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Middlebury Institute of International Studies at
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(2017 Edition)

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Preface

Another review cycle of the Treaty on Non-proliferation of Nuclear Weapons (NPT) starts this May, and the challenges facing it are by no means small. The preceding review cycle failed to reach a consensus outcome document. Political changes sweeping the world present a new environment for multilateralism and, more specifically, for nuclear governance. However, the Treaty has a strong track record of resilience; by the time this review cycle ends, the Treaty will have reached its 50th anniversary.

This new edition of the Briefing Book presents key documents related to the NPT review process, as well as capturing important nuclear developments since the last edition in 2015. In doing so it can be used as a reference guide for diplomats, academics and members of civil society engaged in the workings of the Treaty and its increasingly complex review process. The new edition builds on a long tradition that goes back to 1990 when Professor John Simpson at Southampton University initiated the first NPT Briefing Book. Since then, and coinciding with NPT review meetings, it has been regularly updated with new documents and sources and has grown to become a regular fixture at such meetings. It is compiled with a diverse audience in mind; both a seasoned follower of the Treaty, as well as anyone new to the topic, should be able to engage with the content. The size of this edition is testament to the growing complexity of global nuclear governance.

The 2017 edition follows the format established in previous editions, dividing the book into two parts. Part I begins with a brief introductory guide to nuclear energy and nuclear weapons before moving to charting the evolution of the NPT and its review process. In dedicated sections, a factual summary account of the proceedings and outcomes of Key NPT Conferences is provided. This edition has been updated with an account of the 2015 Review Conference.

Part II contains documents, old and new, organised by thematic sections. The documents come from a variety of sources, although priority was given to official documents from international and regional organisations and governments. In cases where a document belongs to two sections, it is kept only in one and reference to its location is inserted in the other. Not all documents are included in full. Some editorial judgment was applied, in the case of long documents, to include only relevant parts. When that is the case, the prompter [Eds . . .] was used to show where the editorial scissors were applied. The cut off date for most sections is the 1st of April 2016.

Section A contains the text of the Treaty and an update on its status. Section B includes documents that were considered particularly relevant to the 2017 meeting. The review process takes place in cycles and has, by now, long established procedures. The agenda, indicative timetable and outcome documents from previous preparatory committee meetings are valuable to include as they provide indicators of what might lie ahead. Section C collects some of the key outcome documents, whenever they were reached, from Review Conferences. A special mention is warranted to the package of three decisions and a resolution agreed in the 1995 Review and Extension Conference. As the last Review Conference did not produce an outcome document, a short excerpt from the procedural report was included.

Proposals for a WMD Free Zone in the Middle East occupied a prominent position in discussions during the 2015 Review Conference, and are likely to also feature heavily in this review cycle. Section D collects some of the key documents related to the issue and includes working papers presented by the Arab States, Israel, and both the Co-conveners and the facilitator for the 2012 Middle East Conference. These papers reflect the variety of views and approaches that characterise this issue.

Since 2009, the NPT nuclear weapons states (referred to as P5) have held regular meetings dedicated to discussing the nuclear issue. Section E contains the joint statements produced after each meeting. The latest such meeting took place in Washington DC in 2016 and in addition to a joint statement, the meeting also produced a special statement dedicated to the Comprehensive Test Ban Treaty (CTBT).

Reporting has recently emerged as one of the key themes in NPT discussions. Section F provides some of the documents related to this debate. New additions include updated reports submitted by the five NPT nuclear weapons states (pursuant to actions 5, 20, and 21 of the final document of the

2010 Review Conference of the NPT). These reports considerably vary in depth and detail despite efforts to harmonise their structure. Since much of the discussion relates to how disarmament steps are to be reported, the disarmament sections from these reports were included in full. This decision allows the reader to compare both the structure and the content of these sections across different reports. Other documents in this section reflect the different approaches to the reporting exercise. These include detailed proposals by the Non-Proliferation and Disarmament Initiative (NPDI) on the elements to be included in reporting (tabled in 2012) and NWSs efforts to harmonise the structure of their reports (in 2014). The gaps between both is significant.

Documents related to the Open-Ended Working Group (OEWG) on disarmament and the nuclear ban process are included in Section G. These include relevant UN General Assembly resolutions that established the mandate for the Group as well as reports of its activities and conclusions. UN resolution 'Taking forward multilateral nuclear disarmament negotiations' (A/RES/71/258) formally launched a process to negotiate a legally binding instrument to prohibit nuclear weapons. An organizational meeting was organized in February 2017 and the first of two substantive sessions was held from 27 to 31 March (the second one will be held from 15 June to 7 July). To date, the formal negotiations process has produced very little in terms of official documentation. In capturing the outcome of the February organisational meeting and the May session, only UN press statements were available for inclusion in this section. While the last of the Humanitarian Impact Conferences took place in 2014, the concept continues to inform and influence discussions within the context of the NPT. Section H contains, among other content, some of the documents produced in the three conferences. It also includes statements that reflect some of the key positions in this debate.

Updates in Section I capture the deterioration of aspects of the nuclear relations between Russia and the United States. Public exchanges of allegations for violations of the Intermediate Nuclear Forces (INF) Treaty continue. In October of 2016, Russia announced it was suspending the Plutonium Management and Disposition Agreement with the US as well as the Agreement on Cooperation in Nuclear and Energy related Scientific Research and Development. Moscow also announced it was terminating the 2010 Implementing Agreement for cooperation on feasibility studies of the conversion of Russian research reactors to use low-enriched uranium fuel. Documents related to these developments are included. As for New START, no news is good news.

During the 71st ordinary session of the General Assembly, 23 Resolutions on nuclear matters were adopted. Section J reproduces excerpts from 6 of these resolutions and lists the titles of others which had minor updates. The 60th Session of the IAEA General Conference adopted 16 resolutions and 11 decisions in September 2016. Section N contains an update on some of the key resolutions and decisions including those on nuclear security, technical cooperation, strengthening the effectiveness and improving the efficiency of Agency safeguards, implementation of NPT safeguards in the DPRK and the application of IAEA safeguards in the Middle East. The Safeguards Agreements Section (Section O) updated the status of states with Comprehensive Safeguards Agreement and those with Additional Protocol. Updates on the NWFZ section (Section M) show the progress made with the Protocol of the Central Asia Nuclear Weapon Free Zone which was ratified by 4 of the nuclear weapon states. The Conference on Disarmament (CD) is yet to adopt a programme of work or achieve substantive progress on any of its agenda items. Section P includes excerpts from the CD's 2016 report and its 2017 decision to establish a working group on the "way ahead" to identify common ground for a programme of work with a negotiating mandate.

Security Assurances, Export Controls and Nuclear Security are covered in the last three sections: Q, R and S respectively. Due to their renewed significance, a subsection was created within Section Q to cover key documents on security assurances to three of the former Soviet Republics: Belarus, Ukraine and Kazakhstan. Nuclear security saw the end of the summit process with the last conference organised in Washington DC. The Communique from that conference is included. For additional details, readers are advised to consult our sister publication: the Nuclear Security Briefing Book. Significant developments include the entry into force of the 2005 amendments to the Convention on the Physical Protection of Nuclear Material (CPPNM). A press release from the IAEA (the depository of the instrument) to mark the occasion is included as well as an update on the status of the Convention including the contracting parties is included in Section S.

Special thanks are due to Professor John Simpson whose guidance steered the production of this edition from start to finish. Thanks are also extended to Bill Potter and Wyn Bowen for their support

and enthusiasm that made this work possible, to Gaukhar Mukhatzhanova for her valuable insights and suggestions and, finally, to Sarah Hodel who contributed to the copyediting of this sizable publication.

Dr Hassan Elbahtimy
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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 ' ^{235}U ' (or ' ^{235}U ') indicates the isotope of uranium that contains 235 (92+143) protons and neutrons in the nucleus of each atom. 'Plutonium 239', or ' ^{239}Pu ' (or ' ^{239}Pu ') 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 (^{235}U) and Plutonium 239 (^{239}Pu).

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 (^{233}U) produced from thorium 232 (^{232}Th) 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(NWFFZ) 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 NWFFZ 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 NWFFZs, 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 US delegation succeeded in persuading the parties to operate through three main Committees rather than the initial two, *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/WP.11) containing a detailed draft protocol on this subject, similar in most respects to that submitted by South Africa during the 1999 PrepCom (NPT/CONF.2000/PC.III/9).

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

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

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

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

Document.

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

The Third PrepCom Session, 2004

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

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

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

Substantive issues in the 2004 session

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

A working paper, submitted jointly by Belgium, The Netherlands and Norway called for the periodic submission by NWS of 'the aggregated number of warheads, delivery systems and stocks of fissile material for explosive purposes in their possession'. The NAM argued that

reporting by the NWSs should provide information on future intentions and developments. . Canada suggested that reporting on the progress on disarmament could be complemented by comprehensive reporting by all states on the implementation of the Treaty in its entirety.

