges, sometimes into single machines and sometimes into cascades of various sizes. The single installed IR-5 centrifuge has yet to be fed with natural UF₆.

22. Between 11 May 2013 and 16 August 2013, a total of approximately 460.7 kg of natural UF₆ was fed into centrifuges in the R&D area, but no LEU was withdrawn as the product and the tails were recombined at the end of the process.

23. Based on the results of the analysis of environmental samples taken at PFEP, and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the relevant DIQ.

D.2. Fordow

[Eds...]

25. As of 26 August 2013, Iran was continuing to feed four cascades (configured in two sets of two interconnected cascades) of Unit 2 with UF₆ enriched up to 5% U-235; none of the other 12 cascades in FFEP had been fed with UF₆.

26. As previously reported, the Agency has verified that, as of 17 November 2012, a total of 769 kg of UF₆ enriched up to 5% U-235 produced at FEP had been fed into cascades at FFEP since production began in December 2011, and that 101.2 kg of UF₆ enriched up to 20% U-235 had been produced. Iran has estimated that between 18 November 2012 and 16 August 2013, a total of

653.1 kg of UF₆ enriched up to 5% U-235 was fed into cascades at FFEP, and that approximately 93.5 kg of UF₆ enriched up to 20% U-235 were produced. This would result in a total production of 194.7 kg of UF₆ enriched up to 20% U-235 since production began, 186.3 kg of which have been withdrawn from the process and verified by the Agency.

27. Based on the results of the analysis of environmental samples taken at FFEP, and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in its most recent DIQ for FFEP.

D.3. Other Enrichment Related Activities

28. Iran has not provided a substantive response to Agency requests for design 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. Nor has Iran provided information, as requested by the Agency, 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.

E. Reprocessing Activities

29. 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. Iran has stated that it "does not have reprocessing activities".

30. The Agency has continued to monitor the use of hot cells at the Tehran Research Reactor (TRR)³⁴ and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility.³⁵ The Agency carried out a physical inventory verification (PIV) and design information verification (DIV) at TRR on 11 August 2013, and a DIV at the MIX Facility on 31 July 2013. 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.

F. Heavy Water Related Projects

[Eds...]

33. On 7 August 2013, the Agency carried out a DIV at the IR-40 Reactor and observed that, since the Director General's previous report,³⁷ the reactor vessel had been placed into position. A number of other major components had yet to be installed, including the control room equipment, the refuelling machine and reactor cooling pumps. During the DIV, Iran informed the Agency that it had produced about 90 tonnes of heavy water and indicated that it would have sufficient heavy water for the commissioning of the IR-40 Reactor.

34. Since the Director General's previous report, Iran has started to produce fuel assemblies containing nuclear material for the IR-40 Reactor (see paragraph 47 below).

35. In a letter dated 25 August 2013, Iran informed the Agency that "based on the practical progress of construction work" the previously indicated "start-up" date for the IR-40 Reactor was "not achievable, so it cannot be the first quarter of 2014".

36. Contrary to Iran's obligations under the modified Code 3.1 of the General Part of the Subsidiary Arrangements to its Safeguards Agreement and although the Agency has made repeated requests, Iran has not provided the Agency with an updated DIQ for the IR-40 Reactor since 2006. At that time, the IR-40 Reactor was in a very early stage of construction. As the commencement of the IR-40 Reactor's operation approaches, the lack of up to date design information is having an increasingly adverse impact on the Agency's ability to verify the design of the facility and to implement an effective safeguards approach. The Agency requires this information as early as possible in order, inter alia, to ensure that all possible diversion paths are identified, and appropriate safeguards measures and customized safeguards equipment are put in place.

37. Heavy Water Production Plant: The HWPP is a facility for the production of heavy water with a design capacity to produce 16 tonnes of heavy water of nuclear grade per year.

38. Despite repeated requests from the Agency, most recently in a letter dated 1 August 2013, Iran has not provided access to the

HWPP since the Agency's visit there on 17 August 2011. As a result, the Agency is relying only on satellite imagery to monitor the status of the HWPP. Based on recent images available to the Agency, the plant appears to continue to be in operation. To date, despite repeated requests from the Agency, most recently in a letter dated 31 July 2013, Iran has not permitted the Agency to take samples of the heavy water stored at the Uranium Conversion Facility (UCF). In a letter dated 3 August 2013, Iran described the Agency's requests for a follow-up visit to the HWPP and for the taking of samples from the heavy water stored at UCF as "not justified and fall beyond the scope of Iran's Safeguards Agreement".

G. Uranium Conversion and Fuel Fabrication

39. Although Iran is obliged to suspend all enrichment related activities and heavy water related projects, it is conducting a number of activities at UCF, the Enriched UO₂ Powder Plant (EUPP), the Fuel Manufacturing Plant (FMP) and the Fuel Plate Fabrication Plant (FPFP) at Esfahan, as indicated below, which are in contravention of those obligations, notwithstanding that the facilities are under Agency safeguards.

40. Since Iran began conversion and fuel fabrication at its declared facilities, it has, inter alia:

- Produced 550 tonnes of natural UF₆ at UCF, of which 120 tonnes have been transferred to FEP;⁴⁴
- Fed into the R&D conversion process at UCF 53 kg of UF₆ enriched to 3.34% U-235 and produced 24 kg of uranium in the form of UO₂;⁴⁵
- Fed into the conversion process at FPFP 185.1 kg of UF₆ enriched up to 20% U-235 (+44.3 kg since the Director General's previous report) and produced 87.3 kg of uranium in the form of U₃O₈; and
- Transferred to TRR 18 fuel assemblies containing uranium enriched up to 20% U-235 and two fuel assemblies containing uranium enriched to 3.34% U-235.

41. Uranium Conversion Facility: UCF is a conversion facility for the production of both natural UF₆ and natural UO₂ from uranium ore concentrate (UOC). It is planned that UCF will also produce uranium metal ingots from natural and depleted UF₄, and UF₄ from depleted UF₆.

42. The Agency is still evaluating the results of the PIV carried out at UCF in April 2013.

43. Since the previous report, Iran has continued to conduct R&D conversion activities involving the use of natural UF₆ for the production of UO₂. Iran has declared that, as of 17 August 2013, it had produced 15.3 tonnes of natural uranium in the form of UO₂ through the conversion of UOC. The Agency has verified that, as of the same date, Iran had transferred 9.6 tonnes of natural uranium in the form of UO₂ to FMP.

44. The Agency has confirmed Iran's declaration in relation to its recovery of the nuclear material that spilled onto the floor in UCF when a storage tank ruptured last year.

45. Enriched UO₂ Powder Plant: In a letter dated 17 July 2013, Iran declared the existing process involving the conversion of UF₆ enriched up to 5% U-235 to produce UO₂ powder as a new facility. In a letter dated 21 August 2013, Iran provided the initial DIQ for this facility, which it refers to as the Enriched UO₂ Powder Plant (EUPP). On 18 August 2013, during a DIV carried out at UCF, Iran indicated that the commissioning of EUPP would start by the end of September 2013.

46. Fuel Manufacturing Plant: FMP is a facility for the fabrication of nuclear fuel assemblies for power and research reactors.

47. On 17 and 18 August 2013, the Agency carried out an inspection and a DIV at FMP and confirmed the ongoing manufacture of pellets for the IR-40 Reactor using natural UO₂. As indicated above (paragraph 34), since the Director General's previous report Iran has started to manufacture fuel assemblies containing nuclear material for the IR-40 Reactor. As of 17 August 2013, the Agency had verified that Iran had manufactured ten such assemblies, all of which were stored at FMP.⁴⁹

48. Fuel Plate Fabrication Plant: FPPF is a facility for the conversion of UF₆ enriched up to 20% U-235 into U₃O₈ and the manufacture of fuel assemblies made of fuel plates containing U₃O₈.

49. As previously reported, the Agency has verified that, as of 26 September 2012, a total of 82.7 kg of UF₆ enriched up to 20% U-235 had been fed into the conversion process and 38.0 kg of uranium in the form of U₃O₈ had been produced. Iran has estimated that, between 27 September 2012 and 19 August 2013, 102.4 kg of UF₆ enriched up to 20% U-235 were fed into the conversion process at FPPF and 49.3 kg of uranium in the form of U₃O₈ were produced. This would bring the total amount of UF₆ enriched up to 20% U-235 which had been fed into the conversion process to 185.1 kg (125 kg of uranium) and the total amount of uranium in the form of U₃O₈ which had been produced to 87.3 kg. On 19 August 2013, the Agency verified that 10.8 kg of uranium were contained in solid and liquid scrap. The remainder of the uranium that was fed into the process remains in the process and in waste.

50. The Agency has verified that, as of 19 August 2013, Iran had produced at FPPF one experimental fuel assembly and 21 TRR-type fuel assemblies. Eighteen of these fuel assemblies, including the experimental assembly, had been transferred to TRR.

H. Possible Military Dimensions

51. 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. Iran has dismissed the Agency's concerns, largely on the grounds that Iran considers them to be based on unfounded allegations.

52. The Annex to the Director General's November 2011 report (GOV/2011/65) provided a detailed analysis of the information available to the Agency, indicating that Iran has carried out activities that are relevant to the development of a nuclear explosive device. This information is assessed by the Agency to be, overall, credible. Since November 2011, the Agency has obtained more information which further corroborates the analysis contained in that Annex.

53. 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. As indicated in Section B above, it has not been possible for the Agency to begin substantive work with Iran in this regard.

54. Parchin: As stated in the Annex to the Director General's November 2011 report, information provided to the Agency by Member States indicates that Iran constructed a large explosives containment vessel in which to conduct hydrodynamic experiments; such experiments would be strong indicators of possible nuclear weapon development. The information also indicates that the containment vessel was installed at the Parchin site in 2000. The location at the Parchin site of the vessel was only identified in March 2011, and the Agency notified Iran of that location in January 2012.

55. As previously reported, satellite imagery shows that since the Agency's first request for access to this location, extensive activities and resultant changes have taken place at this location. Since the Director General's previous report, no further significant changes have been observed at this location.

56. As previously reported, Iran has stated that the allegation of nuclear activities at the Parchin site is "baseless" and that "the recent activities claimed to be conducted in the vicinity of the location of interest to the Agency, has nothing to do with specified location by the Agency". Iran's explanation for the soil displacement by trucks is that it was "due to construction of Parchin new road and its asphaltting".

57. As the Agency has repeatedly made clear to Iran, the extensive activities that Iran has undertaken at the aforementioned location on the Parchin site have seriously undermined the Agency's ability to conduct effective verification. It remains essential that Iran provide substantive answers to the Agency's detailed questions regarding Parchin and the foreign expert, as requested by the Agency since February 2012, and provide access to the location, without further delay.

I. Design Information

58. Contrary to its Safeguards Agreement and relevant resolutions of the Board of Governors and the Security Council, Iran is not implementing the provisions of the modified Code 3.1 of the Subsidiary Arrangements General Part concerning the early provision of design information. This reduces the level of confidence in the absence of other nuclear facilities. The absence of such early design information also has an adverse impact on the Agency's ability to verify the design of a facility and prevents the Agency from implementing an effective safeguards approach. This is particularly relevant to the facilities listed below.

59. Research reactors: As indicated above (paragraph 36), updated design information for the IR-40 Reactor is urgently required. As previously reported, although Iran has informed the Agency that four new research reactors "are in preliminary site selection phase" and that certain potential locations were "under evaluation", Iran has not provided any design information in this respect.

60. Enrichment facilities: As indicated above (paragraph 28), Iran has not provided design information in relation to the construction of ten new uranium enrichment facilities, including the five for which the sites have been decided.

61. Nuclear power plants: Following reports that Iran had identified 16 sites designated for the construction of nuclear power plants and in response to the Agency's request for relevant design information and construction schedules, Iran reiterated that the Agency would receive the requested information "in due time".

J. Additional Protocol

[Eds...]

K. Other Matters

63. On 26 May 2013, the Agency carried out a PIV at the Heavy Water Zero Power Reactor at Esfahan and verified the presence of 36 prototype fuel assemblies, which had been received from FMP for testing.

64. During an inspection carried out on 11 August 2013, the Agency confirmed that five fuel assemblies that had been produced in Iran and which contain uranium that was enriched in Iran up to 3.5% and up to 20% U-235 were in the core of TRR. On the same date, the Agency observed that the prototype IR-40 fuel assembly was stored in the spent fuel pool at TRR following an initial irradiation in early 2013.

65. In a letter dated 4 August 2013, Iran informed the Agency that, by the first week of September 2013, the MIX facility would receive from FPPF fuel plates containing a "mixture of U₃O₈ (up to 20% enriched) and aluminium" for the production of "99Mo, 133Xe and 132I" isotopes following irradiation of the plates in TRR.

66. On 12 and 13 August 2013, the Agency conducted an inspection at the Bushehr Nuclear Power Plant, at which time the reactor was operating at 100% of its nominal power.

L. Summary

67. 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.

68. Iran continues not to implement modified Code 3.1 of its Subsidiary Arrangements General Part, notwithstanding statements it has made in relation to the construction of new research reactors, new uranium enrichment facilities and new

power reactors. Moreover, the lack of up to date design information on the IR-40 Reactor continues to have an increasingly adverse impact on the Agency's ability to effectively verify the design of the facility and to implement an effective safeguards approach.

69. Contrary to the Board of Governors' resolutions of November 2011 and September 2012 and despite the intensified dialogue between the Agency and Iran since January 2012 in ten rounds of talks, it has not been possible to reach agreement on the structured approach document. The next round of talks is scheduled for 27 September 2013. Given the nature and extent of credible information available to the Agency about possible military dimensions to Iran's nuclear programme, it remains essential and urgent for Iran to engage with it on the substance of the Agency's concerns. Unless Iran addresses the Agency's requirement to conduct effective verification, it will not be possible for the Agency to resolve outstanding issues, including those relating to possible military dimensions to Iran's nuclear programme.

70. The extensive and significant activities which have taken place at the location within the Parchin site to which the Agency has repeatedly requested access have seriously undermined the Agency's ability to undertake effective verification. The Agency reiterates its request that Iran, without further delay, provide substantive answers to the Agency's detailed questions regarding Parchin and the foreign expert, and provide access to the aforementioned location.

71. The Director General continues to urge Iran to fully implement its Safeguards Agreement and its other obligations and to engage with the Agency to achieve concrete results on all outstanding substantive issues, as required in the binding resolutions of the Board of Governors and the mandatory Security Council resolutions.

72. The Director General will continue to report as appropriate.

Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran

[GOV/2013/56, 14 November 2013]

[Editorial Note: Footnotes not included]

Report by the Director General

[Eds...]

A. Introduction

1. This report of the Director General to the Board of Governors and, in parallel, to the Security Council, is on the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran (Iran).

2. The Security Council has affirmed that the steps required by the Board of Governors in its resolutions are binding on Iran? The relevant provisions of the aforementioned Security Council resolutions were adopted under Chapter VII of the United Nations Charter, and are mandatory, in accordance with the terms of those resolutions. The full implementation of Iran's obligations is needed in order to ensure international confidence in the exclusively peaceful nature of its nuclear programme.

3. This report addresses developments since the Director General's previous report (GOV/2013/40, 28 August 2013), as well as issues of longer standing.

B. Clarification of Unresolved Issues

4. As previously reported, the Board of Governors, in its resolution of November 2011 (GOV/2011/69), stressed that it was essential for Iran and the Agency to intensify their dialogue aimed 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. In its resolution of September 2012 (GOV/2012/50), the Board of Governors decided that Iranian cooperation with Agency requests aimed at the resolution of all outstanding issues was essential and urgent in order to restore

international confidence in the exclusively peaceful nature of Iran's nuclear programme. Between January 2012 and May 2013, the Agency and Iran held ten rounds of talks in Vienna and Tehran, aimed at reaching agreement on a structured approach document for resolving outstanding issues related to Iran's nuclear programme. However, no concrete results were achieved during those talks.

5. During discussions on 28 and 29 October 2013 in Vienna, the Agency and Iran concluded that, as the negotiations on a structured approach document had become deadlocked and there was no prospect for agreement on the document, a new approach aimed at ensuring the exclusively peaceful nature of Iran's nuclear programme should be developed.

6. At a meeting in Tehran on 11 November 2013, the Director General, on behalf of the Agency, and H.E. Ali Akbar Salehi, Vice President of Iran and President of the Atomic Energy Organization of Iran (AEOI), on behalf of Iran, signed a "Joint Statement on a Framework for Cooperation" (the Framework for Cooperation) (GOV/INF/2013/14, 11 November 2013).

7. In the Framework for Cooperation, the Agency and Iran agreed to cooperate further with respect to verification activities to be undertaken by the Agency to resolve all present and past issues, and to proceed with such activities in a step by step manner. The initial practical measures to be taken by Iran within three months of the signature of the Framework for Cooperation, and set out in an Annex thereto, are as follows:

- Providing mutually agreed relevant information and managed access to the Gchine mine in Bandar Abbas.
- Providing mutually agreed relevant information and managed access to the Heavy Water
- Production Plant.
- Providing information on all new research reactors.
- Providing information with regard to the identification of 16 sites designated for the construction of nuclear power plants.
- Clarification of the announcement made by Iran regarding additional enrichment facilities.
- Further clarification of the announcement made by Iran with respect to laser enrichment technology.