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

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

By contrast the US, and others argued that compliance with Article II provisions should take precedence over all other issues; be the criteria for providing assistance for peaceful nuclear programs; and that the standards for judging and enforcing non-compliance should be reassessed 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 refuse 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:

- non-compliance with treaty obligations;
- a time-bound framework for disarmament, and starting work on a Nuclear Weapons Convention to replace the NPT;
- de-legitimising nuclear weapons on both human rights and legal grounds; giving them a diminishing role in security policies; and reducing their operational status;
- transparency by NWS of their nuclear weapon capabilities, including inventories of weapons; implementation of confidence building measures; and development of nuclear disarmament verification systems;
- CTBT ratification and entry into force;
- moratoria on the production of fissile materials for weapons and starting FMCT negotiations within the CD;
- NATO nuclear "sharing" and the stationing of US nuclear weapons outside national territories;
- nuclear security assurances and no first use commitments;
- ratification of NWFZ protocols and removal of their conditionality;
- a NWFZ in the Middle East;
- India, Israel and Pakistan becoming members of the treaty as NNWS, and the DPRK situation;
- 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;
- enhancing technical co-operation over peaceful uses with developing states;
- the 'Renaissance' of nuclear power and its consequences, including the need for a new generation of proliferation resistant reactors;
- multilateral approaches to the nuclear fuel cycle;
- nuclear security and the Washington nuclear security summit;
- a legally binding instrument to outlaw attacks on nuclear facilities;
- NPT institutional reforms;
- 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
- Article X and the legal consequences of withdrawal, including continuation of safeguards, the role of the Security Council and the inclusion of dismantling/return clauses in supply contracts.

Decision Making Processes and Conference Products

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

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

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

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

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

with regard to matters of review". The second section entitled "Conclusions and recommendations for follow on-actions" was intended to be a consensus document, given that the footnote to the first implied it only covered the review of the Treaty.

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

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

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

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

actions appear to be the responsibility of states with no legal obligation to carry them out (i.e. those states non-parties to the Treaty).

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

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

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

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

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

Section 7

The 2015 NPT Review Cycle

Ed. Note-The following is a non-exhaustive summary of the 2012, 2013 and 2014 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.I/WP.53; *Preparatory Committee... Second Session, Chairman's factual summary (working paper)*, NPT/CONF.2015/PC.II/WP.49; and *Preparatory Committee... Third Session, Chairman's working paper: recommendations by the*

Chair to the 2015 NPT Review Conference, NPT/CONF.2015/PC.III/WP.46, all reproduced in Section B below.

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 (MEWMDFZ) 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 MEWMDFZ. 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 MEWMDFZ, 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.

The Third PrepCom Session, New York, 28 April to 9 May, 2014

This session was chaired by Ambassador Enrique Roman-Morey from Peru. The political context included the ongoing negotiations between Iran and the P5+1 over the nature of its nuclear programme; the conflicts in Syria and the disarmament of its chemical weapons by the OPCW; the ongoing failure to convene a conference on the establishment of a Middle East Zone free of nuclear weapons and all other weapons of mass destruction; the militarized territorial conflicts between Ukraine, Russia and the forces occupying land on the former's eastern borders and the Crimea; the stalled six party talks over North Korea's evolving nuclear weapon capabilities; the evolving international disarmament debate focused on the humanitarian aspects of nuclear weaponry; and the requirement in the 2010 Review Conference Final Document for the five NPT state parties to use a common framework to report at the 2014 PrepCom on their disarmament activities.

Administrative and Procedural Issues

In comparison with the tasks to be undertaken at the first and second NPT 2015 PrepCom meetings, the third one in 2014 differed in two important respects. One of the documents that constituted the decision taken in 1995 to extend the treaty indefinitely (NPT/CONF.1995/32/DEC.1, Para 4) gave the third PrepCom in an NPT review cycle two specific mandates. One was to "consider principles, objectives and ways in order to promote the full implementation of the Treaty...and to make recommendations thereon to the Review Conference"; the other was to "make the procedural preparations for the next Review Conference".

The PrepCom meetings in 1999, 2004 and 2009 had failed to produce agreement on such "recommendations", and thus there was no clear precedent for the Chair of the 2014 PrepCom to use to fulfil this task. His predecessor at the 2009 meeting had produced three successive drafts of a "recommendations" conference room paper for delegations to comment upon, the last one (NPT/CONF.2010/PC.III/CRP.4/Rev2) being structured around eight key issues. Although the final draft was given no status within the PrepCom report, it did serve as a basis for further work at the 2010 Review Conference. In addition the 2009 meeting, perhaps mindful of the failure of the PrepCom in the 2005 cycle to reach agreement on the Agenda and other procedural matters until its third week, had reached agreement by the end of the PrepCom on most outstanding procedural issues. The exceptions were the number and subject matter of the subsidiary bodies to be created within each of its three Main Committees and whether there was to be only one integrated report on its substantive work, or separate forward and backward looking ones.

Another past procedural norm that it was assumed would be operative arose from the Chair of the troubled 2007 PrepCom meeting having limited statements by states parties to 5 minutes and groups to 10 minutes in order finish its listed business. By 2009 this had become the norm, thus enabling discussions in the "clusters" and "special time" to be completed expeditiously in line with its published timetable and allowing the Chair to circulate a set of draft "recommendations" to delegations at the end of the first week. This allowed delegations to focus during the second week on amending the three successive draft texts the Chair produced, though ultimately no consensus emerged on one to forward to the 2010 Review Conference.

As in the past, the 2014 PrepCom was scheduled to start with a General Debate giving an opportunity for delegations to highlight the NPT issues they regarded as being of greatest concern. The timetable circulated prior to the conference (entitled a Programme of Work rather than the wording of Indicative Timetable used in the first two PrepComs) indicated that this debate would occupy the first three sessions of the conference, followed by a session of presentations by Civil Society in the afternoon of the second day. Over the following three days the sessions would be devoted to statements addressing clusters of issues similar in content to those used by the Main Committees at Review Conferences and specific special issues within each cluster. During this first week outstanding procedural issues would also be addressed, thus allowing sufficient time overall for a consensus document to emerge on recommendations to the Review Conference,

assuming that the 2007 rules on the lengths of interventions continued to operate.

In practice, the 2014 meeting started very positively from a procedural perspective, with an updated version of the 2010 conference agenda referencing the 2010 Final Document being adopted by consensus as the draft for 2015. This occurred on the first day, thus avoiding the problems experienced in 2005. In addition, almost all the other procedural issues were also resolved in the course of the first week. These included the date and venue of the Review Conference (27 April to 22 May 2015 in New York); its provisional agenda and rules of procedure; the allocation of items to the Main Committees; the background documentation; and the nationality of the President of the Conference and other officers (President: Ambassador Taous Feroukhi of Algeria; Chair of Main Committee I: Ambassador Enrique Roman-Morey of Peru; Chair of Main Committee II: Ambassador Cristian Istrate of Romania; Chair of Main Committee III: Ambassador David Stuart of Australia). The only issues that were not resolved (as in 2009) were the need to agree the substance and Chairs of the subsidiary bodies within the Main Committees and whether the Conference should seek to produce one integrated report or separate forward and backward looking documents. At this first session the Chair announced that the draft of a set of recommendations to the Review Conference would be circulated at the end of the first week, thus giving delegations considerable time to consult capitals in advance of the next week's discussions.

40 states made statements during the first two sessions of General Debate in Day 1, followed by interventions from a further 18 states during the third session on Day 2, session four which followed being devoted to presentations by Civil Society. This left a further 32 states waiting to speak in the two sessions on Day 3. Cluster one discussions were thus unable to start until the last hour of the sixth session and significantly behind schedule when 9 states made interventions. One reason for this delay was delegations ignoring the "5 minute" rule during the initial General Debate. The Chair then decided to adhere to the published timetable by spending Day 4 on Cluster two issues rather than continuing with the Cluster one debates. 23 states then made statements in its seventh session and 17 in the eighth session in the afternoon. Delegations also received a report in this session from the Facilitator on progress towards the holding of the Conference on a Middle East NWFZ.

Day 5 saw some 40 delegations returning to addressing Cluster 1 issues during the ninth and tenth sessions. This sustained the one day lag in the scheduling and led the Chair announcing he would be unable to circulate his draft set of recommendations until the outstanding substantive issues had been disposed of at the start of the next week. This process started on Day 6 with 45 states participating in discussions in sessions eleven and twelve on Cluster three issues, leaving eight states to speak on Cluster two issues in the morning of Day 7 during the Conference's thirteenth session. In addition, the five NPT nuclear weapon states used this opportunity to sign their protocols to the Central Asian Nuclear-Weapon-Free Zone (CANFEZ) Treaty. The Chairman then indicated he needed to engage in further consultation on his draft of recommendations to the Review Conference, and that he would present his draft text of recommendations to the Preparatory Committee the next morning. The Chairman did this on Day 8 in a brief 15 minute plenary meeting. The text itself was structured under four headings: nuclear disarmament, nuclear non-proliferation; peaceful uses of nuclear energy; and regional and other issues.