The Agency will continue to take into account Iran's security concerns, including through the use of managed access and the protection of confidential information. The Agency will report to the Board of Governors on progress in the implementation of these practical measures.

8. While in Tehran, the Director General also held a meeting with H.E. Mohammad Javad Zarif, Foreign Minister of Iran, during which a number of issues of mutual interest were discussed.

9. At a technical meeting held in Tehran on 11 November 2013, Agency and Iranian officials discussed arrangements to begin the implementation of the six initial practical measures listed in the Annex of the Framework for Cooperation. Further discussions will be held at the next technical meeting, scheduled for 11 December 2013 in Vienna.

C. Facilities Declared under Iran's Safeguards Agreement

10. Under its Safeguards Agreement, Iran has declared to the Agency 17 nuclear facilities and nine locations outside facilities where nuclear material is customarily used (LOFs) (Annex I). 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 verify the non-diversion of declared material at these facilities and LOFs.

D. Enrichment Related Activities

11. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities in the declared facilities referred to below. All of these activities are under Agency safeguards, and all of the nuclear material, installed cascades and the feed and

withdrawal stations at those facilities are subject to Agency containment and surveillance.

12. Iran has stated that the purpose of enriching UF₆ up to 5% U-235 is the production of fuel for its nuclear facilities and that the purpose of enriching UF₆ up to 20% U-235 is the manufacture of fuel for research reactors.

13. Since Iran began enriching uranium at its declared facilities, it has produced at those facilities :

- 10357 kg (+653 kg since the Director General's previous report) of UF₆ enriched up to 5% U-235, of which 7154.3 kg (+380.3 kg since the Director General's previous report) remain in the form of UF₆ enriched up to 5% U-235 and the rest has been further processed (as detailed in paragraphs 22, 28 and 41 below); and
- 410.4 kg (+37.9 kg since the Director General's previous report) of UF₆ enriched up to 20% U-235, of which approximately 196 kg (approximately + 10 kg since the Director General's previous report) remain in the form of UF₆ enriched up to 20% U-235 and the rest has been further processed (as detailed in paragraph 50 below).

D.1. Natanz

14. **Fuel Enrichment Plant:** PEP is a centrifuge enrichment plant for the production of low enriched uranium (LEU) enriched up to 5% U-235, which was first brought into operation in 2007. The plant is divided into Production Hall A and Production Hall B. According to design information submitted by Iran, eight units, each containing 18 cascades, are planned for Production Hall A, which totals approximately 25 000 centrifuges in 144 cascades. Currently, one unit contains IR-2m centrifuges; five contain IR-1 centrifuges; and the other two units do not contain centrifuges. Iran has yet to provide the corresponding design information for Production Hall B.

15. As of 9 November 2013, in Production Hall A, Iran had fully installed 90 IR-1 cascades and completed preparatory installation work for the other 36 IR-1 cascades. On that date, Iran declared that it was feeding 52 of the fully installed IR-1 cascades with natural UF₆ (Annex II, Figure 1).

16. In one of the units of Production Hall A, as of 9 November 2013, six cascades had been fully installed with IR-2m centrifuges and were under vacuum, and preparatory installation work had been completed for the other 12 IR-2m cascades in the unit. As of the same date, none of the IR-2m centrifuges at PEP had been fed with natural UF₆. As previously reported, Iran has indicated that the performance of IR-2m cascades will be tested using the six fully installed cascades and that it intends temporarily to withdraw the product and tails of these cascades separately from those of the cascades containing the IR-1 centrifuges.

17. Between 19 October 2013 and 11 November 2013, the Agency conducted a physical inventory verification (PIV) at PEP to verify the inventory as declared by Iran on 20 October 2013. The results of the PIV are now being evaluated by the Agency. As of 5 November 2013, Iran had fed 118 470 kg of natural UF₆ into the cascades at PEP since production began in February 2007 and produced a total of approximately 10 357 kg of UF₆ enriched up to 5% U-235.

18. Based on the results of the analysis of environmental samples taken at FEP/ and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the relevant design information questionnaire (DIQ).

19. **Pilot Fuel Enrichment Plant:** PFEP is a pilot LEU production, and research and development (R&D) facility, which was first brought into operation in October 2003. It can accommodate six cascades, and is divided between an area designated by Iran for the production of UF₆ enriched up to 20% U-235 (Cascades 1 and 6) and an area designated by Iran for R&D (Cascades 2, 3, 4 and 5).

20. Between 14 September 2013 and 1 October 2013, the Agency conducted a PIV at PFEP to verify the inventory as declared by Iran on 15 September 2013. The results of the PIV are now being evaluated by the Agency.

21. **Production area:** As of 28 October 2013, Iran was continuing to feed low enriched UF₆ into two interconnected

cascades (Cascades 1 and 6) containing a total of 328 IR-1 centrifuges (Annex II, Figure 1).

22. As of 25 October 2013, Iran had fed 1540.8 kg of UF₆ enriched up to 5% U-235 into the cascades in the production area since production began in February 2010 and produced a total of approximately 189.0 kg of UF₆ enriched up to 20% U-235, 182.8 kg of which have been withdrawn from the process and verified by the Agency.

23. **R&D area:** Since the Director General's previous report, Iran has been intermittently feeding natural UF₆ into IR-6s centrifuges as single machines and into IR-1, IR-2m, IR-4 and IR-6 centrifuges, sometimes into single machines and sometimes into cascades of various sizes. The single installed IR-5 centrifuge has yet to be fed with natural UF₆.

24. Between 17 August 2013 and 25 October 2013, a total of approximately 245.3 kg of natural UF₆ was fed into centrifuges in the R&D area, but no LEU was withdrawn as the product and the tails were recombined at the end of the process.

25. Based on the results of the analysis of environmental samples taken at PFEP, and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the relevant DIQ.

D.2 Fordow

26. **Fordow Fuel Enrichment Plant:** FFEP is, according to the DIQ of 18 January 2012, a centrifuge enrichment plant for the production of UF₆ enriched up to 20% U-235 and the production of 23UF₆ enriched up to 5% U-235. The facility, which was first brought into operation in 2011, is designed to contain up to 2976 centrifuges in 16 cascades, divided between Unit 1 and Unit 2. To date, all of the centrifuges installed are IR-1 machines (Annex II, Figure 1). Iran has yet to inform the Agency which of the cascades are to be used for enrichment of UF₆ up to 5% U-235 and/or for enrichment of UF₆ up to 20% U-235.

27. As of 2 November 2013, Iran was continuing to feed four cascades (configured in two sets of two interconnected cascades) of Unit 2 with UF₆ enriched up to 5% U-235; none of the other 12 cascades in FFEP had been fed with UF₆.

28. As of 1 November 2013, Iran had fed 1609.3 kg of UF₆ enriched up to 5% U-235 into the cascades at FFEP since production began in December 2011 and produced a total of approximately 221.4 kg of UF₆ enriched up to 20% U-235, 195.4 kg of which have been withdrawn from the process and verified by the Agency.

29. Based on the results of the analysis of environmental samples taken at FFEP/7 and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in its most recent DIQ for FFEP.

E. Reprocessing Activities

30. 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. Iran has stated that it "does not have reprocessing activities".

31. The Agency has continued to monitor the use of hot cells at the Tehran Research Reactor (TRR) and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility.²¹ The Agency carried out an inspection and design information verification (DIV) at TRR on 27 October 2013, and a DIV at the MIX Facility on 9 October 2013. 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.

F. Heavy Water Related Projects

32. 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, at Arak, the ongoing construction of the Iran Nuclear Research Reactor (IR-40 Reactor), which is under Agency safeguards, and the production of heavy water at the Heavy Water Production Plant (HWPP), which is not under Agency safeguards.

33. **IR-40 Reactor:** The IR-40 Reactor is a 40 MW heavy water moderated research reactor designed to contain 150 fuel assemblies containing natural uranium in the form of UO₂.

34. On 26 October 2013, the Agency carried out a DIV at the IR-40 Reactor and observed that, since the Director General's previous report³ while the reactor vessel had been connected to the cooling and moderator piping, no other major components, such as the control room equipment, the refuelling machine and reactor cooling pumps, had been installed. As previously reported, Iran has informed the Agency that it has produced sufficient heavy water for the commissioning of the IR-40 Reactor.

35. Iran has continued the production of nuclear fuel assemblies for the IR-40 Reactor (see paragraph 47 below).

36. As previously reported, Iran has informed the Agency that the "start-up"...6 date for the IR-40 Reactor could not be in the first quarter of 2014.

37. Iran is required to provide the Agency with an updated DIQ for the IR-40 Reactor (see Section I below), which it has not done since 2006. At that time, the IR-40 Reactor was in a very early stage of construction. The Agency needs updated design information as early as possible in order, inter alia, to ensure that all possible diversion paths are identified, and appropriate safeguards measures and customized safeguards equipment are put in place.

38. **Heavy Water Production Plant:** The HWPP is a facility for the production of heavy water with a design capacity to produce 16 tonnes of heavy water of nuclear grade per year.

39. Since its visit to the HWPP in August 2011, the Agency has made a number of requests for access to the plant. In the Framework for Cooperation, Iran has agreed to provide the Agency with mutually agreed relevant information and managed access to the HWPP within three months. On 11 November 2013, at the technical meeting referred to above (see paragraph 9), it was agreed that Iran would provide the Agency with access to the HWPP in the near future. By a letter dated 12 November 2013, Iran agreed to provide the Agency with access to the heavy water stored at the Uranium Conversion Facility (UCF) and to permit the Agency to perform non-destructive measurements. Iran also stated that, due to "technical problems", sampling for destructive analysis of the heavy water could only be envisaged in the "near future". The Agency performed the non-destructive measurements on 12 November 2013.

G. Uranium Conversion and Fuel Fabrication

40. Although Iran is obliged to suspend all enrichment related activities and heavy water related projects, it is conducting a number of activities at UCF, the Enriched UO₂ Powder Plant (EUPP), the Fuel Manufacturing Plant (FMP) and the Fuel Plate Fabrication Plant (FPFP) at Esfahan, as indicated below, which are in contravention of those obligations, notwithstanding that the facilities are under Agency safeguards.

41. Since Iran began conversion and fuel fabrication at its declared facilities, it has, inter alia:

- Produced 550 tonnes of natural UF₆ at UCF, of which 129 tonnes have been transferred to FEP;
- Fed into the R&D conversion process at UCF 53 kg of UF₆ enriched to 3.34% U-235 and produced 24 kg of uranium in the form of UO₂;
- Fed into the conversion process at FPFP 213.5 kg of UF₆ enriched up to 20% U-235 (+28.4 kg since the Director General's previous report) and produced 88.4 kg of uranium in the form of U308; and
- Transferred to TRR 20 fuel assemblies containing uranium enriched up to 20% U-235 and two fuel assemblies containing uranium enriched to 3.34% U-235.

42. **Uranium Conversion Facility:** UCF is a conversion facility for the production of both natural UF₆ and natural UO₂ from uranium ore concentrate (UOC). It is planned that UCF will also produce uranium metal ingots from natural and depleted UF₄, and produce UF₄ from depleted UF₆.

43. As a result of the PIY carried out by the Agency at UCF in April 2013, the Agency has verified, within the measurement

uncertainties normally associated with such a facility, the inventory as declared by Iran on 20 April 2013.

44. Iran has continued to conduct R&D conversion activities using low enriched uranium compounds for the production of UO₂. Iran has declared that, as of 26 October 2013, it had produced 11.5 tonnes of natural uranium in the form of UO₂ through the conversion of UOC. The Agency has verified that, as of the same date, Iran had transferred all of this material to FMP.

45. **Enriched UO₂ Powder Plant:** EUPP is a facility for the conversion of UF₆ enriched up to 5% U-235 into UO₂ powder. During a DIY carried out on 30 October 2013, the Agency confirmed that the facility had yet to be commissioned. In a letter dated 4 November 2013, Iran informed the Agency of the operational schedule for EUPP, which indicated that hot tests would start on 7 December 2013, immediately after which the facility would commence operation.

46. **Fuel Manufacturing Plant:** FMP is a facility for the fabrication of nuclear fuel assemblies for power and research reactors.

47. On 1 to 3 September 2013, the Agency carried out a PIY and a DIY at FMP, the results of which are now being evaluated by the Agency. As of 28 October 2013, the Agency verified that Iran had not completed the production of any other nuclear fuel assemblies using natural UO₂ for the IR-40 Reactor in addition to the ten that the Agency had previously verified, although the Agency observed that Iran was in the process of producing another one. All of the fuel assemblies remain at FMP. In a letter dated 4 November 2013, Iran provided the Agency with an updated operational schedule for FMP, which indicated its plan to produce another 140 nuclear fuel assemblies for the IR-40 Reactor by 8 August 2014 (see paragraph 33 above).

48. **Fuel Plate Fabrication Plant:** FPFP is a facility for the conversion of UF₆ enriched up to 20% U-235 into U308 and the manufacture of fuel assemblies made of fuel plates containing U308.

49. On 20 August 2013, in light of the forthcoming PIV and in order to undertake maintenance, Iran temporarily shut down its process of converting UF₆ enriched up to 20% U-235 into U308 at FPFP. On 9 to 11 September 2013, the Agency carried out a PIV and a DIY at FPFP, the results of which are now being evaluated by the Agency. Iran has informed the Agency that it resumed conversion on 5 November 2013.

50. The Agency has verified that, as of 6 November 2013, Iran had fed a total of 213.5 kg of UF₆ enriched up to 20% U-235 (144.2 kg of uranium) into the conversion process of FPFP and had produced 88.4 kg of uranium in the form of U308. On the same date, the Agency verified that 28.7 kg of uranium were contained in solid and liquid scrap. The remainder of the uranium that was fed into the process remains in the process and in waste.

51. The Agency has verified that, as of 6 November 2013, Iran had produced at FPFP one experimental fuel assembly and 22 TRR-type fuel assemblies. Twenty of these fuel assemblies, including the experimental assembly, had been transferred to TRR.

H. Possible Military Dimensions

52. 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. Iran is required 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.

53. The Annex to the Director General's November 2011 report (GOV/2011/65) provided a detailed analysis of the information available to the Agency, indicating that Iran has carried out activities that are relevant to the development of a nuclear explosive device. This information is assessed by the Agency to be, overall, credible. Iran has dismissed the Agency's concerns,

largely on the grounds that Iran considers them to be based on unfounded allegations. Since November 2011, the Agency has obtained more information which further corroborates the analysis contained in that Annex.

54. The outstanding issues that are not addressed by the practical measures listed in the Annex of the Framework for Cooperation, including those issues identified in previous reports of the Director General to the Board of Governors, will be addressed in subsequent steps. In this regard, the Agency will continue to seek answers from Iran to the detailed questions provided to Iran regarding Parchin and the foreign expert,⁵ and to request access to a location at the Parchin site where the Agency has information provided by Member States indicating that Iran had constructed a large explosives² containment vessel in which to conduct hydrodynamic experiments. Since the Agency's first request for access, extensive activities have taken place at this location that will have seriously undermined the Agency's ability to conduct effective verification.

I. Design Information

55. Under the terms of its Safeguards Agreement and relevant resolutions of the Board of Governors and the Security Council, Iran is required to implement the provisions of the modified Code 3.1 of the Subsidiary Arrangements General Part concerning the early provision of design information. As well as increasing confidence in the absence of undeclared nuclear facilities, the early provision of such information enables the Agency to verify the design of declared facilities and to implement effective safeguards at such facilities. This is particularly relevant to the facilities listed below.

56. Research reactors: As indicated above (paragraph 37), updated design information for the IR-40 Reactor is required of Iran and urgently needed by the Agency.

57. As previously reported, Iran has informed the Agency that four new research reactors were "in preliminary site selection phase" and that certain potential locations were "under evaluation". In the Framework for Cooperation, Iran has agreed to provide the Agency within three months with information on all new research reactors.

58. **Enrichment facilities:** In February 2010, Iran announced that it possessed laser enrichment technology, and in August 2010, made an announcement in relation to the construction of ten new uranium enrichment facilities, the sites for five of which had been decided. In the Framework for Cooperation, Iran has agreed to provide the Agency within three months with clarification of both of these announcements.

59. **Nuclear power plants:** In the Framework for Cooperation, Iran has agreed to provide the Agency within three months with information in relation to the identification by Iran of 16 sites designated for the construction of nuclear power plants.

J. Additional Protocol

60. 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.

K. Other Matters

61. As indicated in the Director General's previous report, in May 2013 the Agency verified at the Heavy Water Zero Power Reactor at Esfahan the presence of 36 prototype fuel assemblies, which had been manufactured at FMP. In a letter dated 18 May 2013, Iran informed the Agency that these 36 prototype fuel assemblies were to be used for experiments to "measure some parameters of the fuel and parameters of heavy water lattice". Since the previous report, Iran has informed the Agency that these prototype fuel assemblies had been loaded into the core of the reactor.