The Conference then recessed to allow parties to make comments and conduct further consultations with the Chairman (but not engage in public negotiations). The consequences of this process would then be reported to a further plenary session scheduled for the morning of Day 9. At this session some 20 delegations offered their assessments of the draft text. Most were supportive of the majority of the text, but a significant number wished to see a range of specific amendments before they would regard it as a balanced document and were supportive of further work to try to achieve this. The Chair then adjourned the session until a further plenary meeting in the afternoon.

At this the Chairman announced that it was his judgment that while parties were willing to engage in further consultations over amendments to the text, there was insufficient time available for consensus to emerge. He therefore informed the states parties that he would amend the existing text further in the light of the comments he had received and convert it into a Chair's Working Paper (NPT/CONF.2015/PC.III/WP.46) to be made available to the Review

Conference under his own authority. An accompanying note explained that "This document reflects the Chair's assessment of the elements on which the Preparatory Committee may have been able to evolve convergence sufficient to convey the following recommendations to the review Conference in a spirit of flexibility and compromise."

The Conference then convened for a final session on Day 10, the morning of Friday 9 May to adopt the formal report from the PrepCom (NPT/CONF.2015/1) and conclude its work. As a result, the Chairman's non-consensual working paper was the only substantive collaborative product from the meeting.

One final administrative issue that emerged from the PrepCom was the increasing number of formal and informal groupings of states present at NPT meetings. Through to 1995 three groupings of states dominated NPT discussions [the Non-Aligned Movement/Group of Non-Aligned States (NAM); the Eastern Group (the USSR and the Warsaw Pact states); and the Western and others Group (WEOG)]. The interactions between their leadership and the Chair/President of the conference were essential building blocks in producing a negotiated consensus outcome from a Review Conference. Since that date the number of focused interest groups has been slowly rising. In 2014 they included the above three plus the Vienna Group of Ten; the New Agenda Coalition; The League of Arab States; The EU; The Non-Proliferation and Disarmament Initiative; Building Blocks for a World without Nuclear Weapons; the Humanitarian Impact of Nuclear Weapons; the De-alerting Group; the Nuclear Security Summit Group; the Pacific Island States; and the Nuclear Suppliers Group. It remains unclear whether the increase in these groups will make achieving a consensus outcome to the 2015 Review Conference easier or more difficult.

Substantive Issues at the 2014 PrepCom

See Third 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 Working Paper NPT/CONF.2015/PC.III/WP.46.

The 2015 NPT Review Conference (27th April-22nd May 2016)

The ninth NPT Review Conference was held from the 27th of April to the 22nd of May 2015 at the UN Headquarters in New York. The Algerian Ambassador Taous Feroukhi presided over the four-week-long meeting. As with four other previous Review Conferences since 1975, agreement on a substantive outcome document was elusive despite many efforts to achieve consensus in the final week. Although unable to reach a substantive agreement, the Conference adopted a procedural report during its final plenary before the end of the Conference.

The Conference took place against a background of deteriorating US-Russian relations, including mounting political tensions over the situation in Ukraine, and Russia's annexation of the Crimea. In the nuclear field the two countries had exchanged allegations of non-compliance with the terms of their INF treaty, and doubts about their future cooperation on nuclear security issues. On the Middle East, the timeline set in the 2010 action plan for convening a Conference on the establishment of a WMD-free zone in the region had not been met, causing bitterness among Arab states. Its consultation process, started under the Finnish facilitator Ambassador Jaakko Laajava, had yielded five informal meetings in Vienna, Geneva and the Swiss resort of Glion. Although these were attended by key regional actors, they failed to achieve any significant breakthroughs. On disarmament, a series of Conferences on the Humanitarian Impact of Nuclear Weapons (HINW), (HINW), as well as joint statements on the subject delivered at the NPT Preparatory Committee meetings and UN First Committee sessions, had attracted wide support among NPT members, but also exposed divergent views between nuclear-weapon states and their allies and other non-nuclear weapons states on how to achieve this objective.

On the first day of the meeting the Conference adopted the agenda as recommended by the Preparatory Committee, and moved swiftly to elect Ambassador Feroukhi as its President and the members of its Conference Bureau. After the conclusion of the general debate, substantive discussions took place in the three Main Committees; and their respective subsidiary bodies, and in informal closed consultations organised by the President. The Main Committees followed the traditional division of work in the previous twenty years with some minor variations:

- Main Committee I reviewed progress in nuclear disarmament, security assurances and disarmament education. Its Subsidiary Body I's focussed on formulating forward-looking elements to bolt-on to those agreed in the 2010 action plan;
- Main Committee II dealt with non-proliferation, safeguards and nuclear weapons free zones. Its Subsidiary Body II was focussed on practical steps related to the Middle East WMD-free Zone, and;
- Main Committee III focused on reviewing the implementation of the NPT's peaceful use provisions and possible forward-looking elements. Subsidiary Body III dealt with strengthening the review process and response to treaty withdrawal.

Discussions in the three Main Committees and their Subsidiary Bodies revealed marked differences between states on several key issues. As a result, all failed to reach consensus on their draft substantive reports. Two issues in particular proved to be polarising and divisive throughout the Conference: the Middle East and Nuclear Disarmament.

On the Middle East, a key issue was how to convene the regional conference on the establishment of the Middle East WMD-free zone that initially had to be held in 2012 but never took place. An Arab group working paper (NPT/CONF.2015/WP.33) was tabled in the Review Conference and proactively promoted by Egypt. This called for the UN Secretary General to step in to convene the regional Conference within 180 days, and defined some of the main parameters for such a Conference. These were then incorporated in a NAM working paper (NPT/CONF.2015/WP.49). The visible outcome of these developments was a major split between the three co-convenors toward the tabled proposals. The US and the UK opposed them, while Russia was willing to engage with them and played a role in reformulating certain aspects of them during subsequent negotiations. The objections voiced by the US, UK and some other states were made on the grounds that the Arab group proposals were too prescriptive and unrealistic. Instead, these states advocated for the continuation of regional consultations to agree on the time frame and agenda of such a Conference.

How to address disarmament and the humanitarian consequences of nuclear weapons were two further key issues. The Humanitarian Initiative had the momentum of three Conferences behind it, as well as an Austrian-led Humanitarian Pledge that was ultimately endorsed by 107 states. A considerable increase in support for the Initiative meant that many states wanted to see the humanitarian dimension and some of the findings discussed during the preceding three HINW Conferences adequately reflected in the final document. This was met by resistance from the nuclear weapons states. Support for the Initiative was widespread among the non-nuclear states, though the tone, the extent of that support, and the perspective on next steps varied. This was reflected in two different statements being presented to the Review Conference: one by Austria and supported by 159 states (delivered to the Plenary on the 28th April 2015) and another by Australia on behalf of 26 states called the Humanitarian Consequences Group (delivered to the Plenary on 30 April 2015).

Broader differences among state parties on the pace of disarmament also proved to be a divisive topic. On the one hand the nuclear weapons states, with some support from NATO and other non-nuclear weapons states, continued to advocate a 'step-by-step' approach. On the other hand, most other non-nuclear weapons states expressed frustrations about the lack of tangible progress with nuclear disarmament and expressed their determination to include specific 'effective measures' toward this in any final document. Proposals for implementing this included enhanced transparency of the nuclear weapons states' nuclear activities and reporting on their implementation of disarmament measures, revival of the Open-Ended Working Group (OEWG) on nuclear disarmament, and launching negotiations on a legally binding instrument to prohibit nuclear weapons.

Other notable developments at the Conference included Palestine attending as a state party after acceding to the NPT the preceding February and becoming its 191st state party. Israel attended as an observer for the first time since the 1995 Review and Extension Conference and formally presenting a working paper to the Conference on their views on how to achieve a WMD Free Zone in the Middle East (NPT/CONF.2015/36). The five nuclear weapon states presented to

the Conference a multi-lingual glossary of nuclear terms (NPT/CONF.2015/41); prepared jointly under the Chinese coordination. They also separately presented updated reports on their implementation of the NPT, focussing in part on action they had agreed to undertake under items 5, 20 and 21 of the 2010 action plan. The reports varied significantly in the amount of information and detail provided by each nuclear weapons state. In addition, a bitter disagreement emerged between the Japanese and the Chinese delegations over a proposal to organise visits by world leaders, experts and youth to Hiroshima and Nagasaki to witness on the ground the consequences of nuclear weapons use. China blocked such a proposal, accusing Japan of seeking to reshape the historical narrative of its role in World War II. A compromise was only reached when the explicit references to the two Japanese cities were removed from proposed Conference drafts.

Ultimately, and despite prolonged negotiations, none of the three Main Committees or their Subsidiary Bodies managed to produce a consensus report to give to the President at the end of the third weeks work for incorporating into the Conference's Final Document. This meant that during the last days of the Conference the task of salvaging this document rested in the hands of the President, operating through several informal and closed consultative bodies. These included a 'Focus Group' of 19 states that met in the Algerian mission, with the aim of breaking the deadlock over agreed text on disarmament that existed in Main Committee I and its Subsidiary Body. A smaller backchannel was convened to address issues related to the Middle East WMD-Free Zone. In addition to these channels, the President convened several smaller ad-hoc consultative meetings on the text of a possible Final Document as the Conference was drawing to a close. The president also asked the chairs of Main Committees II and III to continue the negotiations on their respective committees' reports. On Wednesday evening, the 'Focus Group' and the committees, having failed to achieve an agreement, stopped their work, and the draft texts were transferred to the president. Consultations on the Middle East continued late into the Thursday night.

Only during the final day of the Conference that a fully formed draft final document emerged for presentation by the President to the Conference. This document was drafted by the President and was largely based on her own back-channel consultations and the drafts received from Main Committee chairs. Despite her efforts and those of others, the draft she presented to the Conference was regarded by many as unlikely to bridge the significant differences in positions between the various key states. In discussing the draft (NPT/CONF.2015/R.3), she described it as the culmination of her 'best efforts to take into consideration the conflicting expectations of States parties', and admitted that the differing positions held by key members of the Treaty 'made it impossible to produce a consensual document.'

Once the President's draft was formally presented to the Conference, the onus was put on those states that rejected its contents to declare their formal opposition to it in the few remaining hours of the Conference. The US delegation was the first to announce that it was 'unable to endorse' the draft document, referring particularly to the sections in the draft focussing on the Middle East. The UK delegation

followed by identifying the Middle East as 'the sole issue that posed a problem' for them, as did the Canadian delegation. After calling for a suspension of the meeting, the Iranian delegation, which was the chair of the Non-Aligned Movement at the time, described the draft as 'the best compromise it would be possible to achieve' and that the group was 'deeply dismayed by the unexpected rejection by three delegations of the document.' Egypt, which had been explicitly singled-out by the US delegation in their closing statement, took the floor to denounce those who had refused to join the consensus to accept the President's text. By then it was clear that no agreed substantive report from the conference was possible, and around 9 pm, four hours after its scheduled termination, the President declared the 2015 NPT Review Conference closed without the adoption of a substantive Final Document.

Key positions in 2015 Conference Bureau

President	Taous Feroukhi (Algeria)
Chair of Main Committee I	Enrique Román-Morey (Peru)
Chair of Main Committee II	Cristian Istrate (Romania)
Chair of Main Committee III	David Stuart (Australia)
Chair of Subsidiary Body 1 under Main Committee I	Benno Laggner (Switzerland)
Chair of Subsidiary Body 2 under Main Committee II	Juan Ignacio Morro Villacián (Spain)
Chair of Subsidiary Body 3 under Main Committee III	Kairat Abdrakhmanov (Kazakhstan)

Chairs and co-ordinators for key groups in 2015 Conference

Group	Chair/coordinator
African Group	Nigeria
Arab League	Bahrain
Humanitarian Consequences Group	Australia
Humanitarian Initiative (joint statement)	Austria
New Agenda Coalition (NAC)	New Zealand
Non-Aligned Movement (NAM)	Iran
Non-Proliferation and Disarmament Initiative (NPDI)	Netherlands
P5	United Kingdom
Vienna group of 10	Australia

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 01 March 2017]

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	Mauritius	1 July 1968	8 Apr. 1969
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	State of Palestine	—	10/12 Feb 2015
Jordan	10 July 1968	11 Feb. 1970	Sudan	24 Dec. 1968	31 Oct. 1973
Kazakhstan	—	14 Feb. 1994	Suriname	—	30 June 1976
Kenya	1 July 1968	11 June 1970	Swaziland	24 June 1969	11 Dec. 1969
Kiribati	—	18 Apr. 1985	Sweden	19 Aug. 1968	9 Jan. 1970
Kuwait	15 Aug. 1968	17 Nov. 1989	Switzerland	27 Nov. 1969	9 Mar. 1977
Kyrgyzstan	—	5 July 1994	Syrian Arab Republic	1 July 1968	24 Sept. 1968
Lao People's Democratic Republic	1 July 1968	20 Feb. 1970	Tajikistan	—	17 Jan. 1994
Latvia	—	31 Jan. 1992	Thailand	—	7 Dec. 1977
Lebanon	1 July 1968	15 July 1970	The former Yugoslav. Republic of Macedonia	—	30 Mar. 1995
Lesotho	9 July 1968	20 May 1970	Timor Leste	—	5 May 2003
Liberia	1 July 1968	5 Mar. 1970	Togo	1 July 1968	26 Feb. 1970
Libya	18 July 1968	26 May 1975	Tonga	—	7 July 1971
Liechtenstein	—	20 Apr. 1978	Trinidad and Tobago	20 Aug. 1968	30 Oct. 1986
Lithuania	—	23 Sept. 1991	Tunisia	1 July 1968	26 Feb. 1970
Luxembourg	14 Aug. 1968	2 May 1975	Turkey	28 Jan. 1969	17 Apr. 1980
Madagascar	22 Aug. 1968	8 Oct. 1970	Turkmenistan	—	29 Sept. 1994
Malawi	—	18 Feb. 1986	Tuvalu	—	19 Jan. 1979
Malaysia	1 July 1968	5 Mar. 1970	Uganda	—	20 Oct. 1982
Maldives	11 Sept. 1968	7 Apr. 1970	Ukraine	—	5 Dec. 1994
Mali	14 July 1969	10 Feb. 1970	United Arab Emirates	—	26 Sept. 1995
Malta	17 Apr. 1969	6 Feb. 1970	United Kingdom*†	1 July 1968	29 Nov. 1968
Marshall Islands	—	30 Jan. 1995	United Republic of Tanzania	—	31 May 1991
Mauritania	—	26 Oct. 1993	United States of America*†	1 July 1968	5 Mar. 1970
			Uruguay	1 July 1968	31 Aug. 1970

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 related to the 2017 NPT Preparatory Committee for the 2020 NPT Review Conference

General Assembly Resolution 70/28. 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee

[A/RES/70/28, 11 December 2015]

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, of the 2000 Review Conference of the Parties to the Treaty and of the 2010 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 2020,

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,

Recalling also that the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, held from 27 April to 22 May 2015, was not able to reach agreement, despite intensive consultations on a substantive Final Document,

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 2 to 12 May 2017;

2. Requests the Secretary-General to render the necessary assistance and to provide such services, as may be required, for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and its Preparatory Committee.

Provisional Agenda. First Session. Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[NPT/CONF.2015/PC.I/3, 10 April 2012]

Provisional agenda

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.

Indicative Timetable. First Session. Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[NPT/CONF.2015/PC.I/INF/3, 11 April 2012]

Monday, 30 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, 1 May

Public Holiday

Wednesday, 2 May

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

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

Thursday, 3 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 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 . . . **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).

Friday, 4 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty . . . **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 . . . **Cluster 1 Specific issue** - Nuclear disarmament and security assurances.

Monday, 7 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty . . . **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 . . . **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).

Tuesday, 8 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty . . . **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 . . . **Cluster 2 Specific issue** - Regional issues, including with respect to the Middle East and the implementation of the 1995 Middle East resolution.

Wednesday, 9 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty . . . **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 . . . **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.

Thursday, 10 May

10:00 am – 1:00 pm Preparatory work for the review of the operation of the Treaty . . . **Cluster 3 Specific issue** – Peaceful uses of nuclear energy and other provisions of the Treaty.

3:00 pm – 6:00 pm Preparatory work for the review of the operation of the Treaty . . . **Cluster 3 Specific issue** – Peaceful uses of nuclear energy and other provisions of the Treaty.

– Improving the effectiveness of the strengthened review process

Friday, 11 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)

Draft rules of procedure

[NPT/CONF.2015/1 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 Chair and two Vice-Chairs 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 Chair and two Vice-Chairs

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 Chairs of the three Main Committees, the Chair of the Drafting Committee and the Chair 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 Chair of a Main Committee, the Drafting Committee or the Credentials Committee is unable to attend, he may designate one of the Vice-Chairs 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

1. 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 Chair 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 forty- eight 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 Chair and such other officers as it may require;

(b) The Chairs of the General, the Drafting and the Credentials Committees and the Chairs 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 Chair 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]

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

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

[Eds . . .]