62. During an inspection carried out on 27 October 2013, the Agency confirmed that five fuel assemblies that had been produced in Iran and which contain uranium that was enriched in Iran up to 3.5% and up to 20% U-235 were in the core of TRR. On

the same date, the Agency observed that the prototype IR-40 fuel assembly was in the core of TRR for irradiation testing.

63. As of 9 October 2013, the MX facility had yet to receive from FPFP fuel plates containing a "mixture of U3O8 (up to 20% enriched) and aluminium" for the production of "99Mo 133Xe and 132I" isotopes.

64. On 30 October 2013, the Agency conducted a PIV at the Bushehr Nuclear Power Plant, at which time the reactor was operating at 100% of its nominal power.

L. Summary

65. 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, the Agency is not in a position 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.

66. The Framework for Cooperation marks an important step forward. In the Framework for Cooperation, the Agency and Iran agreed to cooperate further with respect to verification activities to be undertaken by the Agency to resolve all present and past issues and that Iran will implement the initial practical measures within three months. The outstanding issues that are not addressed by the practical measures listed in the Annex of the Framework, including those issues identified in previous reports of the Director General to the Board of Governors, will be addressed in subsequent steps.

67. The Director General continues to urge Iran to fully implement its Safeguards Agreement and its other obligations.

68. The Director General looks forward to reporting further progress, including in relation to the implementation of the initial practical measures, to the next meeting of the Board of Governors in March 2014.

Communication dated 27 November 2013 received from the EU High Representative concerning the text of the Joint Plan of Action

[INFCIRC/855, 27 November 2013]

1. The Director General has received a communication dated 27 November 2013 from the High Representative of the European Union, on behalf of China, France, Germany, the Russian Federation, the United Kingdom and the United States of America, attaching the text of the Joint Plan of Action agreed with the Islamic Republic of Iran on 24 November 2013.

[Eds...]

Joint Plan of Action

Preamble

The goal for these negotiations is to reach a mutually-agreed long-term comprehensive solution that would ensure Iran's nuclear programme will be exclusively peaceful. Iran reaffirms that under no circumstances will Iran ever seek or develop any nuclear weapons. This comprehensive solution would build on these initial measures and result in a final step for a period to be agreed upon and the resolution of concerns. This comprehensive solution would enable Iran to fully enjoy its right to nuclear energy for peaceful purposes under the relevant articles of the NPT in conformity with its obligations therein. This comprehensive solution would involve a mutually defined enrichment programme with practical limits and transparency measures to ensure the peaceful nature of the programme. This comprehensive solution would constitute an integrated whole where nothing is agreed until everything is agreed. This comprehensive solution would involve a reciprocal, step-by-step process, and would produce the comprehensive lifting of all UN Security Council sanctions, as well as multilateral and national sanctions related to Iran's nuclear programme.

There would be additional steps in between the initial measures and the final step, including, among other things, addressing the UN Security Council resolutions, with a view toward bringing to a satisfactory conclusion the UN Security Council's consideration of this matter. The E3+3 and Iran will be responsible for conclusion and implementation of mutual near-term measures and the

comprehensive solution in good faith. A Joint Commission of E3/EU+3 and Iran will be established to monitor the implementation of the near-term measures and address issues that may arise, with the IAEA responsible for verification of nuclear-related measures. The Joint Commission will work with the IAEA to facilitate resolution of past and present issues of concern.

Elements of a first step

The first step would be time-bound, with a duration of 6 months, and renewable by mutual consent, during which all parties will work to maintain a constructive atmosphere for negotiations in good faith.

Iran would undertake the following voluntary measures:

- From the existing uranium enriched to 20%, retain half as working stock of 20% oxide for fabrication of fuel for the TRR. Dilute the remaining 20% UF₆ to no more than 5%. No reconversion line.
- Iran announces that it will not enrich uranium over 5% for the duration of the 6 months.
- Iran announces that it will not make any further advances of its activities at the Natanz Fuel Enrichment Plant 1, Fordow2, or the Arak reactor\ designated by the IAEA as IR-40.
- Beginning when the line for conversion of UF₆ enriched up to 5% to UO₂ is ready, Iran has decided to convert to oxide UF₆ newly enriched up to 5% during the 6 month period, as provided in the operational schedule of the conversion plant declared to the IAEA.
- No new locations for the enrichment.
- Iran will continue its safeguarded R&D practices, including its current enrichment R&D practices, which are not designed for accumulation of the enriched uranium.
- No reprocessing or construction of a facility capable of reprocessing.
- Enhanced monitoring:
 - o Provision of specified information to the IAEA, including information on Iran's plans for nuclear facilities, a description of each building on each nuclear site, a
 - o description of the scale of operations for each location engaged in specified
 - o nuclear activities, information on uranium mines and mills, and information on source material. This information would be provided within three months of the adoption of these measures.
 - o Submission of an updated DIQ for the reactor at Arak, designated by the IAEA as the IR-40, to the IAEA.
 - o Steps to agree with the IAEA on conclusion of the Safeguards Approach for the reactor at Arak, designated by the IAEA as the IR-40.
 - o Daily IAEA inspector access when inspectors are not present for the purpose of Design Information Verification, Interim Inventory Verification, Physical Inventory Verification, and unannounced inspections, for the purpose of access to offline surveillance records, at Fordow and Natanz.
 - o IAEA inspector managed access to:
 - centrifuge assembly workshops 4 ;
 - centrifuge rotor production workshops and storage facilities; and,
 - uranium mines and mills.

In return the E3/EU+3 would undertake the following voluntary measures:

- Pause efforts to further reduce Iran's crude oil sales, enabling Iran's current customers to purchase their current average amounts of crude oil. Enable the repatriation of an agreed amount of revenue held abroad. For such oil sales, suspend the EU and U.S. sanctions on associated insurance and transportation services.

- Suspend U.S. and EU sanctions on:
 - o Iran's petrochemical exports, as well as sanctions on associated services.
 - o Gold and precious metals, as well as sanctions on associated services.
- Suspend U.S. sanctions on Iran's auto industry, as well as sanctions on associated services.
- License the supply and installation in Iran of spare parts for safety of flight for Iranian civil aviation and associated services. License safety related inspections and repairs in Iran as well as associated services.
- No new nuclear-related UN Security Council sanctions.
- No new EU nuclear-related sanctions.
- The U.S. Administration, acting consistent with the respective roles of the President and the Congress, will refrain from imposing new nuclear-related sanctions.
- Establish a financial channel to facilitate humanitarian trade for Iran's domestic needs using Iranian oil revenues held abroad. Humanitarian trade would be defined as transactions involving food and agricultural products, medicine, medical devices, and medical expenses incurred abroad. This channel would involve specified foreign banks and non-designated Iranian banks to be defined when establishing the channel.
 - o This channel could also enable:
 - transactions required to pay Iran's UN obligations; and,
 - direct tuition payments to universities and colleges for Iranian students studying abroad, up to an agreed amount for the six month period.
- Increase the EU authorisation thresholds for transactions for non-sanctioned trade to an agreed amount.

Elements of the final step of a comprehensive solution

- The final step of a comprehensive solution, which the parties aim to conclude negotiating and commence implementing 110 more than one year after the adoption of this document, would:
 - Have a specified long-term duration to be agreed upon.
 - Reflect the rights and obligations of parties to the NPT and IAEA Safeguards Agreements.
 - Comprehensively lift UN Security Council, multilateral and national nuclear-related sanctions, including steps on access in areas of trade, technology, finance, and energy, on a schedule to be agreed upon.
 - Involve a mutually defined enrichment programme with mutually agreed parameters consistent with practical-needs, with agreed limits on scope and level of enrichment activities, capacity, where it is carried out, and stocks of enriched uranium, for a period to be agreed upon.
 - Fully resolve concerns related to the reactor at Arak, designated by the IAEA as the IR-40.
 - No reprocessing or construction of a facility capable of reprocessing.
 - Fully implement the agreed transparency measures and enhanced monitoring. Ratify and implement the Additional Protocol, consistent with the respective roles of the President and the Majlis (Iranian parliament).
 - Include international civil nuclear cooperation, including among others, on acquiring modern light water power and research reactors and associated equipment, and the supply of modern nuclear fuel as well as agreed R&D practices.

Following successful implementation of the final step of the comprehensive solution for its full duration, the Iranian nuclear programme will be treated in the same manner as that of any non-nuclear weapon state party to the NPT.

**Communication dated 28 November 2013
received from the Permanent Mission of the
Islamic Republic of Iran to the Agency
concerning the text of the Joint Plan of Action**

[INFCIRC/856, 29 November 2013]

1. The Director General has received a communication dated 28 November 2013 from the Permanent Mission of the Islamic Republic of Iran to the Agency, attaching the text of the Joint Plan of Action agreed by the Islamic Republic of Iran and China, France, Germany, the Russian Federation, United Kingdom and the United States of America on 24 November 2013.

[Editorial note: For text of Joint Statement see above]

**Communication dated 17 December 2013
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**

[INFCIRC/857 Date: 24 December 2013]

[Editorial Note: Footnotes not included]

1. The Secretariat has received a communication dated 17 December 2013 from the Permanent Mission of the Islamic Republic of Iran to the Agency enclosing an explanatory note by the Permanent Mission on the report of the Director General on "Implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in the Islamic Republic of Iran" contained in GOV/2013/56 (14 November 2013).

General comments:

1. As the IAEA Director General's report indicated once again, Iran's nuclear activities remains peaceful and under the full-scope safeguards of the IAEA.

2. Nuclear material in Iran has never been diverted from peaceful purposes. The Agency continues to verify the non-diversion of declared material at Iran's nuclear facilities and LOFs. Furthermore, all six outstanding issues identified by the Agency in the mutually agreed "Work Plan" (INFCIRC/711) were resolved and reported to the Board of Governors by the former Director General (GOV/2007/58 and GOV/2008/4).

3. The Islamic Republic of Iran has already provided its views, through previous INFCIRCs on some paragraphs of the Director General Report GOV/2013/54, dated 14 November 2013 which also appeared in previous DG's reports. However, Iran's strong reservations on the following points are reiterated:

A. Design Information (Modified Code 3.1 of Subsidiary Arrangement)

Iran was voluntarily implementing the modified code 3.1 of the Subsidiary Arrangements since 2003, but suspended its implementation pursuant to the illegal United Nations Security Council (UNSC) resolutions against Iran's peaceful nuclear activities. However, Iran is currently implementing its commitments according to the code 3.1 of its Subsidiary Arrangements.

B. Additional Protocol

1. The Additional Protocol (AP) is not a legally binding instrument and is voluntary in nature. Many Member States (57 as reported by SIR 2012), including Iran, are not implementing this voluntary protocol. It should be reminded that Iran implemented AP for more than 2.5 years (2003-2006) voluntarily as a confidence-building measure. In spite of Iran's voluntary implementation of AP as a confidence-building measure, illegal and politically-motivated resolutions were adopted against Iran in the Board of Governors meetings. According to the established international law no sovereign State can be forced to adhere to an instrument, in particular an instrument like AP which is voluntary in nature. It is not acceptable that a voluntary instrument to be turned into a legal obligation without consent of a sovereign State. This basic concept regarding Additional Protocol has been affirmed by the 2010 NPT

Review Conference (NPT/CONF.2010/50 (Vol. I)) as well as by the IAEA General Conference (GC (56)/ RES/13).

2. The Agency is not required, according to the safeguards agreement, to seek to verify the absence of nuclear activities (i.e. completeness) in a Member State. In fact, the safeguards agreement spells out the Agency's "right and obligation to ensure that the safeguards will be applied, in accordance with the terms of this Agreement, on all source or special fissionable material". In this vein, Agency's access to open source information does not authorize it to require a Member State to provide information or access beyond its safeguards agreement.

C. Illegal Resolutions of the IAEA Board of Governors and UNSC regarding Iran peaceful nuclear program

The Islamic Republic of Iran has already made it clear, that based on the provisions of the IAEA Statute and the Safeguards Agreement, the Board of Governors' resolutions against Iran are illegal and unjustified. Moreover, the issue of Iran's peaceful nuclear program has unlawfully been conveyed to the UNSC. In this vein, adoption of politically-motivated, illegal and unjust UNSC resolutions against Iran are neither legitimate nor acceptable. Therefore, any request by the Agency stemming from those resolutions is not justified.

D. New Developments:

1. Three rounds of constructive discussions have been held in Tehran and Vienna since the DG previous report, leading to a "Joint Statement on a Framework for Cooperation" signed by Iran and the Agency on 11 November 2013, according to which, the Agency and Iran agreed to strengthen their cooperation and dialogue aimed at ensuring the exclusively peaceful nature of Iran's nuclear programme through the resolution of "all outstanding issues that have not already been resolved by the IAEA". There is no need to reopen those issues that have already been resolved by the IAEA. In this regard, the Agency has agreed to continue to take into account Iran's security concerns, including through the use of managed access and the protection of confidential information.

2. In the recent technical meeting between Iran and the Agency in Tehran, there was a discussion on how to start implementing, in three months, six practical measures inserted in the Annex to "Joint Statement on a Framework for Cooperation".

3. Iran expects that the implementation of voluntary measures, beyond its safeguards agreement commitments, under "Framework for Cooperation" would lead to resolution of all ambiguities regarding Iran's peaceful nuclear activities and to the implementation of safeguards in a routine manner. Iran has already started implementing practical measures specified in the Annex to the "Framework for Cooperation" as reflected in the Agency's report.

4. It is hoped that the cooperative atmosphere and constructive engagement created between Iran and the Agency would lead to removal of ambiguities regarding exclusive peaceful nature of Iran's nuclear programme in a step by step manner.

**Statement by EU High Representative Catherine
Ashton on the Joint Plan of Action with Iran**

[Brussels, 20 January 2014]

The High Representative of the European Union for Foreign Affairs and Security Policy and Vice President of the Commission, issued the following statement today:

"Following up to the Joint Plan of Action agreed between the E3/EU+3 and Iran in November in Geneva, we have today decided to begin the implementation of a six-month phase of initial confidence-building measures aimed at addressing international concerns about Iran's nuclear activities.

Today, Iran has implemented the nuclear-related measures agreed in the Joint Plan of Action, and Foreign Ministers of the EU adopted the necessary legislation to suspend the EU measures set out in the Joint Plan of Action for a period of six months. The suspension of these sanctions will enter into force today.

Over the coming six months, proper implementation of the agreed

measures will be key.

This is an important first step, but more work will be needed to fully address the international community's concerns regarding the exclusively peaceful nature of the Iranian nuclear programme. We aim to start negotiations about a comprehensive solution with Iran in February."

Araqchi: Iran, P5+1 Agree on Framework of Comprehensive Talks

[Islamic Republic of Iran, Ministry of Foreign Affairs, 20th February 2014]

Senior member of Iran's nuclear negotiating team Abbas Araqchi said that after two days of intensive talks, the two sides agreed on a plan of action and the framework of the comprehensive negotiation for final step.

Following the last meeting between Zarif and Ashton on Wednesday evening, Araqchi told IRNA that the two sides reached an agreement and stressed that negotiation was held in a positive atmosphere, but he could not be optimistic yet for future talks progress.

Concerning the time and venue of next round of talks between Iran and P5+1, Araqchi said that the next round will be held on the second half of March in Vienna, Austria.

The deputy foreign minister said that Zarif and Ashton will declare results of the talks in a joint press conference on Thursday morning.

On media and a number of the US officials claims that the issue of ballistic missiles would be presented in the talks, Araqchi said Iran has said from the initial phase of talks that our discussion would be in the framework of the Geneva agreement and Iran's defensive issues are not brought up in the discussions.

Mohammad Javad Zarif and Catherine Ashton in their meeting on Wednesday evening finally determined agenda for the next negotiation.

Statement by EU High Representative Catherine Ashton following the E3/EU+3 talks with Iran

[Vienna, 20th February, 2014]

The High Representative of the European Union for Foreign Affairs and Security Policy and Vice President of the Commission, issued the following statement today:

"I want to begin by thanking Austria and foreign minister Kurz and the UN and their teams for their hospitality.

We have had three very productive days during which we have identified all of the issues we need to address in reaching a comprehensive and final agreement.

There is a lot to do. It won't be easy but we have made a good start.

In addition to our political discussions, we have started the technical work. And we have set a timetable of meetings initially over the next four months with a framework to continue our deliberations.

Technical experts will meet in early March, and we will reconvene for the next E3 plus 3 political directors meeting led by Minister Zarif and myself, here in Vienna on 17th March."

Introductory Statement to Board of Governors by IAEA Director General Yukiya Amano

[24 January 2014, Vienna, Austria]

Mr. Chairman,

On 24 November 2013, China, France, Germany, the Russian Federation, the United Kingdom and the United States agreed on a Joint Plan of Action with the Islamic Republic of Iran.

The Plan is aimed at achieving "a mutually-agreed long-term comprehensive solution that would ensure Iran's nuclear

programme will be exclusively peaceful." Iran is to undertake a series of "voluntary measures" over a period of six months.

This is an important and encouraging development after several years of little or no progress in efforts to address international concerns about the nature of Iran's nuclear programme.