II. Substantive and procedural issues

A. Organization of work of the Preparatory Committee

7. With regard to the chairmanship of the various sessions of the Preparatory Committee and the presidency of the 2015 Review Conference, an understanding had been reached among delegations, according to which a representative of the Western Group should be proposed to chair the first session, a representative of the Group of Eastern European States should be proposed to chair the second session, a representative of the Group of Non-Aligned and other States parties to the Treaty on the Non-Proliferation of Nuclear Weapons should be proposed to chair the third session and a representative of the Group of Non-Aligned and other States parties to the Treaty should be proposed for the presidency of the 2015 Review Conference. All groups were encouraged to propose the representatives for the chairmanship of the various sessions of the Preparatory Committee and for the presidency of the 2015 Review Conference at their earliest possible convenience.

8. Pursuant to that understanding, Peter Woolcott (Australia), the representative of the Western Group, was proposed to chair the first session. At its 1st meeting, on 30 April, the Committee elected by acclamation Mr. Woolcott to serve as Chair of the first session.

9. At its 1st meeting, on 30 April, the Committee adopted the following agenda (NPT/CONF.2015/PC.I/3):

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.

10. Furthermore, the Committee took note of the indicative timetable (NPT/CONF.2015/PC.I/INF/3) as well as of the summarized indicative timetable (NPT/CONF.2015/PC.I/INF/4).

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

(a) Dates and venues of further sessions

At its 1st meeting, the Committee decided that it would hold its second session from 22 April to 3 May 2013 in Geneva;

(b) Methods of work

- (i) Decision-making

At its 1st meeting, the Committee decided to make every effort to adopt its decisions by consensus. In the event that a consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 2010 Review Conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which would be applied *mutatis mutandis*;

- (ii) Participation

At its 1st meeting, the Committee decided that 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. No State not party to the Treaty attended the meetings of the Committee as an observer;

In terms of rule 44, Palestine participated in the work of the Preparatory Committee as an observer;

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 2010 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: the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the African Union, the European Union, the League of Arab States and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization;

Representatives of non-governmental organizations (NGOs) 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's work. The Committee shall also allocate a meeting to non governmental organizations to address each session of the Committee. Accordingly, representatives of 60 NGOs attended the meetings of the Committee (NPT/CONF.2015/PC.I/INF/5);

(iii) Working languages

At its 1st meeting, the Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as its working languages;

(iv) Records and documents

At its 1st meeting, the Committee decided that summary records would be provided, at each session, for the Committee's opening meetings, the general debate and the closing meetings. There would be records of decisions taken at the other meetings.

12. The Committee set aside four meetings for a general debate on issues related to all aspects of the work of the Preparatory Committee, in the course of which 66 statements were made. The statements are reflected in the summary records of those meetings (NPT/CONF.2015/PC.I/SR.1-3 and 5). Furthermore, in accordance with the decision adopted at its first meeting, the Committee invited the representatives of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the African Union and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization to make statements at the end of the general debate.

13. At its 4th meeting, on 2 May, the Committee heard 10 statements by non-governmental organizations.

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

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

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

(a) 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 (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 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.

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

(a) Nuclear disarmament and security assurances;

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

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

18. 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.I/11) to the Committee at its 10th meeting.

B. Organization of the 2015 Review Conference

19. The Preparatory Committee, in conformity with its task to prepare for the 2015 Review Conference, took the following actions:

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

At its 15th meeting, on 11 May 2012, the Committee decided to request the Secretariat to provide for its second session 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;

(b) Nomination of the provisional Secretary-General of the 2015 Review Conference

At its 15th meeting, on 11 May 2012, 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 2015 Review Conference, a nomination which would later be confirmed by the Conference itself.

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

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

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 I 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.

5. While acknowledging some progress in the implementation of the commitments contained in the conclusions and recommendations for follow-on actions adopted at 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. States parties looked forward to the remainder of the current review cycle as a time 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 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.

8. 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 nonproliferation 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.

9. States parties recalled their deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons. Many 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. They expressed their expectation that the humanitarian consequences of any use of nuclear weapons would be addressed during the current review cycle.

10. Many States parties expressed a 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.

11. 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.

12. 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. 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.

13. Many States parties stressed the need for the negotiation of a phased programme for the complete elimination of nuclear weapons with a specified time frame, including a nuclear weapons convention. Some States parties called for the construction 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.

14. 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 action adopted at the 2010 Review Conference. States parties recalled the need for the nuclear-weapon States to reduce and eliminate all types of their nuclear weapons and encouraged, in particular, those States with the largest nuclear arsenals to lead efforts in this regard.

15. The nuclear-weapon States provided information on their efforts to implement their nuclear disarmament commitments. States parties took note of these efforts.

16. Many States parties welcomed the entry into force of the Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms on 5 February 2011. The Russian Federation and United States of America provided information on steps taken to implement that Treaty. While acknowledging this positive achievement, many States parties expressed concern that the total estimated number of nuclear weapons, deployed and non-deployed, still amounted to several thousands. 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. NPT/CONF.2015/PC.IWP.53

17. The nuclear-weapon States informed States parties about their meeting held in Paris 30 June - 1 July 2011. At that meeting, the nuclear-weapon States expressed their determination to implement the commitments made at the 2010 Review Conference and to achieve further progress in meeting the objectives of the Treaty. In this context, their discussions on transparency, mutual confidence, proposals for a standard reporting form, safeguards and responses to notifications of withdrawal from the Treaty and their work on verification and definitions of key nuclear terms continued. The nuclear weapon States announced that they would meet again in Washington, D.C. 27-29 June 2012.

18. The United Kingdom of Great Britain and Northern Ireland provided information on implementation of planned reductions of nuclear weapons. France announced that it had achieved a number of planned reductions. Many States parties acknowledged these efforts.

19. 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.

20. 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 as an essential confidence-building measure.

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. Non-nuclear-weapon States parties underlined the value and importance of nuclear-weapon States' regular reporting to the Committee. Some States parties made specific suggestions as to the content of a standard reporting form for use by the nuclear-weapon States and the frequency of that reporting.

22. Many States parties stressed that, while important, reductions in deployments or in alert status could not substitute for the irreversible elimination of nuclear weapons. It was emphasised that concrete agreed measures to reduce further the operational status of nuclear weapons systems were a step leading to nuclear disarmament. Many States parties continued to call for reductions in the operational status of nuclear weapons. Many States parties expressed concern over the continued modernisation of nuclear arsenals, including in connection with the ratification of nuclear arms reduction agreements, and the development of advanced and new types of nuclear weapons and their delivery systems and related infrastructure.

23. Many States parties expressed concerns regarding the continued role of nuclear weapons in national and regional military doctrines. In this connection, they emphasised the need to diminish further the role of nuclear weapons in all military and security concepts, doctrines and policies. Some States parties stressed the need for progress in the reduction and elimination of nuclear weapons which continued to be stationed outside the territories of the nuclear-weapon States.

24. States parties recalled that the Conference on Disarmament should immediately establish a subsidiary body to deal with nuclear disarmament. Many States parties variously made specific proposals, including that the 2015 Review Conference adopt an action plan or a new package of ambitious agreements supported by concrete and measureable benchmarks for the elimination of nuclear weapons. Such proposals included the convening of a high-level international conference to identify ways and means of eliminating nuclear weapons pursuant to a phased programme to prohibit the development, production, acquisition, testing, stockpiling, transfer, use or threat of use of nuclear weapons and to provide for their destruction. Many States parties called for the establishment of a subsidiary body on nuclear disarmament at the 2015 Review Conference.

25. 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. The high-level meeting on revitalizing the work of the Conference on Disarmament and carrying forward multilateral disarmament negotiations, convened by the Secretary-General of the United Nations in September 2010 was noted. In light of the continuing stalemate in the Conference on Disarmament, a number of States parties stressed the need for the international community to consider options to ensure progress in multilateral disarmament negotiations.

26. States parties recalled that the Conference on Disarmament should 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-weapons 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. Pending such negotiations, a number of States parties reported on their efforts to encourage substantive discussion of issues relevant to such a treaty.

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. States parties stressed the importance of the application of the principles of irreversibility, verifiability and transparency to the removal from military programmes of fissile material designated as no longer required for military purposes. To this end, some States parties called 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.

29. States parties reaffirmed 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. In addition to its policy of no first-use of nuclear weapons, some States parties recognised that China had declared an 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 ratification of the Treaty by Indonesia, as a State listed in Annex 2, and the ratifications of Ghana, Guatemala and Guinea, as well as the signature of Niue.

32. All States that have not yet done so were called upon to 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. 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 universalisation, 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 test 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 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. Some States parties welcomed various initiatives to explore the feasibility and complexity of nuclear disarmament verification, including the project by Norway and the United Kingdom of Great Britain and Northern Ireland, which considered the technical and procedural challenges of nuclear weapons dismantlement, in the context of article VI of the Treaty.

37. States parties recalled 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.

38. New proposals and initiatives from governments and civil society related to achieving a world without nuclear weapons were recognised and support was expressed for continuing and future efforts in these fields. States parties recognised the valuable role played by civil society in the implementation of the objectives of the Treaty.