The Joint Plan of Action is an agreement among seven IAEA Member States. It envisages the Agency undertaking monitoring and verification of the measures to be implemented by Iran. The Permanent Representatives of the seven countries have submitted a request to the Agency to this effect.

I therefore considered it appropriate to convene this meeting of the Board of Governors to seek your endorsement of the Agency undertaking the monitoring and verification, in response to the request.

My report on Monitoring and Verification in the Islamic Republic of Iran in Relation to the Joint Plan of Action outlines the nuclear-related measures which we have been requested to monitor and verify, as well as the implications for the Agency.

We will need to nearly double the staff resources devoted to verification in Iran. We will need to significantly increase the frequency of the verification activities which we are currently conducting. Our inspectors will need access to additional locations. We will have to acquire and install more safeguards equipment and analyse more samples. And the volume of analytical work and reporting will increase.

This additional effort will result in increased costs to the Agency, which we estimate at around six million euros over the next six months.

We expect to cover around 500 000 euros of the extra costs within the Department of Safeguards through re-prioritization of our work, re-scheduling of activities and re-allocation of staff.

But the Agency will still need additional extrabudgetary contributions of some 5.5 million euros for the six-month period. I call upon countries which are in a position to do so to make the necessary funding available.

The Agency needs to be able to adapt to changing circumstances, so these estimates are preliminary and may have to be revised later.

Mr. Chairman,

A report on the Status of Iran's Nuclear Programme in Relation to the Joint Plan of Action was circulated on 20 January. In the coming months, I will issue regular brief updates.

Under the Joint Plan of Action, the Parties will establish a Joint Commission which "will work with the IAEA to facilitate resolution of past and present issues of concern."

We welcome cooperation which Member States, including those belonging to the Joint Commission, may wish to provide as we fulfil our responsibilities. But it goes without saying that the Agency will continue to act independently, in accordance with the Statute.

Mr. Chairman,

I ask the Board to endorse the Agency undertaking monitoring and verification in relation to the nuclear-related measures set out in the Joint Plan of Action, subject to the availability of funds.

This will be a further important step towards achieving a comprehensive solution to the Iran nuclear issue. But there is still a long way to go.

Before concluding, I wish to note that we will continue our regular work of implementing safeguards in Iran, which will be presented in detail in my quarterly reports.

At the March Board, I will also report on implementation by Iran of the six practical measures agreed in the Joint Statement on a Framework for Cooperation with the Islamic Republic of Iran, which was signed by Iran and the Agency last November. I hope to identify the next measures envisaged under the Framework.

I hope that all of the work undertaken by the Agency will provide an important contribution to advancing the resolution of the Iran nuclear issue and will lead to further positive developments.

IAEA and Iran Conclude Talks in Connection with Implementation of Framework for Cooperation

[http://www.iaea.org/newscenter/news/2014/iaea_iran090214.html, 9 February 2014]

On 8 and 9 February 2014, the Agency and the Islamic Republic of Iran (Iran) held constructive technical meetings within the Framework for Cooperation that was agreed between the parties last November.

During the meetings, the two sides reviewed progress on the implementation of the six initial practical measures that were agreed three months ago. Iran has taken the initial practical measures that were foreseen.

Iran and the Agency reached agreement on seven practical measures to be implemented by Iran by 15 May 2014.

The agreed measures are:

Providing mutually agreed relevant information and managed access to the Saghand mine in Yazd;

Providing mutually agreed relevant information and managed access to the Ardakan concentration plant;

Submission of an updated Design Information Questionnaire (DIQ) for the IR-40 Reactor;

Taking steps to agree with the Agency on the conclusion of a Safeguards Approach for the IR-40 Reactor;

Providing mutually agreed relevant information and arranging for a technical visit to Lashkar Ab'ad Laser Centre;

Providing information on source material, which has not reached the composition and purity suitable for fuel fabrication or for being isotopically enriched, including imports of such material and on Iran's extraction of uranium from phosphates; and

Providing information and explanations for the Agency to assess Iran's stated need or application for the development of Exploding Bridge Wire detonators.

S – Documents Related to the Syrian Arab Republic

[Editorial Note: Earlier documents of relevance may be downloaded via <http://www.kcl.ac.uk/csss/>]

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.

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.

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...]

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...]

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

[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.

[Eds...]

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

[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.

[Eds...]

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2010/29 31 May 2010]

[Editorial note: Footnotes not included]

Report by the Director General

[Eds...]

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...]

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2010/47 6 September 2010]

[Editorial note – footnotes not included]

Report by the Director General

[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...]

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.]

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.

[Eds...]

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...]

Introductory Statement to Board of Governors

[IAEA Director General Yukiya Amano 2 December 2010
Vienna, Austria]

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 locations.

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2011/8 25 February 2011]

[Editorial note: Footnotes not included]

Report by the Director General

[Eds...]

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...

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

[GOV/2011/30 24 May 2011]

[Editorial note – footnotes not included]

Report by the Director General

[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...]

Implementation of the NPT safeguards agreement in the Syrian Arab Republic

[GOV/2011/41]

Resolution adopted by the Board of Governors on 9 June 2011

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.

[Eds...]

Implementation of the NPT safeguards agreement in the Syrian Arab Republic

[GOV/2012/42 30 August 2012]

Report by the Director General

[Ed note – footnotes not included]

[Eds...]

B. Developments

[Eds...]

7. During a meeting with the Agency in Damascus on 25 and 26 October 2011, Syria stated that it was prepared to grant the Agency access to the Dair Alzour site again, under certain conditions. Syria also stated that the destroyed building at the Dair Alzour site was a non-nuclear, missile related installation and, therefore, the three other locations that the Agency considered as being critical to resolving outstanding questions concerning the purpose of the Dair Alzour site were not relevant to the discussions. Accordingly, Syria was not willing to discuss the three

other locations with the Agency.

In the meeting, Syria made a proposal regarding possible future actions that focused solely on the Dair Alzour site. The Agency's team acknowledged the proposal but made clear that it would require further review and endorsement.

8. After careful review, the Agency concluded that the proposal discussed at the meeting was not acceptable given the conditions placed by Syria on Agency verification activities and Syria's unwillingness to discuss the locations referred to in paragraph 7 above. The Agency subsequently proposed to Syria to hold further discussions. In a letter to the Agency dated 12 February 2012, Syria indicated that it would provide a detailed response at a later time, noting the difficult prevailing security situation in the country. The Agency has taken note of Syria's letter and has reiterated its request to Syria to hold further discussions to address all the outstanding questions.

C. Other Matters

9. As previously reported, concerning the origin of the anthropogenic uranium particles found at the Miniature Neutron Source Reactor (MNSR), the Agency has concluded that Syria's statements are not inconsistent with the Agency's findings.

10. As part of the routine implementation of Agency safeguards, a physical inventory verification was carried out at the MNSR on 14 June 2012.

11. The Agency continues to monitor the MNSR, the yellowcake storage area at the Homs Phosphoric Acid Pilot Plant and other locations of safeguards relevance to the Agency.

D. Conclusion

12. Since the Director General's report of 24 May 2011, the Agency has not received any new information from Syria or other Member States that would have an impact on the Agency's

assessment of the nature of the destroyed building at the Dair Alzour site. Concerning the three other locations, the Agency remains unable to provide any assessment concerning their nature or operational status.

13. The Director General urges Syria to cooperate fully with the Agency in connection with unresolved issues related to the Dair Alzour site and other locations.

Introductory Statement to the Board of Governors by IAEA Director General Yukiya Amano

[10 September 2012, Vienna]

[Eds...]

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

I have circulated a report on safeguards implementation in the Syrian Arab Republic. The Board will recall that, in May 2011, I reported that it was very likely that a building destroyed at the Dair Alzour site was a nuclear reactor which should have been declared

to the Agency. Since then, the Agency has not received any new information that would affect that assessment. We remain unable to provide any assessment concerning the nature or operational status of three other locations allegedly functionally related to Dair Alzour.

I wish to make clear that no agreement was ever reached on a so-called action plan, although Syria expressed its readiness in May 2011 to agree on such a plan "to resolve the outstanding issues in regards to [the] Dair Alzour site". I reiterate my request to Syria to hold further discussions with the Agency to address all outstanding questions related to Dair Alzour and other locations.

[Eds...]

Introductory Statement to 56th Regular Session of IAEA General Conference by Director General Yukiya Amano

[Vienna, 17 September 2012]

[Eds...]

I have presented regular reports to the Board on safeguards implementation in three countries in particular - the Islamic Republic of Iran, the Democratic People's Republic of Korea, and the Syrian Arab Republic.

Each case is different, but they share one common feature - each of these countries is failing to fulfill its obligations. Dealing with cases such as these represents one of the major challenges which the Agency must confront in the coming years.

[Eds...]

In the case of Syria, you will recall that, in May 2011, I reported that it was very likely that a building destroyed at the Dair Alzour site was a nuclear reactor which should have been declared to the Agency. I reiterate my request to Syria to hold further discussions with the Agency to address all outstanding questions related to Dair Alzour and other locations.

[Eds...]

Introductory Statement to the Board of Governors by IAEA Director General Yukiya Amano

[Vienna, 28 November 2013]

[Eds...]

Implementation of the NPT Safeguards Agreement in the Syrian Arab Republic

As far as implementation of safeguards in the Syrian Arab Republic is concerned, there have been no new developments since my last report to the Board. I renew my call to Syria to cooperate fully with us in connection with unresolved issues related to the Dair Alzour site and other locations.

[Eds...]

T – 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 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:

- a. Advanced nuclear energy research and development in such areas as may be agreed between the Parties;
- b. Nuclear safety matters of mutual interest and competence, as set out in Article 3;
- c. Facilitation of exchange of scientists for visits, meetings, symposia and collaborative research;
- d. 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;
- e. Development of a strategic reserve of nuclear fuel to guard against any disruption of supply over the lifetime of India's reactors;
- f. Advanced research and development in nuclear sciences including but not limited to biological research, medicine, agriculture and industry, environment and climate change;
- g. Supply between the Parties, whether for use by or for the benefit of the Parties or third countries, of nuclear material;
- h. Alteration in form or content of nuclear material as provided for in Article 6;
- i. Supply between the Parties of equipment, whether for use by or for the benefit of the Parties or third countries;
- j. Controlled thermonuclear fusion including in multilateral projects; and
- k. 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 two-month 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:

- a) to avoid hampering or delaying the nuclear activities in the territory of either Party;
- b) to avoid interference in such activities;
- c) to be consistent with prudent management practices required for the safe conduct of such activities; and
- d) 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:

- a) 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;
- b) interfere with the nuclear policy or programs for the promotion of the peaceful uses of nuclear energy including research and development; or
- c) impede the free movement of nuclear material, non nuclear material and equipment supplied under this Agreement within the territory of the Parties.

[Eds...]

ARTICLE 13 - CONSULTATIONS

[Eds...]

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 ongoing 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

[Eds...]

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.

[Eds...]

Released on August 3, 2007

Other civilian nuclear energy agreements with India

Editorial note – Full texts for a number of other civilian nuclear energy agreements and declarations with India are available online as follows [in chronological order]:

Cooperation Agreement Between the Government of the Republic of India and the Government of the French Republic on the Development of Peaceful Uses of Nuclear Energy

Signed 30 September 2008. Available at:

<http://www.ambinde.fr/images/DAE/PDF/Agreement.PDF>

Joint Declaration by India and the United Kingdom on Civil Nuclear Co-Operation

Signed 11 February 2010. Available at:

<http://dae.nic.in/writereaddata/indouk.pdf>

Agreement Between the Government of the Republic of India and the Government of the Russian Federation on Cooperation in the Use of Atomic Energy For Peaceful Purposes

Signed 12 March 2010. Available at:

<http://dae.nic.in/writereaddata/indorus%281%29.pdf>

Agreement Between the Government of the Republic of Kazakhstan and the Government of the Republic of India for Co-Operation in the Peaceful Uses of Nuclear Energy

Signed 15 April 2010. Available at:

<http://dae.nic.in/writereaddata/kazak.pdf>

Agreement Between the Government of the Republic of India and the Government of the Republic of Korea for Co-Operation in the Peaceful Uses of Nuclear Energy

Signed 25 July 2011. Available at:

<http://dae.nic.in/writereaddata/korea.pdf>

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]

[Eds...]

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 Tarapur 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.

[Eds...]

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 an 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 to 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 given 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:

- a. 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;
- b. Seek to avert the further spread of nuclear weapons;
- c. Wish to pursue mechanisms to affect positively the nonproliferation commitments and actions of all states;
- d. Seek to promote fundamental principles of safeguards and export controls for nuclear transfers for peaceful purposes; and
- e. 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:

- a. 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);
- b. 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);
- c. Committing to sign and adhere to an Additional Protocol with respect to India’s civil nuclear facilities;
- d. Refraining, from transfer of enrichment and reprocessing technologies to states that do not have them and supporting international efforts to limit their spread;
- e. Instituting a national export control system capable effectively controlling transfers of multilaterally controlled nuclear and nuclear-related material, equipment and technology;
- f. 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
- g. 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:

- a. 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.
- b. 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.
- c. 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.

Fact Sheet: The United States and India – Strategic and Global Partners

[White House, Office of the Press Secretary, 27
September, 2013]

[Eds...]

Non-Proliferation Cooperation: The United States and India work closely on global non-proliferation and arms control. The United States continues to support India’s full membership in the four multilateral export control regimes – Nuclear Suppliers Group, Missile Technology Control Regime, Wassenaar Arrangement, and Australia Group, in a phased manner, and welcomed India’s March 2013 update to its Special Chemicals, Organisms, Materials, Equipment, and Technology (SCOMET) list.

Nuclear Security: The United States and India collaborate on nuclear security issues and look forward to working together in the lead up to the next Nuclear Security Summit to be held in The Hague in March 2014.

[Eds...]

Civil Nuclear Cooperation: The Westinghouse Electric Company and the Nuclear Power Corporation of India, Ltd., signed a preliminary commercial contract under the auspices of the U.S.-India Civil Nuclear Initiative. This agreement should facilitate progress toward licensing the AP-1000 nuclear reactor technology in India. The Indian government is planning to develop commercial nuclear power sites in Gujarat and Andhra Pradesh using U.S. nuclear technology. Both governments also decided to complete discussions on the Administrative Arrangements at an early date.

Nuclear Safety: The U.S. Nuclear Regulatory Commission (NRC) and the Indian Atomic Energy Regulatory Board (AERB) intend to sign a memorandum of understanding for the exchange of technical information in nuclear safety matters. This arrangement should solidify close cooperation between the regulators.

Joint statement on the India-United Kingdom summit 2013

[Hyderabad House, Delhi 19 February]

India-UK Summit talks were held in New Delhi on 19 February 2013 during the official visit to India of the British Prime Minister, the Rt Hon David Cameron, MP.

[Eds...]

The two leaders expressed their commitment to working towards a world free of nuclear weapons. They agreed to hold regular consultations on disarmament and non-proliferation issues. In recognition of the threat posed by terrorists gaining access to WMD materials, India and the UK agreed to conclude a Memorandum of Understanding on Chemical, Biological, Radiological and Nuclear

Security.

India and the UK's civil nuclear cooperation has gone from strength to strength since the Joint Declaration in 2010. It now includes innovative nuclear research projects and the export of advanced civil nuclear technology and exchanges between scientific institutions. Both leaders expressed interest in cooperation with regard to India in the Global Centre for Nuclear Energy Partnership. In recognition of their commitment to enhance bilateral cooperation further, both leaders agreed to begin negotiations on a civil Nuclear Cooperation Agreement.

Prime Minister Cameron committed the UK to make available to India the cutting edge British technology, civil and military, that the UK currently shares with its top international partners, in accordance with international obligations. The leaders agreed to work actively together to achieve India's ambitions to join the major export control regimes (Nuclear Suppliers Group, Missile Technology Control Group; Australia Group; Wassenaar Arrangement).

[Eds...]

Joint Statement on the 14th India-Russia Annual Summit: Deepening the Strategic Partnership for Global Peace and Stability

[21 October 2013]

[Eds...]

The sides welcomed the bilateral consultations on Arms Control and Non-Proliferation which were held in New Delhi in May this year and gave the opportunity to exchange views on a whole range of topical issues. They agreed to strengthen multilateral export control regimes as important components of the global non-proliferation regime. Russia took into positive consideration India's interest in full membership in MTCR and Wassenaar Arrangement. The Russian side reiterated readiness to assist and promote a discussion and positive decision in the Nuclear Suppliers Group on India's full membership in the NSG, and welcomed India's intention

to seek full membership. India stressed its determination to actively contribute to the international efforts aimed at strengthening the nuclear non-proliferation regime.

[Eds...]

Australia will support India's membership of the Nuclear Suppliers Group

[Media Release, 18 November 2013]

The Australian Minister for Foreign Affairs, Julie Bishop, has announced that Australia will support India's full membership of the Nuclear Suppliers Group (NSG).

"I was pleased to inform the Indian External Affairs Minister, Salman Khurshid, of the decision of the Australian government to support India's full membership of the NSG, just as we will support India's participation in all of the major export control regimes", said Ms Bishop during her visit to Delhi on 18 November.