39. States parties underlined 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.

40. It was emphasised 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 fulfillment 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. Of other nuclear explosive devices. A number of States parties emphasised the statutory role of the IAEA Board of Governors and Director General in the full implementation of safeguards agreements.

41. 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.

42. 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 six additional States had brought into force comprehensive safeguards agreements with the IAEA since the 2010 Review Conference, and urged the 14 States parties that had not yet brought their comprehensive safeguards agreements into force to do so as soon as possible.

43. States parties recalled their encouragement for all States with small quantities protocols either to amend or rescind them, as appropriate, and acknowledged that the revised small quantities protocol had been accepted by 53 States.

44. States parties recalled their encouragement to 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. States parties welcomed the fact

that since the 2010 Review Conference, 14 States had brought the additional protocol into force.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

53. Many States parties stressed 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.

54. States parties recalled 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.

55. 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 XILC 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.

56. 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 XILC 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.

57. 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.

58. 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.

59. 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.

60. 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).

61. States parties noted the importance of effective physical protection of all nuclear material 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.

62. 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. 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/Rev.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.

63. 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.

64. A number of States parties noted with serious concern the issue of illicit trafficking in nuclear materials and radioactive substances. States parties recalled the need to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear 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. 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 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. Some States parties noted the work of the 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.

65. 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.

66. States parties noted the Communiqué adopted at the Seoul Nuclear Security Summit on 26-27 March 2012. Many States parties acknowledged the new national commitments made at the Summit to strengthen nuclear security and address nuclear terrorism.

67. States parties recalled 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 nonproliferation were recognised. States parties welcomed the efforts to consolidate the nuclear-weapon-free status of Mongolia. 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.

68. States parties welcomed progress towards consolidating

existing nuclear-weapon-free zones, including the establishment of the African Commission on Nuclear Energy and the agreement between 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 the resumption of consultations with nuclear-weapon States on the Protocol to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia. 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.

69. 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.

70. 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 that context, States parties welcomed the 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 Mr. Jaakko Laajava (Finland) as the facilitator, as well as 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. States parties expressed appreciation for the facilitator's report to the Committee, contained in NPT/CONF.2015/PC.III, and looked forward to his report at the Committee's second session. They welcomed his extensive and continuing consultations since his appointment.

71. States parties emphasised the importance of holding the Conference in 2012 with the participation of all States of the region, in implementation of the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference. States parties recognised that a successful Conference required further work by all in accordance with its terms of reference as endorsed by the 2010 Review Conference. States parties variously stressed the need for the facilitator, conveners of the Conference and all States of the region to accelerate and intensify their consultations.

72. Many States parties sought further clarity on outstanding issues including agenda, modalities, outcome and follow-on steps to a continuing process. Some States parties underlined the importance of inclusivity in the preparations for the Conference. States parties recalled the responsibility of 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 the Conference. Some States parties expressed the view that the region itself bore the responsibility for creating a political environment favourable to a successful Conference. States parties looked forward to the Conference as a positive step forward toward the establishment of a Middle East zone free of nuclear weapons as well as other weapons of mass destruction.

73. Many States parties emphasised that such a zone in the Middle East would greatly enhance international peace and security, as well as confidence in the region. Some States parties underlined the need to make use of the experience of other zones free of nuclear and other weapons of mass destruction in establishing such a zone in the Middle East. Some States parties noted the helpful role the IAEA, the Organisation for the Prohibition

of Chemical Weapons, the Comprehensive Nuclear-Test-Ban Treaty Organization and the Implementation Support Unit of the Biological Weapons Convention could play to support efforts to create such a zone. Many States parties called for the establishment of a subsidiary body at the 2015 Review Conference to assess the implementation of the 1995 Resolution.

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. On other regional issues, 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 recalled the need for 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. The Democratic People's Republic of Korea was urged to comply with its obligations under United Nations Security Council Resolutions 1718 (2006) and 1874 (2009). It was emphasised that the Democratic People's Republic of Korea could not have the status of a nuclear-weapon State in accordance with the Treaty in any case. Serious concern was expressed about its nuclear programme, including its uranium enrichment programme, as a challenge to the Treaty. The importance of achieving the goal of the denuclearisation of the Korean Peninsula and the need for a peaceful resolution of this issue were stressed. Serious concern was expressed about the 13 April 2012 launch by the Democratic People's Republic of Korea. The Democratic People's Republic of Korea was called upon to refrain from further actions, including nuclear test explosions, which would cause security concerns in the region.

78. States parties welcomed the outcome of the 14 April 2012 discussions between the Islamic Republic of Iran and the E3+3. Many States parties considered this an opportunity to take concrete steps, guided by a step-by-step approach and the principle of reciprocity, to negotiate a sustainable solution which would effectively address 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 recognised the essential role of the IAEA on this issue. The Islamic Republic of Iran stated that its nuclear programme was exclusively for peaceful purposes and was in conformity with the Treaty.

79. Many States parties stressed 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 stated that it was committed to its comprehensive safeguards agreement and that it were awaiting 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. Many States parties considered such exchange as important in light of climate change, the growing demand for energy, the need to achieve the Millennium Development Goals and sustainable development. 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 indicated their support for the IAEA Peaceful Uses Initiative (PUI). Some States parties provided information on contributions to the PUI since 2010, and urged 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. Many States parties emphasised that given the trans-boundary consequences of nuclear accidents, nuclear safety was not solely a matter of national concern and that international cooperation was vital for exchange of knowledge, technology, learning and best practices. They noted that the accident at the Fukushima Daiichi Nuclear Power Station in March 2011 demonstrated the need to strengthen nuclear safety globally, including improvement of relevant international legal instruments. States parties welcomed the national, regional and global efforts to strengthen nuclear safety in response to the accident.

88. States parties welcomed the IAEA Ministerial Conference on Nuclear Safety, held in June 2011, and its Declaration. Many States parties welcomed steps to implement the Nuclear Safety Action Plan endorsed by the General Conference of the IAEA in September 2011. Some States parties encouraged States to host IAEA safety review missions on a regular basis.

89. States parties acknowledged the efforts of the Secretary-General of the United Nations in relation to nuclear safety, including the convening of the High-level Meeting on Nuclear Safety and Security in September 2011.

90. States parties noted the planned Fukushima Ministerial Conference on Nuclear Safety to be hosted by Japan, in cooperation with the IAEA, scheduled for December 2012. States parties welcomed the decision to hold an extraordinary meeting of Contracting Parties to the Convention on Nuclear Safety in August 2012.

91. 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.

92. 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.

93. States parties encouraged further voluntary steps to minimise the use of highly-enriched uranium in the civilian sector, where technically and economically feasible. Some States parties provided information on their efforts to minimise the use of highly-enriched uranium and to return all stockpiles of highly-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.

94. 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.

95. Many States parties noted the decisions by the IAEA Board of Governors related to assurances of supply, including the establishment of a reserve of low-enriched uranium in the Russian Federation and the approval of the Model Nuclear Fuel Assurance Agreement to underpin commercial contracts. 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.

96. 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.

97. 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.

98. 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 of the Treaty.

99. A number of States parties called for further discussion pertaining to article X 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.

100. Some States parties did not support efforts to reinterpret

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

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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

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.

101. A number of States parties expressed an interest in continuing the examination of means to improve the effectiveness of the strengthened review process of the Treaty in the lead up to the 2015 Review Conference. States parties raised a number of specific suggestions in this regard.

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-weapons 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-weapons 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-weapons 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 sustenance 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.

Recommendations by the Chair to the 2015 NPT Review Conference (Chairman's Working Paper*) Third Session of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. (New York, 28 April – 9 May 2014)

[NPT/CONF.2015/PC.III/WP.46, 8 May 2014]

* This Working Paper is being submitted to the Review Conference under his own authority.

[Eds...]

Accordingly, the following "Report of the Preparatory Committee containing recommendations to the Review Conference" is presented for the consideration of States Parties present at the 2014 session of the Preparatory Committee. It is the Chair's best effort to reflect the views and positions of States at the Preparatory Committee across their divergences and convergences, without prejudice to the work of the Review Conference, and does not reflect their final positions which will be presented by them at the 2015 Review Conference. The paper reflects the Chair's assessment of the elements on which the Preparatory Committee may have been able to evolve convergence sufficient to convey the following recommendations to the Review Conference in a spirit of flexibility and compromise.

The work of the third session of the Preparatory Committee was carried out in a positive spirit which continued to the very end. The draft recommendations were well received by the States parties, who indicated that further consideration of the recommendations

could lead to a consensus, however, given the lack of time to engage in further consultations and negotiations, the Chair decided to convey the recommendations to the Review Conference in the form of a working paper under his own authority.

The working paper is submitted under the Chair's own responsibility without prejudice to the position of any delegation or to the final outcome of the 2015 Review Conference.