"Australia's decision acknowledges India's emergence as a major producer and potential exporter of nuclear energy and technology", said Ms Bishop.

The Australian Government's decision to support India's membership of the NSG is made in the context of the strong and growing strategic partnership that exists between India and Australia.

Australia also joined in the NSG consensus decision in 2008 to grant India a waiver from its existing rules, which had prevented India from engaging in the international nuclear trade with NSG members.

Other NSG members, including the US, UK, France and Russia, have expressed support for India's NSG membership.

Australia and India have entered negotiations for a bilateral Civil Nuclear Cooperation Agreement which would provide for the sale of Australian uranium to India, subject to safeguards and other requirements being met.

U – Resolutions Adopted by the UN General Assembly Since December 2011

[Editorial Note: Operative paragraphs only. Earlier relevant resolutions may be downloaded via <http://www.un.org/documents/resga.htm>]

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

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".

Treaty on a Nuclear-Weapon-Free Zone in Central Asia

[A/RES/67/31 December 2012]

[Editorial note: footnotes not included]

Accepted by vote 146-2-35

The General Assembly,

[Eds...]

1. *Welcomes* the entry into force on 21 March 2009 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia;
2. *Notes* the readiness of the Central Asian countries to continue consultations with the nuclear-weapon States on a number of provisions of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia;
3. *Welcomes* the submission at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons of two working papers, on the Treaty on a Nuclear-Weapon-Free Zone in Central Asia and on the environmental consequences of uranium mining;
4. *Also welcomes* the convening of three consultative meetings of States parties to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, on 15 October 2009 in Ashgabat, 15 March 2011 in Tashkent and 12 June 2012 in Astana, which identified joint activities by the Central Asian States to ensure fulfilment of the obligations set out in the Treaty and to develop cooperation on disarmament issues with international bodies, as well as the adoption of an action plan of the States parties to the Treaty to strengthen nuclear security, prevent the proliferation of nuclear materials and counter nuclear terrorism in Central Asia;
5. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Treaty on a Nuclear-Weapon-Free Zone in Central Asia".

The Hague Code of Conduct against Ballistic Missile Proliferation

[A/RES/67/42 December 2012]

[Editorial note: Footnote not included]

Accepted by vote 162-1-20

The General Assembly,

[Eds...],

1. *Recognizes* that 2012 marks a decade since the creation of The Hague Code of Conduct against Ballistic Missile Proliferation;
2. *Notes with satisfaction* that 134 States have so far subscribed to the Code of Conduct as a practical step against the proliferation of weapons of mass destruction and their means of delivery;
3. *Welcomes* the advancement of the universalization process of the Code of Conduct;
4. *Invites* all States that have not yet subscribed to the Code of Conduct to do so;
5. *Encourages* States that have already subscribed to the Code of Conduct to make efforts to increase participation in the Code and to further improve its implementation;
6. *Welcomes* the ongoing progress in implementation of the Code of Conduct, 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 policies, and underlines the importance of further steps in this direction;
7. *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 and to deepen the relationship between the Code of Conduct and the United Nations;
8. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "The Hague Code of Conduct

against Ballistic Missile Proliferation".

Decreasing the operational readiness of nuclear weapons systems

[A/RES/67/46 December 2012]

[Editorial note: Footnote not included]

Accepted by vote 164-4-19

The General Assembly,

1. *Welcomes* the opportunities provided by meetings of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to address the further reduction of the operational status of nuclear weapons systems as a step leading to nuclear disarmament, and looks forward to the reporting of the nuclear-weapon States on their undertakings in this regard to the Preparatory Committee at its third session, 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.

United Nations study on disarmament and non-proliferation education

[A/RES/67/47 December 2012]

[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-ninth 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-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Disarmament and non-proliferation education".

Preventing the acquisition by terrorists of radioactive sources

[A/RES/67/51 December 2012]

[Editorial note: footnotes not included]

Accepted without a vote

The General Assembly,

[Eds...]

1. *Calls upon* Member States to support international efforts to

prevent the acquisition and use by terrorists of radioactive materials and sources, and, if necessary, suppress such acts, in accordance with their national legal authorities and legislation and consistent with international law;

2. *Urges* Member States to take and strengthen national measures, as appropriate, to prevent the acquisition and use by terrorists of radioactive materials and sources, as well as terrorist attacks on nuclear plants and facilities which would result in radioactive releases, and, if necessary, to suppress such acts, in particular by taking effective measures to account for, secure and physically protect such facilities, materials and sources in accordance with their international obligations;

3. *Encourages* Member States to enhance their national capacities with appropriate means of detection and related architecture or systems, including through international cooperation and assistance in conformity with international law and regulations, with a view to detecting and preventing illicit trafficking in radioactive materials and sources;

4. *Encourages* all Member States 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, in accordance with their legal and constitutional processes;

5. *Invites* Member States, in particular those producing and distributing radioactive sources, to support and endorse the efforts of the International Atomic Energy Agency to enhance the safety and security of radioactive sources, as described in General Conference resolution GC(56)/RES/10 and to enhance the security of radioactive sources as described in the Nuclear Security Plan for 2010–2013, urges all States to work towards following the guidance contained in the Code of Conduct on the Safety and Security of Radioactive Sources, including, as appropriate, the Guidance on the Import and Export of Radioactive Sources, noting that the Guidance is supplementary to the Code, and encourages Member States to notify the Director General of the Agency of their intention to do so pursuant to General Conference resolution GC(56)/RES/9;

6. *Recognizes* the value of information exchange on national approaches to controlling radioactive sources, and takes note of the endorsement by the Board of Governors of the International Atomic Energy Agency of a proposal for a formalized process for a voluntary periodic exchange on information and lessons learned and for the evaluation of progress made by States towards implementing the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources;

7. *Welcomes* the efforts undertaken by Member States, including through international cooperation under the auspices of the International Atomic Energy Agency, to search for, locate, secure and recover unsecured and/or uncontrolled ("orphan") radioactive sources within their State jurisdiction or territory;

8. *Encourages* cooperation among and between Member States and through relevant international and, where appropriate, regional organizations aimed at strengthening national capacities in this regard;

9. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Preventing the acquisition by terrorists of radioactive sources".

Mongolia's international security and nuclear-weapon-free status

[A/RES/67/52 December 2012]

[Editorial note: Footnotes not included]

Accepted without a vote

The General Assembly,

[Eds...],

1. *Takes note* of the report of the Secretary-General;

2. *Expresses its appreciation* to the Secretary-General for the efforts to implement resolution 65/70;

3. *Welcomes* the declarations of 17 September 2012 by Mongolia

and the five nuclear-weapon States on Mongolia's nuclear-weapon-free status as a concrete contribution to nuclear disarmament and the non-proliferation of nuclear weapons and the enhancement of confidence and predictability in the region;

4. *Welcomes and supports* the measures taken by Mongolia to consolidate and strengthen this status;

5. *Endorses and supports* Mongolia's good-neighbourly and balanced relationship with its neighbours as an important element of strengthening regional peace, security and stability;

6. *Welcomes* the efforts made by Member States to cooperate with Mongolia in implementing resolution 65/70, as well as the progress made in consolidating Mongolia's international security;

7. *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;

8. *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;

9. *Requests* the Secretary-General and relevant United Nations bodies to continue to provide assistance to Mongolia in taking the necessary measures mentioned in paragraph 7 above;

10. *Requests* the Secretary-General to report to the General Assembly at its sixty-ninth session on the implementation of the present resolution;

11. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Mongolia's international security and nuclear-weapon-free status".

Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices

[A/RES/67/53 December 2012]

Accepted by vote 166-1-21

The General Assembly,

[Eds...]

1. *Urges* the Conference on Disarmament to agree on and implement early in 2013 a balanced and 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 and the mandate contained therein;

2. *Requests* the Secretary-General to seek the views of Member States on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, including possible aspects thereof, and to submit a report on the subject to the General Assembly at its sixty-eighth session;

3. *Also requests* the Secretary-General to establish a group of governmental experts with a membership of twenty-five States chosen on the basis of equitable geographical representation, which, taking into account the report containing the views of Member States, will make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices on the basis of document CD/1299 and the mandate contained therein, which will operate on the basis of consensus, without prejudice to national positions in future negotiations and which will meet in Geneva for two sessions of two weeks in 2014 and in 2015;

4. *Calls upon* the Secretary-General to transmit the report of the group of governmental experts to the General Assembly at its seventieth session and to the Conference on Disarmament;

5. *Invites* the Conference on Disarmament to take note of the report of the group of governmental experts and consider further action as appropriate;

6. *Decides* that, should the Conference on Disarmament agree upon and implement a balanced and comprehensive programme of work that includes negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, the group of governmental experts shall conclude and its work shall be submitted to the Secretary-General for onward transmission to the Conference on Disarmament;

7. Also decides to include in the provisional agenda of its sixty-eighth session, under the item entitled "General and complete disarmament", the sub-item entitled "Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices".

Nuclear-weapon-free southern hemisphere and adjacent areas

[A/RES/67/55 December 2012]

[Editorial note: Footnotes not included]

Accepted by vote 179-4-4

The General Assembly,

[Eds..]

1. *Reaffirms* 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 *calls for* greater progress towards the total elimination of all nuclear weapons;

2. *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;

3. *Notes with satisfaction* that all nuclear-weapon-free zones in the southern hemisphere and adjacent areas are now in force;

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 welcomes the ratification by the Russian Federation of protocols I and II to the Treaty of Pelindaba, the steps taken by the United States of America towards the ratification of the protocols to the Treaty of Pelindaba and to the Treaty of Rarotonga, and the consultations between the parties to the Bangkok Treaty and the nuclear-weapon States on the Protocol to that Treaty;

5. *Calls upon* the nuclear-weapon States to withdraw any reservations or interpretive declarations contrary to the object and purpose of the treaties establishing nuclear-weapon-free zones;

6. *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 a nuclear-weapon-free zone in the Middle East;

7. *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;

8. *Encourages* efforts to reinforce the coordination among nuclear-weapon-free zones with a view to the convening by Indonesia of the third Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia;

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 of the treaties;

10. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Nuclear-weapon-free

southern hemisphere and adjacent areas".

African Nuclear-Weapon-Free Zone Treaty

[A/RES/68/25 December 2013]

[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. *Welcomes* the convening of the First Conference of States Parties to the African Nuclear-Weapon-Free Zone Treaty (Treaty of Pelindaba), in Addis Ababa on 4 November 2010, and of the second Conference of States Parties, also in Addis Ababa, on 12 and 13 November 2012;
4. *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;
5. *Calls upon* the States contemplated in Protocol III to the Treaty that have not yet done so to take all measures necessary 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;
6. *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;
7. *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;
8. *Decides* to include in the provisional agenda of its sixty-ninth session the item entitled "African Nuclear-Weapon-Free Zone Treaty".

Establishment of a nuclear-weapon-free zone in the region of the Middle East

[A/RES/68/27 December 2013]

[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 67/28,

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(57)/RES/15, adopted on 20 September 2013 by the General Conference of the International Atomic Energy Agency at its fifty-seventh 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, 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 on the implementation of resolution 67/28;

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-ninth session a report on the implementation of the present resolution;

12. *Decides* to include in the provisional agenda of its sixty-ninth session the item entitled "Establishment of a nuclear-weapon-free zone in the region of the Middle East".

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

[A/RES/68/28 December 2013]

[Editorial note: Footnotes not included]

Accepted by vote 127-0-57

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-ninth 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".

Prevention of an arms race in outer space

[A/RES/68/29 December 2013]

[Editorial note: footnotes not included]

Accepted by vote 180-0-2

The General Assembly,

[Eds...]

1. *Reaffirms* the importance and urgency of preventing an arms race in outer space and the readiness of all States to contribute to that common objective, in conformity with the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies;

2. *Reaffirms* its recognition, as stated in the report of the Ad Hoc Committee on the Prevention of an Arms Race in Outer Space, that the legal regime applicable to outer space by itself does not guarantee the prevention of an arms race in outer space, that the regime plays a significant role in the prevention of an arms race in that environment, that there is a need to consolidate and reinforce that regime and enhance its effectiveness and that it is important to comply strictly with existing agreements, both bilateral and multilateral;

3. *Emphasizes* the necessity of further measures with appropriate and effective provisions for verification to prevent an arms race in outer space;

4. *Calls upon* all States, in particular those with major space capabilities, to contribute actively to the objective of the peaceful use of outer space and of the prevention of an arms race in outer space and to refrain from actions contrary to that objective and to the relevant existing treaties in the interest of maintaining international peace and security and promoting international cooperation;

5. *Reiterates* that the Conference on Disarmament, as the sole multilateral disarmament negotiating forum, has the primary role in the negotiation of a multilateral agreement or agreements, as appropriate, on the prevention of an arms race in outer space in all its aspects;

6. *Invites* the Conference on Disarmament to establish a working group under its agenda item entitled "Prevention of an arms race in outer space" as early as possible during its 2014 session;

7. *Recognizes*, in this respect, the growing convergence of views on the elaboration of measures designed to strengthen transparency, confidence and security in the peaceful uses of outer space;

8. *Urges* States conducting activities in outer space, as well as States interested in conducting such activities, to keep the Conference on Disarmament informed of the progress of bilateral and multilateral negotiations on the matter, if any, so as to facilitate its work;

9. *Decides* to include in the provisional agenda of its sixty-ninth

session the item entitled "Prevention of an arms race in outer space".

Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament

[A/RES/68/32 December 2013]

[Editorial note: footnotes not included]

Accepted by vote 137-28-20

The General Assembly,

[Eds...]

1. *Underlines* the strong support, expressed at the high-level meeting of the General Assembly on nuclear disarmament, held on 26 September 2013, for taking urgent and effective measures to achieve the total elimination of nuclear weapons;

2. *Calls for* urgent compliance with the legal obligations and the fulfilment of the commitments undertaken on nuclear disarmament;

3. *Endorses* the wide support expressed at the high-level meeting for a comprehensive convention on nuclear weapons;

4. *Calls for* the urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction;

5. *Requests* the Secretary-General to seek the views of Member States with regard to achieving the objective of the total elimination of nuclear weapons, in particular on the elements of a comprehensive convention on nuclear weapons, and to submit a report thereon to the General Assembly at its sixty-ninth session, and also to transmit the report to the Conference on Disarmament;

6. *Decides* to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard;

7. *Declares* 26 September as the International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, including through enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination, in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world;

8. *Requests* the Secretary-General to make all the arrangements necessary to commemorate and promote the International Day;

9. *Calls upon* Member States, the United Nations system and civil society, including non-governmental organizations, academia, parliamentarians, the mass media and individuals, to commemorate and promote the International Day through all means of educational and public awareness-raising activities;

10. *Requests* the Secretary-General to report on the implementation of the present resolution to the General Assembly at its sixty-ninth session;

11. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", a sub-item entitled "Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament".

Women, disarmament, non-proliferation and arms control

[A/RES/68/33 December 2013]

[Editorial note: footnotes not included]

Accepted without a vote

The General Assembly,

[Eds...]

1. *Urges* Member States, relevant subregional and regional organizations, the United Nations and specialized agencies to promote equal opportunities for the representation of women in all

decision-making processes with regard to matters related to disarmament, non-proliferation and arms control, in particular as it relates to the prevention and reduction of armed violence and armed conflict;

2. Welcomes the report of the Secretary-General on the measures taken by Member States to implement General Assembly resolution 67/48;

3. Also welcomes the continuing efforts of the United Nations organs, agencies, funds and programmes to accord high priority to the issue of women and peace and security, and in this regard notes the role of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) in promoting the implementation of all resolutions related to women in the context of peace and security;

4. Urges Member States to support and strengthen the effective participation of women in organizations in the field of disarmament at the local, national, subregional and regional levels;

5. Calls upon all States to empower women, including through capacity-building efforts, as appropriate, to participate in the design and implementation of disarmament, non-proliferation and arms control efforts;

6. Requests the relevant United Nations organs, agencies, funds and programmes to assist States, upon request, in promoting the role of women in disarmament, non-proliferation and arms control, including in preventing, combating and eradicating the illicit trade in small arms and light weapons;

7. Requests the Secretary-General to seek the views of Member States on ways and means of promoting the role of women in disarmament, non-proliferation and arms control, and to report to the General Assembly at its sixty-ninth session on the implementation of the present resolution;

8. Decides to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Women, disarmament, non-proliferation and arms control".

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/68/35 December 2013]

[Editorial note: Footnotes not included]

Accepted by vote 120-53-9

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 Weapons¹ 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 seventieth session, under the item entitled "General and complete disarmament", the sub-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".

Relationship between disarmament and development

[A/RES/68/37 December 2013]

[Editorial note: Footnotes not included]

Accepted without a vote

The General Assembly

[Eds...]