The Preparatory Committee reaffirms the need to continue to move with determination towards the full realization and effective implementation of the provisions of the Treaty, and accordingly adopts the following recommendations to the 2015 NPT Review Conference, without prejudice to the work of the Review Conference. States parties presented a rich menu of suggestions and proposals for consideration at the third session of the Preparatory Committee, *inter alia*, across the three pillars of the Treaty, regional issues, and universality, for inclusion in recommendations to the 2015 Review Conference including the following possible actions and steps.

1. Nuclear disarmament

1. The Preparatory Committee recalls and reaffirms the importance of the full implementation by all States parties, especially the nuclear-weapon States, of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and paragraphs 3 and 4 (c) of the 1995 Review Conference decision entitled "Principles and objectives for nuclear non-proliferation and disarmament", and recalling and building upon the practical steps for achieving nuclear disarmament agreed by consensus in the Final Document of the 2000 Review Conference, the Preparatory Committee reaffirms the effective and urgent implementation in full of article VI of the Treaty and the action plan on nuclear disarmament agreed at the 2010 Review Conference, which includes concrete steps for the total elimination of nuclear weapons.

2. Towards that end, the Preparatory Committee recommends that the 2015 Review Conference take stock of the national reports and working papers submitted by the nuclear-weapon States on their undertaking to accelerate concrete progress on the steps leading to nuclear disarmament, contained in the Final Document of the 2010 Review Conference, and consider the next steps for the full implementation of article VI and the steps and actions agreed at the NPT Conferences in 1995, 2000 and 2010, including the following:

a. Urging the pursuit of policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons;

b. Calling for accelerated actions by the nuclear-weapon States in implementing the unequivocal undertaking to accomplish the total elimination of their nuclear arsenals, in an irreversible, transparent and verifiable manner, as well as concrete and measurable steps to reduce the high alert status of nuclear weapon systems and steps to reduce the risk of their accidental use, including through unilateral, bilateral, regional and multilateral measures;

c. Calling for the prompt and full implementation by States parties of any commitments yet to be fulfilled contained in the action plan on nuclear disarmament adopted at the 2010 Review Conference, particularly the commitments undertaken by the nuclear-weapon States in Action 5 and including the specification of agreed timelines for their completion;

d. Encouraging the nuclear-weapon States not to develop new types of nuclear weapons, qualitative improvements to existing nuclear weapons and new missions for nuclear weapons and related facilities, and further minimize the role and significance of nuclear weapons in all military and security concepts, doctrines and policies;

e. Taking note of the reports submitted by the nuclear-weapon States in a common standard format and encourage more detailed and specific reports building upon their continuing efforts to further enhance transparency and increase mutual confidence, including through the regular meetings of the nuclear-weapon States;

f. Further considering the devastation that would be visited upon all humankind by any use of nuclear weapons, and since there is no competent international capacity to address the resulting catastrophic humanitarian consequences; reaffirming the need for all States at all times to comply with applicable international law, including international humanitarian law; and considering the new proposals and initiatives from Governments and civil society related to achieving a world free of nuclear weapons;

g. Taking note of the five-point proposal for nuclear disarmament of the Secretary-General of the United Nations, to consider the elaboration of a comprehensive, negotiated legally-binding structured framework to achieve and maintain a world without nuclear weapons, comprised of separate mutually reinforcing instruments, backed by a strong system of verification; as well as defined benchmarks and timelines;

3. The 2015 Review Conference should reaffirm the importance of various multilateral measures that can and should be taken in support of a world without nuclear weapons, including:

a. The entry into force as soon as possible of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), recalling the responsibility of all States to promote that Treaty; the urgency the signature and/or ratification of the CTBT by the remaining eight Annex 2 States necessary for the entry into force of the CTBT; pending the entry into force of the CTBT, the maintenance of moratoria on nuclear test explosions and refrain from any action that could defeat the objective and purpose of the CTBT; and increased support for the Provisional Technical Secretariat and the International Monitoring System;

b. The immediate commencement of negotiations at the Conference on Disarmament, within the context of an agreed, comprehensive and balanced programme of work, of a verifiable, non-discriminatory and universal treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices; pending the conclusion of such negotiations the maintenance of a moratorium on the production of fissile material for use in nuclear weapons in accordance with the report of the Special Coordinator of 1995 (CD/1299) and the mandate contained therein; the designation and placement under International Atomic Energy Agency (IAEA) safeguards of fissile material no longer required for military programmes to ensure the irreversible removal of such fissile material, and the initiation of processes to dismantle or convert associated fissile material production facilities; and the successful conclusion of the work of the group of governmental experts established pursuant to United Nations General Assembly resolution A/RES/67/53;

c. Immediate discussion at the Conference on Disarmament, within the context of an agreed, comprehensive and balanced programme of work, of effective international legally binding 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, and recognition of the need to fully respect their existing commitments with regard to security assurances;

d. The establishment of further nuclear-weapon-free zones, where appropriate, on the basis of arrangements freely arrived at among States of the region concerned, the entry into force of all Protocols to nuclear-weapon-free zone treaties, and review of any related reservations; Recognition of the five existing nuclear weapon-free zone treaties of Tlatelolco, Rarotonga, Bangkok, Pelindaba and on a Nuclear-Weapon-Free Zone in Central Asia, and Mongolia's nuclear-weapon-free status, as important contributions to achieving a world without nuclear weapons and to strengthening regional security; and welcome the signing by the nuclear-weapon States of the Protocol to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia on 6 May 2014.

4. The 2015 Review Conference should consider additional measures, including those that would enhance confidence through increased transparency and developing effective and efficient verification capabilities related to nuclear disarmament, including:

a. Implementing initiatives in the field of disarmament and non-proliferation education, including continued efforts to educate the new generation, 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;

b. Stressing the importance of regular structured reports by all States parties within the framework of the strengthened review process of the Treaty, on the implementation of article VI, the 2010 action plan, the practical steps agreed to in the Final Document of the 2000 Review Conference, and paragraph 4(c) of the 1995 Decision 2.

II. Nuclear non-proliferation

5. The Preparatory Committee recalls and reaffirms Decision 2 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 Preparatory Committee also recalls and reaffirms the outcomes of the 2000 and 2010 Review Conferences.

6. The 2015 Review Conference should underline the importance of further promoting non-proliferation commitments, including by:

a. Urging the 12 States parties that have not yet done so to conclude and bring into force comprehensive safeguards agreements with the IAEA as soon as possible;

b. Encouraging all States parties with small quantities protocols to either amend or rescind them, as appropriate;

c. Encouraging all States parties which have not yet done so to conclude and bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force;

d. Supporting the IAEA in exercising fully its mandate and 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;

e. Providing political, technical and financial support to IAEA to be able to meet effectively its responsibility to apply safeguards as required by article III of the Treaty, and to enhance the related technology base;

f. Supporting the IAEA to ensure that IAEA comprehensive safeguards apply 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;

g. Reaffirming the importance in complying with non-proliferation obligations and in addressing all compliance matters in order to uphold the Treaty's integrity and the authority of the IAEA safeguards system.

7. The 2015 Review Conference should consider measures aimed at ensuring that 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, including by:

a. Encouraging States parties to make use of multilaterally negotiated and agreed guidelines and understandings in developing their own national export controls;

b. Encouraging States parties when making nuclear export decisions to consider whether a recipient State has in force a full-scope IAEA safeguards agreement;

c. Encouraging the further development and application of measures regarding nuclear-related exports in an open and transparent manner, observing the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes, and facilitating 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.

8. The 2015 Review Conference should consider measures intended to enhance effective physical protection of all nuclear material and nuclear facilities, and the need for strengthening international cooperation in this respect, bearing in mind that the primary responsibility for nuclear security rests with individual States, including by:

a. Encouraging all States parties to maintain the highest standards of security and physical protection of nuclear material and nuclear facilities, as well as to support efforts to increase the security of radioactive sources;

b. Recognizing the central role of the IAEA in strengthening the global nuclear security framework, and in leading the coordination of international activities in the field of nuclear security, while avoiding duplications and overlaps;

c. Encouraging all States parties to use, on a voluntary basis, the IAEA's nuclear security advisory services, including the Physical Protection Advisory Service and the Integrated Nuclear Security Support Plans;

d. Calling upon the States parties that had not yet done so to adhere as soon as possible to the Convention on the Physical Protection of Physical Materials (CPPNM) and its 2005 Amendment, the International Convention on the Suppression of Acts of Nuclear Terrorism, as well as 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 the IAEA Nuclear Security Series publications, and to implement the revised IAEA Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export of Radioactive Sources;

e. Calling upon the States parties and the IAEA to continue efforts to promote the entry into force of the 2005 Amendment to the CPPNM at the earliest possible date;

f. Encouraging all States parties that have not yet done so to join and participate actively in the IAEA Incident and Trafficking Database.