1. Stresses the central role of the United Nations in the relationship between disarmament and development, and requests the Secretary-General to strengthen further the role of the Organization in this field, in particular the high-level Steering Group on Disarmament and Development, in order to ensure continued and effective coordination and close cooperation between the relevant United Nations departments, agencies and subagencies;

2. Requests the Secretary-General to continue to take action, through appropriate organs and within available resources, for the implementation of the action programme adopted on 11 September 1987 at the International Conference on the Relationship between Disarmament and Development;²

3. Urges the international community to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries;

4. Encourages the international community to achieve the Millennium Development Goals and to make reference to the contribution that disarmament could provide in meeting them when it reviews its progress towards this purpose in 2013, as well as to make greater efforts to integrate disarmament, humanitarian and development activities;

5. Encourages the relevant regional and subregional organizations and institutions, non-governmental organizations and research institutes to incorporate issues related to the relationship between disarmament and development into their agendas and, in this regard, to take into account the report of the Group of Governmental Experts on the relationship between disarmament and development;

6. *Reiterates* its invitation to Member States to provide the Secretary-General with information regarding measures and efforts to devote part of the resources made available by the implementation of disarmament and arms limitation agreements to economic and social development, with a view to reducing the ever-widening gap between developed and developing countries;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-ninth session on the implementation of the present resolution, including the information provided by Member States pursuant to paragraph 6 above;

8. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Relationship between disarmament and development".

Promotion of multilateralism in the area of disarmament and non-proliferation

[A/RES/68/38 December 2013]

[Editorial note: Footnotes not included]

Accepted by vote 127-5-52

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 67/38;

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-ninth session;

9. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Promotion of multilateralism in the area of disarmament and non-proliferation".

Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments

[A/RES/68/39 December 2013]

[Editorial note: Footnotes not included]

Accepted by vote 171-7-5

The General Assembly

[Eds...]

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 parties to comply fully with all decisions, resolutions and commitments made at the 1995, 2000 and 2010 Review Conferences;

2. *Also reiterates* the deep concern expressed by the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at the catastrophic humanitarian consequences of any use of nuclear weapons, and the need for all States at all times to comply with applicable international law, including international humanitarian law;

3. *Recalls* the reaffirmation of the continued validity of 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, 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, recalls 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 action plan on nuclear disarmament contained in the Final Document of the 2010 Review Conference,¹ and calls upon the nuclear-weapon States to take all steps necessary to accelerate the fulfilment of their commitments, including the requirement to report to the Preparatory Committee in 2014;

4. *Calls upon* the nuclear-weapon States to fulfil their commitment 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. *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;

6. *Encourages* further steps by all nuclear-weapon States, in accordance with the action plan on nuclear disarmament contained in the Final Document of the 2010 Review Conference, to ensure the irreversible removal of all fissile material designated by each nuclear-weapon State as no longer required for military purposes, and calls upon all States to support, within the context of the International Atomic Energy Agency, the development of appropriate nuclear disarmament verification capabilities and legally binding verification arrangements, thereby ensuring that such material remains permanently outside military programmes in a verifiable manner;

7. *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 of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons,³ and 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;

8. *Expresses its profound disappointment* at the failure to convene a conference in 2012 on the establishment in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction, and calls upon the Secretary-General and the co-sponsors of the 1995 resolution to convene the conference without any further delay;

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, and to place all of their nuclear facilities under International Atomic Energy Agency safeguards;

10. *Urges* the Democratic People's Republic of Korea to fulfil its commitments under the Six-Party Talks, including those in the September 2005 joint statement, to abandon all nuclear weapons and existing nuclear programmes, to return, at an early date, to the Treaty on the Non-Proliferation of Nuclear Weapons and to adhere 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. *Urges* all States to work together to overcome obstacles within the international disarmament machinery that are inhibiting efforts to advance the cause of nuclear disarmament in a multilateral context, and to immediately implement the three specific recommendations of the 2010 Review Conference action plan addressed to the Conference on Disarmament, and urges the Conference on Disarmament to commence without delay substantive work that advances the agenda of nuclear disarmament;

12. *Calls upon* the nuclear-weapon States to implement their nuclear disarmament commitments in a manner that enables the States parties to regularly monitor progress, and to agree as soon as possible on a standard reporting format to facilitate reporting and to enhance confidence not only among the nuclear-weapon States but also between the nuclear-weapon States and the non-nuclear-weapon States;

13. *Welcomes* the announcements made by some nuclear-weapon States providing information about their nuclear arsenals, policies and disarmament efforts, and urges those nuclear-weapon States that have not yet done so also to provide this information, which would build increased confidence and trust and would contribute to sustainable disarmament;

14. *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 pillars of the Treaty can be realized;

15. *Urges* Member States to pursue multilateral negotiations in good faith towards a nuclear-weapon-free world, in keeping with the spirit and purpose of General Assembly resolution 1 (I) and article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

16. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-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.

Reducing nuclear danger

[A/RES/68/40 December 2013]

[Editorial note: Footnotes not included]

Accepted by vote 125-50-10

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 67/45 of 3 December 2012;

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-ninth session;

6. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Reducing nuclear danger".

Measures to prevent terrorists from acquiring weapons of mass destruction

[A/RES/68/41 December 2013]

[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-ninth session;

6. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Measures to prevent terrorists from acquiring weapons of mass destruction".

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/68/42 December 2013]

[Editorial note: Footnotes not included]

Accepted by vote 133-24-25

The General Assembly,

[Eds...]

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-ninth session;

4. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled “General and complete disarmament”, the sub-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”.

Taking forward multilateral nuclear disarmament negotiations

[A/RES/68/46 December 2013]

[*Editorial note:* footnotes not included]

Accepted by vote 158-4-20

The General Assembly,

[Eds...]

1. *Notes with satisfaction* that the Open-ended Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, established by the General Assembly by its resolution 67/56, which met during 2013 as a step towards taking forward multilateral nuclear disarmament negotiations, engaged in discussions in an open, constructive, transparent and interactive manner to address various issues related to nuclear disarmament;

2. *Welcomes* the report of the Working Group on its work reflecting the discussions and proposals made during its deliberations to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons;

3. *Recognizes* the value of the contribution that international organizations, civil society, academia and research make to taking forward multilateral nuclear disarmament negotiations, as demonstrated during the work of the Working Group;

4. *Emphasizes* that the universal objective of taking forward multilateral nuclear disarmament negotiations remains the achievement and maintenance of a world without nuclear weapons, and also emphasizes the importance of addressing issues related to nuclear weapons in a comprehensive, interactive and constructive manner, for the advancement of multilateral nuclear disarmament negotiations;

5. *Requests* the Secretary-General to transmit the report of the Working Group to the Conference on Disarmament and the Disarmament Commission for their consideration;

6. *Calls upon* all Member States, international organizations and civil society to continue to enrich the discussions on how to take forward multilateral nuclear disarmament negotiations in the United Nations bodies in which disarmament and peace and security are addressed, taking into account the report of the Working Group and the proposals contained therein;

7. *Encourages* Member States, international organizations and civil society to take into account the report of the Working Group and the proposals contained therein in the discussions in other forums in which humanitarian, health, human rights, environmental and development affairs are addressed;

8. *Requests* the Secretary-General to seek the views of Member States on how to take forward multilateral nuclear disarmament negotiations, including on steps that Member States have already taken to that end, and to submit a report on that subject to the General Assembly at its sixty-ninth session;

9. *Decides* to review at its sixty-ninth session progress made in the implementation of the present resolution and to further explore options for taking forward multilateral nuclear disarmament negotiations, including if necessary through the Working Group;

10. *Reaffirms* the urgency of securing substantive progress in multilateral nuclear disarmament negotiations, and welcomes further efforts in this respect;

11. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled “General and complete disarmament”, the sub-item entitled “Taking forward multilateral nuclear disarmament negotiations”.

Nuclear disarmament

[A/RES/68/47 December 2013]

[*Editorial note:* Footnotes not included]

Accepted by vote 122-44-17

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. *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, 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 2014 session, while welcoming the establishment of the informal working group with a mandate to produce a programme of work robust in substance and progressive over time in implementation, 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, while welcoming the recent ratification of the Treaty by Brunei Darussalam, Chad, Guinea-Bissau and Iraq;

20. *Expresses its regret* that the Conference on Disarmament was unable to establish an ad hoc committee to deal with nuclear disarmament in 2013, as called for by the General Assembly in its resolution 67/60;

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 in 2014 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-ninth session a report on the implementation of the present resolution;

24. *Decides* to include in the provisional agenda of its sixty-ninth session under the item entitled "General and complete disarmament", the sub-item entitled "Nuclear disarmament".

Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)

[A/RES/68/49 December 2013]

[Editorial note: footnotes not included]

Accepted without a vote

The General Assembly

[Eds...]

1. *Welcomes* the commitment and efforts of the Commission for the South-East Asia Nuclear-Weapon-Free Zone to further enhance and strengthen the implementation of the Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty) by implementing the plan of action for the period 2013–2017 adopted in Bandar Seri Begawan on 30 June 2013, with a renewed commitment and a stronger emphasis on concrete actions, and the 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. *Encourages* States parties to the Treaty to continue to engage nuclear-weapon States to resolve comprehensively, in accordance with the objectives and principles of the Treaty, outstanding issues, with a view to signing the Protocol thereto and its related documents expeditiously;

3. *Underlines* the value of enhancing and implementing further ways and means of cooperation among the States parties to nuclear-weapon-free zone treaties and the protocols thereto, with a view to strengthening the non-proliferation regime and to contributing towards realizing the objective of nuclear disarmament;

4. *Decides* to include in the provisional agenda of its seventieth session, under the item entitled "General and complete disarmament", the sub-item entitled "Treaty on the South-East Asia Nuclear-Weapon-Free Zone (Bangkok Treaty)".

Transparency and confidence-building measures in outer space activities

[A/RES/68/50 December 2013]

[Editorial note: Footnotes not included]

Accepted without a vote

The General Assembly,

[Eds...]

1. *Welcomes* the note by the Secretary-General transmitting the report of the Group of Governmental Experts on Transparency and Confidence-building Measures in Outer Space Activities;

2. *Encourages* Member States to review and implement, to the greatest extent practicable, the proposed transparency and confidence-building measures contained in the report, through relevant national mechanisms, on a voluntary basis and in a manner consistent with the national interests of Member States;

3. *Decides*, in order to further advance transparency and confidence-building measures in outer space, to refer the recommendations contained in the report to the Committee on the Peaceful Uses of Outer Space, the Disarmament Commission and the Conference on Disarmament for consideration, as appropriate;

4. *Requests* the Secretary-General to circulate the report to all other relevant entities and organizations of the United Nations system in order that they may assist in effectively implementing the conclusions and recommendations contained therein, as appropriate;

5. *Encourages* relevant entities and organizations of the United Nations system to coordinate, as appropriate, on matters related to the recommendations contained in the report;

6. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Transparency and confidence-building measures in outer space activities".

United action towards the total elimination of nuclear weapons

[A/RES/68/51 December 2013]

[Editorial note: Footnotes not included]

Accepted by vote 169-1-14

The General Assembly,

[Eds...]

Recognizing the importance of the objective of nuclear security, along with the shared goals of Member States of nuclear disarmament, nuclear non-proliferation and peaceful uses of nuclear energy, welcoming the Nuclear Security Summit held in Washington, D.C., on 12 and 13 April 2010 and in Seoul on 26 and 27 March 2012, and looking forward to the Nuclear Security Summit to be held in the Netherlands in 2014,

Condemning in the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea on 12 February 2013, recognizing the importance of the implementation of Security Council resolutions 1718 (2006) of 14 October 2006, 1874 (2009) of 12 June 2009, 2087 (2013) of 22 January 2013 and 2094 (2013) of 7 March 2013, noting the requirements of resolutions 1718 (2006), 1874 (2009) and 2094 (2013), which were adopted under Chapter VII of the Charter of the United Nations, and in particular noting the requirements that the Democratic People's Republic of Korea abandon all nuclear weapons and existing nuclear programmes and immediately cease all related activities, in this respect expressing concern regarding the Democratic People's Republic of Korea's uranium enrichment programme and light water reactor construction, as well as the launches on 13 April and 12 December 2012 and its recent statements of its intention to readjust and restart its nuclear facilities at Yongbyon, including the 5 MW(e) graphite-moderated reactor and uranium enrichment activities, and declaring that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State under the Treaty on the Non-Proliferation of Nuclear Weapons, nor will it be accepted that it possess nuclear weapons under any circumstances,

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 in 2014 to the Preparatory Committee for the 2015 Review Conference, and welcomes in this regard the convening in Paris on 30 June and 1 July 2011 and in Washington, D.C., from 27 to 29 June 2012, of the follow-up meetings 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 treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices 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;

13. *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;

14. *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;

15. *Urges* the Democratic People's Republic of Korea not to conduct any further nuclear tests and to comply fully with its commitments under the joint statement of the Six-Party Talks of 19 September 2005 and its obligations under the relevant Security Council resolutions;

16. *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;

17. *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;

18. *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;

19. *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;

20. *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;

21. Decides to include in the provisional agenda of its sixty-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "United action towards the total elimination of nuclear weapons".

Regional disarmament

[A/RES/68/54 December 2013]

[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-ninth session, under the item entitled "General and complete disarmament", the sub-item entitled "Regional disarmament".

Convention on the Prohibition of the Use of Nuclear Weapons

[A/RES/68/58 December 2013]

[Editorial note: Footnotes not included]

Accepted by vote 126-49-9

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.

Report of the Disarmament Commission

[A/RES/68/63 December 2013]

[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 methods of work of the Disarmament Commission;

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, 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 continue the consideration of the following items at its substantive session of 2014:

(a) Recommendations for achieving the objective of nuclear disarmament and non-proliferation of nuclear weapons;

(b) Practical confidence-building measures in the field of conventional weapons;

8. *Requests* the Disarmament Commission to meet for a period not exceeding three weeks during 2014, namely from 7 to 25 April, and to submit a substantive report to the General Assembly at its sixty-ninth 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-eighth 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 resources and services necessary, including verbatim records, to that end;

11. *Decides* to include in the provisional agenda of its sixty-ninth session under the item entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session", the sub-item entitled "Report of the Disarmament Commission".

Report of the Conference on Disarmament

[A/RES/68/64 December 2013]

[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. *Appreciates* the strong support expressed for the Conference on Disarmament during its 2013 session by Ministers for Foreign Affairs and other high-level officials, while also acknowledging their concern about its ongoing impasse, and takes into account their calls for greater flexibility with respect to commencing the substantive work of the Conference without further delay;
3. *Calls upon* the Conference on Disarmament to further intensify consultations and explore possibilities for overcoming its ongoing deadlock of well over a decade by adopting and implementing a balanced and comprehensive programme of work at the earliest possible date during its 2014 session, bearing in mind the decision on the programme of work adopted by the Conference on 29 May 2009, as well as other relevant present, past and future proposals;
4. *Welcomes* the decision of the Conference on Disarmament to establish an informal working group with a mandate to produce a programme of work robust in substance and progressive over time in implementation, appreciates the efforts that led to its submission and adoption, and takes note of the provisions of that decision;
5. *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;
6. *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 2014 session;
7. *Recognizes* the importance of continuing consultations on the question of the expansion of the membership of the Conference on Disarmament;
8. *Requests* the Secretary-General to continue to ensure and to strengthen, if needed, the provision to the Conference on Disarmament of all necessary administrative, substantive and conference support services;
9. *Requests* the Conference on Disarmament to submit to the General Assembly at its sixty-ninth session a report on its work;
10. *Decides* to include in the provisional agenda of its sixty-ninth session, under the item entitled "Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session", the sub-item entitled "Report of the Conference on Disarmament".

The risk of nuclear proliferation in the Middle East

[A/RES/68/65 December 2013]

[Editorial note: Footnotes not included]

Accepted by vote 169-5-6

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, and calls for the speedy and full implementation of the commitments contained therein;
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-ninth session on the implementation of the present resolution;

5. *Decides* to include in the provisional agenda of its sixty-ninth session the item entitled "The risk of nuclear proliferation in the Middle East".

Comprehensive Nuclear-Test-Ban Treaty

[A/RES/68/68 December 2013]

[Editorial note: footnotes not included]

Accepted by vote 181-1-3

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 signatory States 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. *Shares the grave concern* of the Security Council about the nuclear test conducted by the Democratic People's Republic of Korea on 12 February 2013, expressed in Council Resolution 2094 (2013) of 7 March 2013, recalls Council resolutions 1718 (2006) of 14 October 2006 and 1874 (2009) of 12 June 2009, calls for full compliance with the obligations under the relevant resolutions, 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 Brunei Darussalam, Chad, Guinea-Bissau and Iraq as significant steps towards the early entry into force of the Treaty;
9. *Also welcomes* the recent expressions from among 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-ninth session;

12. *Decides* to include in the provisional agenda of its sixty-ninth session the item entitled “Comprehensive Nuclear-Test-Ban Treaty”.

V – Other Documents and Declarations (in chronological order)

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-Ospina.*

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.

UN Security Council Resolution 1673

[Reproduced from S/RES/1673 (2006),
adopted 27 April 2006]

The Security Council,

[Eds...]

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.

Proliferation Security Initiative, Chairman's Statement

[Warsaw, 23 June 2006]

[Eds...]

The Proliferation Security Initiative was announced on May 31st, 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.

Text of President Barack Obama's Remarks in Prague

[Prague, 5 April 2009]

[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.

[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,

[Eds...]

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, *demand*s 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.

Military Doctrine of the Russian Federation 2010

[Unofficial translation, 10 February 2010 – original in Russian available at
<http://www.scrf.gov.ru/documents/33.html>]

[Eds...]

II. THE MILITARY DANGERS AND MILITARY THREATS TO THE RUSSIAN FEDERATION

[Eds...]

16. Nuclear weapons will remain an important factor for preventing the outbreak of nuclear military conflicts and military conflicts involving the use of conventional means of attack (a large-scale war or regional war).

In the event of the outbreak of a military conflict involving the utilization of conventional means of attack (a large-scale war or regional war) and imperiling the very existence of the state, the possession of nuclear weapons may lead to such a military conflict developing into a nuclear military conflict.

[Eds...]

III. THE MILITARY POLICY OF THE RUSSIAN FEDERATION

17. The fundamental tasks of the Russian Federation's military policy are determined by the Russian Federation president in accordance with federal legislation, the Russian Federation National Security Strategy through 2020, and the current Military Doctrine.

The Russian Federation's military policy is aimed at preventing an arms race, deterring and preventing military conflicts, and improving military organization, the forms and methods of the utilization of the Armed Forces and other troops, and also means of attack for the purpose of defending and safeguarding the security of the Russian Federation and also the interests of its allies.

Russian Federation activity to deter and prevent military conflicts

18. The Russian Federation ensures the permanent readiness of the Armed Forces and other troops to deter and prevent military conflicts and provide armed protection of the Russian Federation and its allies in accordance with the norms of international law and International treaties of the Russian Federation.

The prevention of a nuclear military conflict, and likewise any other military conflict, is the Russian Federation's main task.

19. The Russian Federation's main tasks in deterring and preventing military conflicts are:

[Eds...]

c) to maintain strategic stability and the nuclear deterrence potential at an adequate level;

[Eds...]

g) to comply with international treaties in the sphere of the limitation and reduction of strategic offensive arms;

h) to conclude and implement agreements in the sphere of arms control and also to implement measures to strengthen mutual trust;

i) to create mechanisms for the regulation of bilateral and multilateral cooperation in the sphere of missile defence;

j) to conclude an international treaty prohibiting the deployment of any types of weapons in outer space;

[Eds...]

The utilization of Armed Forces and other troops.

[Eds...]

22. In the context of the implementation by the Russian Federation of strategic deterrence measures of a forceful nature, provision is made for the utilization of precision weapons.

The Russian Federation reserves the right to utilize nuclear weapons in response to the utilization of nuclear and other types of weapons of mass destruction against it and (or) its allies, and also in the event of aggression against the Russian Federation involving the use of conventional weapons when the very existence of the state is under threat.

The decision to utilize nuclear weapons is made by the Russian Federation president.

First Non-Proliferation and Disarmament Initiative Joint Statement

[Foreign Ministerial meeting, New York, 22 September 2010]

1. We, the Foreign Ministers of Australia, Canada, Chile, Germany, Japan, Mexico, the Netherlands, Poland, Turkey and the United Arab Emirates, share a common purpose: to take forward the consensus outcomes of the 2010 NPT Review Conference and jointly to advance the nuclear disarmament and non-proliferation agendas as mutually reinforcing processes.

[Eds...]

5. With a view to enhancing international peace and security, we have decided to work together on concrete and practical measures for a world of decreased nuclear risk as a milestone on our path towards realising a world without nuclear weapons.

I. Nuclear Disarmament

6. We reaffirm that the only guarantee against the use or threat of use of nuclear weapons is their total elimination. We agree that nuclear disarmament strengthens the nuclear non-proliferation regime.

7. We are of the view that nuclear disarmament can best be achieved by:

reducing the number of both strategic and non-strategic (tactical) nuclear weapons;

diminishing the role of nuclear weapons in security strategies;

reducing the risk of accidental use of nuclear weapons and considering further reducing the operational status of nuclear weapon systems in ways that promote international stability and security;

applying the principles of irreversibility, verifiability and transparency to the nuclear disarmament process.

8. Nuclear disarmament can be advanced effectively when these four measures are promoted in a comprehensive manner leading to a steady growth in mutual confidence among states possessing nuclear weapons.

9. We firmly believe that early entry into force of the Comprehensive Nuclear Test Ban Treaty (CTBT) and the immediate commencement and early conclusion of negotiation on a Fissile Material Cut-off Treaty (FMCT) on the basis of the Shannon Mandate are essential steps to achieve nuclear disarmament, and should be pursued with vigour and determination.

10. We urge all states possessing nuclear weapons to make an early — or, in the case of the United States and the Russian Federation, an additional — commitment to reduce their nuclear arsenals and to pursue confidence building measures such as effective verification and increased transparency, including by reporting regularly on progress in implementing their disarmament undertakings. The immediate first step for all states possessing nuclear weapons should be a commitment at least not to increase their arsenals above current levels.

11. We support the practical steps endorsed by the 2010 NPT Review Conference toward the convening of a Conference in 2012 on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction and will offer the necessary assistance for the realisation of such a Conference.

12. We note the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, which includes 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

II. Nuclear Non-Proliferation

13. Non-proliferation and nuclear disarmament are mutually reinforcing. We agree that an effective non-proliferation regime enhances the possibilities for nuclear disarmament.

14. We believe it is time to deepen discussions on how nuclear-weapon-free-zones serve to enhance global and regional peace and stability through reinforcing the nuclear non-proliferation regime and contributing to the achievement of nuclear disarmament, and support steps taken to establish nuclear weapon-free zones on the basis of arrangements freely arrived at among the states of the region concerned.

15. We underscore the importance of resolving all cases of non-compliance with safeguards obligations in full conformity with the International Atomic Energy Agency (IAEA) Statute and the respective commitments and legal obligations of Member States, including relevant UN Security Council resolutions.

16. We call on all States Parties to the NPT to ensure that the IAEA continues to have all the support it needs to effectively and efficiently discharge its mandates and responsibilities. We urge all states that have not yet done so to conclude and implement a Comprehensive Safeguards Agreement (CSA) and an Additional Protocol (AP) as soon as possible, and stress the importance of providing developing countries with the cooperation and assistance they need to implement their IAEA safeguards obligations.

III. Peaceful Uses of Nuclear Energy

17. Recognising the inalienable right of every State party to the NPT to the peaceful use of nuclear energy and considering the increasing demand for nuclear power as a means of addressing climate change and energy security concerns, we emphasise that cooperation to accelerate and to enlarge the contribution of the peaceful uses of nuclear energy to peace, health and prosperity throughout the world is a core objective of the IAEA Statute. We confirm that the use of nuclear energy must be accompanied by commitments to, and on-going implementation of, safeguards as well as appropriate and effective levels of safety and security, consistent with States' national legislation and respective international obligations.

18. Recognising the serious threat of nuclear terrorism, we reaffirm our commitment to work together to strengthen nuclear security, including by fully implementing relevant international requirements such as UNSCR 1540 (2004). We will earnestly seek to fulfil the commitments we made at the 2010 Washington Nuclear Security Summit — and will take forward at the next Nuclear Security Summit in the Republic of Korea in 2012 — to work cooperatively to secure all vulnerable nuclear material within four years.

Next Steps

19. We reaffirm our commitment to the implementation of the conclusions and all 64 recommendations of the 2010 NPT Review Conference under the four sub-headings of nuclear disarmament, nuclear non-proliferation, peaceful uses of nuclear energy, and the Middle East.

20. We decide to focus on efforts to further reduce the number of nuclear weapons, including tactical nuclear weapons, and to reduce the role of nuclear weapons in security strategies, concepts, doctrines and policies. In this context, we find worthy of consideration, as important steps on the path to nuclear disarmament, ideas such as enhancing the effectiveness of negative security assurances.

21. We hope to contribute to a growing consensus that any perceived security or political advantages of nuclear weapons are outweighed by the grave threat they pose to humanity.

22. We will consider how we might most effectively contribute to the development of the "standard reporting form" for use by Nuclear Weapons States in meeting their commitments to report their nuclear disarmament undertakings to the 2014 NPT Preparatory Committee meeting.

23. We will support all efforts to promote early entry into force of the CTBT, and support the development of its verification system, while emphasizing the importance of maintaining the moratorium

on nuclear-weapon test explosions and any other nuclear explosions pending entry into force of the Treaty. We will also encourage the negotiation and development of a FMCT while urging all states possessing nuclear weapons to declare and maintain a moratorium on the productions of fissile material for weapons purposes. As a part of these efforts, we will help to develop approaches to issues such as verification which would support implementation of a FMCT through dialogue with others.

24. We decide also to explore ways of enhancing cooperation with the IAEA as a means of promoting the IAEA's outreach activities, particularly in those states which have yet to conclude and implement a CSA and AP with a view to contributing to the universalisation of the AP in our respective regions.

25. We encourage all states to promote to the greatest extent possible disarmament and non-proliferation education to raise public awareness in order to advance our goal of a world without nuclear weapons.

UK Strategic Defence and Security Review 2010

[HMSO, October 2010]

[Eds...]

The Deterrent

[Eds...]

3.1 The National Security Tasks and Planning Guidelines set out the need for a minimum effective nuclear deterrent as the ultimate means to deter the most extreme threats. In parallel with the Strategic Defence and Security Review we have conducted a review of our nuclear declaratory policy, and scrutinised Trident replacement to ensure value for money, including the scope for further reductions in the scale of our nuclear weapons capability. The conclusions are set out below.

The strategic context

3.2 No state currently has both the intent and the capability to threaten the independence or integrity of the UK. But we cannot dismiss the possibility that a major direct nuclear threat to the UK might re-emerge — a state's intent in relation to the use or threat of use of its capabilities could change relatively quickly, and while we will continue to work internationally to enhance mutual trust and security, we cannot rule out a major shift in the international security situation which would put us under grave threat.

3.3 Despite the success of the Treaty on the Non Proliferation of Nuclear Weapons (NPT) over the last 40 years in limiting the number of states with nuclear capabilities, large arsenals remain and the risk of nuclear proliferation continues. We cannot discount the possibility that the number of states armed with nuclear weapons might increase. Equally there is a risk that some countries might in future seek to sponsor nuclear terrorism. We must not allow such states to threaten our national security or to deter us and the international community from taking the action required to maintain regional and global security.

3.4 It is also important to recognise that the UK's nuclear deterrent supports collective security through NATO for the Euro-Atlantic area; nuclear deterrence plays an important part in NATO's overall strategy and the UK's nuclear forces make a substantial contribution.

Nuclear weapons policy

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 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.

Value for money

[Eds...]

3.9 The Government will maintain a continuous submarine-based deterrent and begin the work of replacing its existing submarines. We will therefore proceed with the renewal of Trident and the submarine replacement programme, incorporating the savings and changes set out below. The first investment decision (Initial Gate) will be approved, and the next phase of the project commenced, by the end of this year.

3.10 The review has concluded that the overall cost of the submarine and warhead replacement programmes and associated infrastructure remains within the £20 billion cost estimate foreseen in 2006 at 2006 prices. To drive value for money we will:

- defer decisions on a replacement to the current warhead
- reduce the cost of the replacement submarine missile compartment
- extend the life of the current Vanguard class submarines and re-profile the programme to build replacement submarines
- consequently, take the second investment decision (Main Gate) finalising the detailed acquisition plans, design and number of submarines around 2016
- work with British industry to improve efficiency and optimise to expected demand its capacity to build and support submarines.

As a result of our reassessment of the minimum necessary requirements for credible deterrence we will:

- reduce the number of warheads onboard each submarine from 48 to 40
- reduce our requirement for operationally available warheads from fewer than 160 to no more than 120
- reduce our overall nuclear weapon stockpile to no more than 180
- reduce the number of operational missiles on each submarine.

The overall impact of the changes identified by the value for money review will be to reduce costs by £3.2 billion, saving approximately £1.2 billion and deferring spending of up to £2 billion from the next 10 years; we expect some of the deferred spend ultimately to be translated into real savings in later years. These savings do not alter in any way the nature and credibility of the nuclear deterrent, including maintenance of Continuous At Sea Deterrence. Further detail is set out below.

Scale

3.11 The Government has concluded that we can meet the minimum requirement of an effective and credible level of deterrence with a smaller nuclear weapons capability. We will therefore cut the maximum number of nuclear warheads onboard each deployed submarine from 48 to 40. Together with improved stockpile management, that will reduce our requirement for operationally available warheads from fewer than 160 to no more than 120. We will also reduce the number of operational missiles on the Vanguard class submarines to no more than eight. These changes will start to take effect over the next few years. This will enable us to reduce our overall nuclear warhead stockpile ceiling from not more than 225 to not more than 180 by the mid 2020s.

Replacement warheads

3.12 Since 2006, work has been progressing in order to determine

the optimum life of the existing warhead stockpile and the range of replacement options. Under the 1958 UK-US Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defence Purposes (the 'Mutual Defence Agreement') we have agreed on the future of the Trident D5 delivery system and determined that a replacement warhead is not required until at least the late 2030s. Decisions on replacing the warhead will not therefore be required in this Parliament. This will defer £500 million of spending from the next 10 years. We have also reached agreement with the US over the size of the missile tubes in the new submarines; this has enabled us to reduce the cost of the submarine missile compartment by up to £250 million.

Submarines

3.13 We have reviewed the scope to extend the life of the existing Vanguard class submarines and have concluded that, with sufficient investment, we can safely operate them into the late 2020s and early 2030s. This affords us the opportunity to adjust the build programme of the replacement submarines to match, reducing cost in the short-term with the aim of delivering the first new submarine in 2028. Later this year detailed design work on the new class of submarines will begin. This will provide the information needed in order to determine whether maintaining continuous at sea deterrence would require four submarines, or a fleet of only three. A decision on submarine numbers would be required at the Main Gate point of our acquisition programme, around 2016.

3.14 We have also determined that the next generation of submarines can be configured with only eight operational missile tubes, rather than the 16 on the current Vanguard class. Together with the US, we will now proceed with a common design for the missile compartment that provides that capacity.

Industry and infrastructure

[Eds...]

G8 Declaration on Non-Proliferation and Disarmament for 2013

[London, 11 April 2013]

[Eds...]

Proliferation challenges

6. We reiterate our strong concern at current severe proliferation challenges and our commitment to working to resolve them through diplomatic means. Addressing compliance with the NPT is an essential part of efforts to achieve full implementation of the Treaty, including its universality. The International Atomic Energy Agency (IAEA), and in particular its safeguards system, remains an essential institution for the effective implementation of the nuclear non-proliferation regime. The IAEA must continue to have the necessary resources and legal authorities to be able to carry out its mission in full, and, in accordance with its statutory mandate, to report cases of non-compliance to the UNSC.

7. We note with serious concern the report of the Director General of the IAEA (GOV/2013/6) of 21 February 2013 that Iran continues to undertake activities in violation of multiple UNSCRs, including having installed 180 advanced centrifuges at the Natanz enrichment site by mid-February, continued installation of additional centrifuges at the Fordow site, and increased production of Uranium enriched to both 3.5% and 20%.

8. We also note with deep concern the Director General's repeated conclusion that, as Iran is not providing the necessary cooperation, the Agency is still unable to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore cannot conclude that all nuclear activity in Iran is exclusively peaceful.

9. We welcome the substantive recent meetings between Iran and the E3+3 (China, France, Germany, the Russian Federation, the United Kingdom, the United States, and the European Union High Representative), while noting that both sides remain far apart. We call on Iran to take concrete steps to address international concerns without delay. We reaffirm that our overall objective is a comprehensive, negotiated solution to the nuclear issue leading to Iran's full compliance with UNSCRs, based on the principles of a

step-by-step approach and reciprocity.

10. We once again urge Iran to comply fully and without delay with all of its obligations under the relevant UNSCRs and to meet the requirements of the IAEA Board of Governors, including by immediately taking substantive steps toward resolving outstanding issues related to possible military dimensions to Iran's nuclear program. We call on Iran, as a first step, without further delay to provide the IAEA with access to all relevant information, documentation, sites, material and personnel in Iran that the Agency has requested. We further call on Iran to suspend work on all heavy water related projects immediately, including the construction of the heavy water research reactor at Arak.

11. We call on Iran to engage urgently, actively and constructively in the diplomatic process with the E3+3, and to cooperate with the IAEA to resolve the serious concerns of the international community and to demonstrate that its nuclear programme is exclusively peaceful. We reaffirm our view that, once international confidence in the exclusively peaceful nature of Iran's nuclear programme is re-established, in line with the NPT and relevant UNSCRs, all nuclear proliferation-related sanctions should be lifted.

12. We condemn in the strongest possible terms the DPRK's continued development of its nuclear weapons and ballistic missile programmes and uranium enrichment activities in serious violation of UNSCRs 1718, 1874, 2087 and 2094. These programmes and activities constitute a clear threat to international peace and security.

13. We believe that the DPRK's nuclear test on 12 February 2013 – its third since 2006 – and its launches using ballistic missile technology on 13 April 2012 and 12 December 2012 have further and seriously undermined regional stability and jeopardised the prospects for lasting peace on the Korean Peninsula. We welcome UNSCR 2094, which was adopted on 7 March, in response to the DPRK's nuclear test. The unanimous adoption of this resolution underscores that the international community is united in its condemnation of the DPRK's provocative actions and its continued defiance of its international obligations. We offer the Security Council our full support for its efforts.

14. We remain committed to the goal of verifiable denuclearisation on the Korean Peninsula in a peaceful manner. We urge the DPRK to take concrete and constructive steps to comply with its commitments under the 2005 Joint Statement of the Six-Party Talks; to abide by its obligations under all relevant UNSCRs, return to the NPT and its IAEA safeguards agreement; to abandon all nuclear weapons and existing nuclear and ballistic missile programmes in a complete, verifiable and irreversible manner; and to refrain from any further provocative acts.

Nuclear Disarmament

[Eds...]

16. In that context, we welcome the progress made by the United States and the Russian Federation in implementing the New START Treaty. We also recall and welcome the disarmament-related efforts already made by France and the UK. Efforts by nuclear weapon states in nuclear arms reductions, confidence-building and transparency, including increased transparency measures, represent major steps in line with the Article VI of the NPT and the Action Plan adopted by the NPT Review Conference in May 2010.

17. The entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) would lead to a complete and legally binding prohibition on nuclear weapon test explosions or other nuclear explosions. It would strengthen the international non-proliferation regime, contributing significantly to our shared goal of a world without nuclear weapons. We welcome recent ratifications of the Treaty, including that of Brunei Darussalam and Chad in 2013, and urge all states that have not done so, and in particular those whose ratification is required for the Treaty to enter into force, to sign and ratify the Treaty as soon as possible. We welcome the voluntary adherence to unilateral moratoria on nuclear testing, though note that these do not have the same legally binding effect as the entry into force of the Treaty. We reaffirm and reiterate our commitment to the Treaty's obligations and call on all states to refrain from acts which would defeat the object and purpose of the Treaty. We reiterate our full support for the Preparatory Commission of the

Comprehensive Nuclear-Test-Ban Treaty Organisation in its efforts to build up all elements of the verification regime, particularly its International Monitoring System (IMS) and on-site inspections.

18. We again record our profound regret and note the growing frustration in the international community over the persistent failure of the Conference on Disarmament (CD) to adopt its programme of work and to start its substantive work on the key issues on the agenda. We support, and note the international recognition of, the CD as the single multilateral disarmament forum. We stress inter alia the importance of beginning without further delay negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices building on the mandate of document CD/1864. We express our support for the moratorium on the production of such materials announced by the G8 nuclear-weapons States, and we call on the other States concerned to follow suit.

Peaceful use of nuclear energy

19. Reaffirming the inalienable right of all States Parties to the NPT to use nuclear energy for peaceful purposes, in compliance with their international obligations, we reiterate our willingness to cooperate with States that meet their nuclear non-proliferation obligations and wish to develop a civil nuclear programme, in order to help them fulfil the essential requirements needed to ensure fair and responsible access to the benefits of the peaceful uses of nuclear energy. These requirements include safety, security, non-proliferation, and respect for the environment.

20. The development and application of innovative technology in relevant frameworks has a growing role to play in supplying global demand for energy and also in building up robust and transparent nuclear energy infrastructure resistant to nuclear accidents. We underscore the responsibility of governments for timely and sufficient measures on accident prevention and management to minimize the consequences of accidents, should they occur. The efficiency and substance of notifications in case of nuclear accidents should be further improved as well.

21. We acknowledge the useful contribution that multilateral approaches to the nuclear fuel cycle provide in the field of nuclear energy. We encourage the International Atomic Energy Agency to continue to address this issue. We support the IAEA's work to establish a bank of Low Enriched Uranium (LEU) for the IAEA member states. In this regard, we welcome the creation in accordance with the Russia-IAEA agreement of the LEU reserve in Angarsk, Russia; support the IAEA's decision to establish a bank of LEU for the IAEA member states and welcome Kazakhstan's readiness to provide a site; further welcome the establishment of the American Assured Fuel Supply, comprised of downblended uranium from weapons programs. We support the adoption of a Model Agreement between supplier and recipient States for the Nuclear Fuel Assurance initiative, while respecting the normal functioning of the existing market rules.

The International Atomic Energy Agency (IAEA)

22. We support the central role of the IAEA in upholding and strengthening the international non-proliferation regime. We express our willingness to promote the IAEA Comprehensive Safeguards Agreement together with the Additional Protocol as the universally accepted international verification standard, which should be a consideration in decisions on the supply of nuclear fuel, equipment, or technology. We welcome ratification of the Additional Protocol by Iraq, Moldova, Namibia, Togo and Vietnam in 2012, as well as Burma's announced decision to sign the Additional Protocol, and call on all States which have not yet done so to sign and ratify the Additional Protocol and apply its provisions as soon as possible.

23. We also call on all States to implement the IAEA's current recommendations on physical protection of nuclear material and nuclear facilities (INFCIRC/225/Rev.5.). We urge all states-parties to the Convention on the Physical Protection of Nuclear Material to ratify, accept or approve the Amendment to the Convention as soon as possible. In addition to securing nuclear and radiological material at their source, we recognise the need to locate and secure material currently available on the illicit market and arrest those attempting to buy, or sell, these materials. We look forward to the IAEA's International Conference on Nuclear Security: Enhancing Global Efforts on 1-5 July 2013, and to the Nuclear

Security Summit in The Hague on 24 – 25 March 2014.

The Nuclear Suppliers Group

24. We welcome the call by the Nuclear Suppliers Group (NSG) on all states to exercise vigilance and make best efforts to ensure that none of their exports of goods and technologies contribute to nuclear weapons programmes. We also welcome the good progress that is being made by the technical review to ensure that control lists are current, and the outreach efforts undertaken by the Group with a view to enhancing non-proliferation efforts. We welcome the membership of Mexico in 2012 and also Serbia's expected membership in 2013.

Chemical Weapons [Eds...]

Biological Weapons [Eds...]

Addressing the proliferation of Weapons of Mass Destruction of all types

29. We fully support the key role played by the United Nations Security Council in addressing proliferation issues. We welcome the adoption by the Security Council of Resolution 1977, which renewed the mandate of the 1540 Committee for ten years and reaffirmed Resolution 1540's obligations which, among other things, aim to prevent non-State actors from acquiring WMDs, their means of delivery and related materials and requires all member States to establish domestic controls to prevent the proliferation of weapons of mass destruction, their means of delivery and related materials. We invite all States to nominate a national point of contact and to work toward full implementation of UNSCR 1540.

We stand ready to provide assistance to States in this regard and we reiterate our support to the 1540 Committee in the discharge of its mandate.

30. We commend the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction as it takes forward work on the mandate agreed at the Muskoka and Deauville Summits, including in the priority areas of nuclear and radiological security, biological and chemical security, scientist engagement, and the implementation of UNSCR 1540, while also remaining committed to completing priority projects in Russia. Building on the commitments made at the 2010 and 2012 Nuclear Security Summits, the Global Partnership continues to assist nations with nuclear and radiological security, including through centres of excellence, promoting international cooperation and a strong nuclear security culture, and advancing information and transportation security. The Global Partnership continues to pursue the expansion of their membership, as agreed by Leaders in 2011, and congratulates Mexico on their new membership. The Global Partnership welcomes the ongoing participation of relevant international organizations in the global efforts to improve coordination of WMD counter-proliferation initiatives.

31. We are concerned by the continued proliferation of means of delivery capable of delivering weapons of mass destruction (WMD). This creates a threat to international peace and security, as recognized by UNSCRs 1540, 1887, and 1977. We are committed to making the international community further aware of this threat. States should pay particular attention to proliferation risks when considering cooperation in the field of missile technology, knowhow, and systems.

32. We are concerned in particular by the ongoing programmes on missiles capable of delivering WMD the Middle East, North-East Asia and South Asia including Iran and the DPRK. In this regard, we fully support the efforts of multilateral arrangements, particularly the Missile Technology Control Regime (MTCR), to mitigate risks and challenges of proliferation of WMD means of delivery. We welcome the good progress that is being made by technical experts to ensure that the MTCR control lists are up to date, and we welcome the Regimes' outreach efforts.

33. We support the Hague Code of Conduct Against Ballistic Missile Proliferation (HCOC). We welcome the efforts made with regard to the universalisation of the HCOC, and express our willingness to make the Code more effective and to promote transparency on ballistic missiles.

34. We remain determined to promote robust counter-proliferation tools. We welcome the endorsement of the Proliferation Security Initiative (PSI) by Dominica, Dominican Republic, St. Lucia and

Thailand in 2012, bringing PSI endorsers to 102, and we look forward to marking its tenth anniversary this year. We will promote the further broadening of participation in the PSI and continuing its focus on legal and operational issues.

35. Furthermore, we will encourage States to identify as a specific offence in their national law the proliferation of WMD, their means of delivery and related materials. We will continue to strengthen our own export control policies to prevent the export of WMD-related goods and technology, including dual use goods and technology, when not in accordance with export control arrangements. We urge all States to take appropriate national measures in accordance with their national authorities and legislation and consistent with international law to prevent the financing of proliferation of WMD, their means of delivery and related materials, and to develop capabilities to impede and stop illicit shipments of WMD-related cargoes. We also urge all States to strengthen export controls, to secure WMD-related materials, and to control access to intangible transfers of WMD-related technology and information. We welcome the adoption by the Financial Action Task Force (FATF) in 2012 of new standards on countering the financing of proliferation, and will give our full support to their effective implementation.

Conventional arms [Eds...]

Outer space [Eds...]

The Diversified Employment of China's Armed Forces

[Information Office of the State council of the People's Republic of China, 16 April 2013]

[Eds...]

II. Building and Development of China's Armed Forces

[Eds...]

The PLA Second Artillery Force (PLASAF) is a core force for China's strategic deterrence. It is mainly composed of nuclear and conventional missile forces and operational support units, primarily responsible for deterring other countries from using nuclear weapons against China, and carrying out nuclear counterattacks and precision strikes with conventional missiles. Following the principle of building a lean and effective force, the PLASAF is striving to push forward its informatization transform, relying on scientific and technological progress to boost independent innovations in weaponry and equipment, modernizing current equipment selectively by applying mature technology, enhancing the safety, reliability and effectiveness of its missiles, improving its force structure of having both nuclear and conventional missiles, strengthening its rapid reaction, effective penetration, precision strike, damage infliction, protection and survivability capabilities. The PLASAF capabilities of strategic deterrence, nuclear counterattack and conventional precision strike are being steadily elevated. The PLASAF has under its command missile bases, training bases, specialized support units, academies and research institutions. It has a series of "Dong Feng" ballistic missiles and "Chang Jian" cruise missiles.

[Eds...]

III. Defending National Sovereignty, Security and Territorial Integrity

[Eds...]

The PLASAF keeps an appropriate level of readiness in peacetime. It pursues the principles of combining peacetime needs with wartime needs, maintaining vigilance all the time and being ready to fight. It has formed a complete system for combat readiness and set up an integrated, functional, agile and efficient operational duty system to ensure rapid and effective responses to war threats and emergencies. If China comes under a nuclear threat, the nuclear missile force will act upon the orders of the CMC [Central Military Commission], go into a higher level of readiness, and get ready for a nuclear counterattack to deter the enemy from using nuclear weapons against China. If China comes under a nuclear attack, the nuclear missile force of the PLASAF will use nuclear missiles to launch a resolute counterattack either independently or together with the nuclear forces of other services.

The conventional missile force is able to shift instantly from peacetime to wartime readiness, and conduct conventional medium- and long-range precision strikes.

[Eds...]

Fact sheet: Nuclear Weapons Employment Strategy of the United States

[Office of the White House Press Secretary, 19 June 2013]

Today, the President announced ...the latest in a series of concrete steps the President has made to advance his Prague agenda and the long-term goal of achieving the peace and security of a world without nuclear weapons.

Following the release of the 2010 Nuclear Posture Review (NPR) and ratification of the New START Treaty, the President directed the Department of Defense (DOD), the Department of State, Department of Energy, and the intelligence community, to conduct a detailed analysis of U.S. nuclear deterrence requirements and policy in order to ensure U.S. nuclear posture and plans are aligned to address today's security environment. This review was based on the principle that a robust assessment of today's security environment and resulting Presidential guidance must drive nuclear employment planning, force structure, and posture decisions.

The President's new guidance:

- affirms that the United States will maintain a credible deterrent, capable of convincing any potential adversary that the adverse consequences of attacking the United States or our allies and partners far outweigh any potential benefit they may seek to gain through an attack.
- directs DOD to align U.S. defense guidance and military plans with the policies of the NPR, including that the United States will 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 guidance narrows U.S. nuclear strategy to focus on only those objectives and missions that are necessary for deterrence in the 21st century. In so doing, the guidance takes further steps toward reducing the role of nuclear weapons in our security strategy.
- directs DOD to strengthen non-nuclear capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks.
- directs DOD to examine and reduce the role of launch under attack in contingency planning, recognizing that the potential for a surprise, disarming nuclear attack is exceedingly remote. While the United States will retain a launch under attack capability, DOD will focus planning on the more likely 21st century contingencies.
- codifies an alternative approach to hedging against technical or geopolitical risk, which will lead to more effective management of the nuclear weapons stockpile.
- reaffirms that as long as nuclear weapons exist, the United States will maintain a safe, secure and effective arsenal that guarantees the defense of the U.S. and our allies and partners. The President has supported significant investments to modernize the nuclear enterprise and maintain a safe, secure, and effective arsenal. The administration will continue seeking congressional funding support for the enterprise.

After a comprehensive review of our nuclear forces, the President has determined that we can ensure the security of the United States and our allies and partners and maintain a strong and credible strategic deterrent while safely pursuing up to a one-third reduction in deployed strategic nuclear weapons from the level established in the New START Treaty. The U.S. intent is to seek negotiated cuts with Russia so that we can continue to move beyond Cold War nuclear postures.

This analysis did not set out to address weapons forward deployed in Europe in support of NATO. The role of nuclear weapons in NATO was examined as part of the last year's Deterrence and Defense Posture Review, which affirmed Allies' support for further

U.S.-Russian nuclear reductions, and underscored that any changes in NATO's nuclear posture must be an Alliance decision.

As we continue to implement the NPR, we are focused on maintaining and improving strategic stability with both Russia and China.

In sum, this review was essential to advance the policies laid out in the NPR. The resulting strategy will maintain strategic stability with Russia and China, strengthen regional deterrence, and reassure U.S. allies and partners, while laying the groundwork for negotiations with Russia on how we can mutually and verifiably reduce our strategic and nonstrategic nuclear stockpiles and live up to our commitments under the Nuclear Nonproliferation Treaty.

Extract from French White Paper on Defence and National Security

[Ministry of Defence, July 2013]

[Eds...]

Chapter 6: Implementing the strategy

[Eds...]

B. Deterrence

Nuclear deterrence is intended to protect France from any State-led aggression against its vital interests, of whatever origin and in whatever form. France's deterrence capability contributes by its very existence to the security of the Atlantic Alliance and that of Europe. The exercise of our nuclear deterrence capability is the responsibility of the President of the Republic.

Our deterrence capability is strictly defensive. The use of nuclear weapons would only be conceivable in extreme circumstances of legitimate self-defence. In this respect, nuclear deterrence is the ultimate guarantee of the security, protection and independence of the Nation. It ensures, permanently, our independence of decision-making and our freedom of action within the framework of our international responsibilities, including in the event of any threat of blackmail that might be directed against us in the event of a crisis. Nuclear deterrence is therefore embedded in the more global framework of the defence and national security strategy, which takes into account the entire spectrum of threats, including those considered to be under the threshold of our vital interests.

The nuclear forces include an airborne and an ocean-going component and their effectiveness, adaptability and complementarity enable preservation of an instrument that remains credible over the longer term in a fast-changing strategic context, while being structured in accordance with the principle of strict sufficiency. The simulation facilities set up by France after the halt to nuclear testing guarantees the reliability and safety of its nuclear weapons.

France intends to continue fully assuming its responsibilities and duties as a nuclear power on the international stage. In this capacity, it works actively in favour of "general and complete disarmament under strict and effective control", the objective set forth in Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). It pursues its efforts to promote quantitative reduction and limit qualitative upgrading of nuclear arsenals throughout the world and to combat the proliferation of weapons of mass destruction, notably nuclear weapons and their delivery systems. Likewise, it strongly advocates that these efforts be generalised at the international level. To this end, it actively supports the entry into force of the Comprehensive Nuclear Test Ban Treaty and initiation of multilateral negotiations concerning a treaty to ban production of fissile materials for nuclear weapons, together with implementation of an immediate moratorium on production of these materials.

Since dismantling its nuclear testing site in the Pacific, France has continued to set an example by taking unilateral measures, such as the irreversible dismantling of its installations for producing fissile materials for nuclear weapons. It has indicated that its arsenal includes fewer than 300 nuclear warheads. France was the first country to take these concrete steps towards nuclear disarmament. In this respect, it applies the principle of strict sufficiency in maintenance of its nuclear deterrence capability, i.e. at the lowest possible level in view of the strategic context.