III. Peaceful uses of nuclear energy

9. The Preparatory Committee 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, recalls that all States should act in conformity with all provisions of the Treaty, recalls and reaffirms the outcomes of the 1995, 2000 and 2010 Review Conferences and recommends that the 2015 Review Conference call upon States parties to:

a. Respect fully 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;

b. 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, including the transfer of nuclear technology in conformity with the Treaty, and to eliminate in this regard any undue constraints inconsistent with the Treaty;

c. Cooperate, in accordance with article IV, 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;

d. Give preferential treatment to the non-nuclear-weapon States parties to the Treaty, taking the needs of developing countries, in particular, into account;

e. Strengthen the IAEA technical cooperation programme in assisting developing States parties in the peaceful uses of nuclear energy and make every effort and to take practical steps to ensure that IAEA resources for technical cooperation activities are sufficient, assured and predictable;

f. 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 the highest levels of safety and security;

g. Consider the further development, in a non-discriminatory and transparency manner under the auspices of IAEA or regional forums, of multilateral approaches to the nuclear fuel cycle, while taking into account the interests of all States parties as well as all technical, legal, political and economic complexities surrounding these issues and without prejudice to the rights of States parties under the Treaty, including their national fuel cycle policies;

h. Become 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, as well as 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;

i. Encourage further voluntary steps to minimise the use and stockpiles of high-enriched uranium in the civilian sector, where technically and economically feasible and taking into account the need for an assured and reliable supply of medical isotopes, as well as to encourage the further use of low-enriched uranium targets for radioisotope production;

j. Transport radioactive materials consistent with relevant international standards of safety, security and environmental protection and to continue communication between shipping and coastal States regarding concerns over potential accidents or incidents during the transport of radioactive materials;

k. Bring into 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;

l. 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, as agreed at the 2010 Review Conference.

IV. Regional Issues

10. The Preparatory Committee notes the importance of the implementation of the 1995 Resolution on the Middle East, and the related outcomes of the 2000 and 2010 Review Conferences; including the convening without further delay of the postponed 2012 Conference, 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, taking as its terms of reference the 1995 Resolution.

11. The Preparatory Committee welcomes the letters deposited with the Secretary-General of the United Nations by the members of the League of Arab States and the Islamic Republic of Iran in which they, inter alia, endorsed the declaration of the Middle East as a zone free of nuclear weapons and other weapons of mass destruction; and also welcomes the Report of the Facilitator.

12. The Preparatory Committee notes the disappointment of States parties on the postponement of the 2012 Conference, as agreed at the 2010 Review Conference; notes the commitments of the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, in consultation with the States of the region, to hold the postponed 2012 Conference this year as

soon as agreement is reached, with the support of the Facilitator, among the States of the region on the practical arrangements, and with the support of the nuclear-weapon States.

13. The Preparatory Committee recommends that the 2015 Review Conference: reaffirm the importance of the implementation of the 1995 Resolution and the related outcomes of the 2000 and 2010 NPT Review Conferences; stress that the Resolution remains valid until the goals and objectives are achieved; underscore that the Resolution 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; resolve that States parties undertake, individually and collectively, all necessary measures aimed at the prompt implementation of the 1995 Resolution and the related outcomes of the 2000 and 2010 Review Conferences.

14. The Preparatory Committee recommends that the 2015 Review Conference: express serious concern about the Democratic People's Republic of Korea's nuclear programme; also reaffirm that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State in accordance with the Treaty; urgently call upon to the Democratic People's Republic of Korea to cease conducting any further nuclear tests, fulfil without delay all of its international obligations, return at an early date to the NPT and its IAEA safeguards agreement, and abandon all nuclear programmes in a complete, verifiable and irreversible manner; and to this end call for the resumption of diplomatic dialogue on the peaceful resolution of the nuclear issue with the Democratic People's Republic of Korea.

V. Universality and other provisions of the Treaty

15. The Preparatory Committee recommends that the 2015 Review Conference renew its call upon 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. The Preparatory Committee further recommends that the 2015 Review Conference call upon the Democratic People's Republic of Korea to resume its adherence to the NPT. The Preparatory Committee also recommends that the 2015 Review Conference call upon South Sudan to accede to the Treaty.

16. The Preparatory Committee recommends that the 2015 Review Conference: continue to examine ways and means of improving the effectiveness of the strengthened review process of the Treaty and measures aimed at reducing costs and increasing the efficiency of the review process; and reaffirm the implementation of Decision 1 adopted at the 1995 NPT Review and Extension Conference and "Improving the effectiveness of the strengthened review process for the Treaty" agreed at the 2000 NPT Review Conference.

17. The Preparatory Committee notes that each party in exercising its national sovereignty has 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, as well as 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, and recommends that the 2015 Review Conference further discuss issues and consider responses pertaining to article X.1 of the Treaty, regarding notice of withdrawal from the Treaty.

Final report of the Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[Reproduced from NPT/CONF.2015 /1, 14 May 2014]

[Eds...]

I. Terms of reference and organization of work

1. At its sixty-sixth session, the General Assembly, in its resolution 66/33 of 2 December 2011, took 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.

1. Accordingly, the Preparatory Committee held its first session in Vienna from 30 April to 11 May 2012. Following the decisions taken at the first session, the Committee held its second session in Geneva from 22 April to 3 May 2013 and its third session in New York from 28 April to 9 May 2014. Reports covering the first two sessions of the Committee were issued, respectively, as documents NPT/CONF.2015/PC.I/14 and NPT/CONF.2015/PC.II/12.

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 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 States Parties to the Treaty should be proposed for the presidency of the 2015 Review Conference. It was further decided that, when not serving as Chairs, the Chairs of the sessions of the Committee would serve as Vice-Chairs of the Committee.

4. Pursuant to that understanding, at its first session, the Preparatory Committee elected Peter Woolcott (Australia) to serve as Chair of the first session.

5. At its second session, the Preparatory Committee elected Cornel Feruta (Romania) to serve as Chair of the second session. It also elected Enrique Román- Morey (Peru) as Chair of the third session.

6. At its third session, the Preparatory Committee authorized its Bureau and the President-designate to handle technical and other organizational matters, as well as to carry out consultations with States parties in the period before the 2015 Review Conference. It also decided that the Chair of the third session of the Committee should open the Conference.

7. At its first session, the Preparatory Committee adopted its agenda as contained in document NPT/CONF.2015/PC.I/3, as follows:

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 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 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.

8. Thomas Markram, Chief, Weapons of Mass Destruction Branch, Office for Disarmament Affairs, served as Secretary of the first session of the Preparatory Committee. Valère Mantels, Senior Political Affairs Officer, Weapons of Mass Destruction Branch, Office for Disarmament Affairs, served as Secretary of the second and third sessions of the Committee. Christophe Carle, Director General's Office for Policy, International Atomic Energy Agency, represented the Agency at the first and second sessions. Cornel Feruta, Chief Coordinator, Director General's Office for Coordination, International Atomic Energy Agency, represented the Agency at its third session.

9. Delegations of the following 148 States parties participated in one or more sessions of the Preparatory Committee:

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Holy See, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

10. At its first session, the Preparatory Committee decided to make every effort to adopt its decisions by consensus. In the event that a consensus could not be reached, the Committee would then take decisions in accordance with the rules of procedure of the 2010 Review Conference of the Parties to the Treaty on the Non-

Proliferation of Nuclear Weapons, which would be applied *mutatis mutandis*.

11. Also at its first session, the Preparatory 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;

(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 2010 Review Conference, which would be applied *mutatis mutandis*, that specialized agencies and international and regional intergovernmental organizations should 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: the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, the African Union, the Arab Atomic Energy Agency, the European Union, the International Committee of the Red Cross, the League of Arab States, the Organisation for the Prohibition of Chemical Weapons and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization;

(c) In terms of rule 44, the State of Palestine participated in the work of the Committee as an observer;

(d) 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 would also allocate a meeting to non-governmental organizations to address each session of the Committee. Representatives of 98 non-governmental organizations attended one or more sessions of the Committee.

12. Also at its first session, the Preparatory Committee decided to use Arabic, Chinese, English, French, Russian and Spanish as its working languages.

13. In accordance with the Preparatory Committee's decision at its first session, summary records were provided, at each session, for the Committee's opening meetings, the general debate and the closing meetings. The summary records of the first session were issued as documents NPT/CONF.2015/PC.I/SR.1-3, 5 and 15. The summary records of the second session were issued as documents NPT/CONF.2015/PC.II/SR.1-4, 6 and 17. The summary records of the third session (NPT/CONF.2015/PC.III/SR.1-3, 5, 6 and 17) are issued separately as annex I to the present report.

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

II. Substantive work of the Preparatory Committee

15. The Preparatory Committee held 30 meetings devoted to substantive discussions under agenda item 6.

16. The discussion at each session of the Preparatory Committee was structured according to indicative timetables (first and second session) and a programme of work (third session), which provided equal time for the consideration of three clusters of issues and three specific blocs of issues.

17. 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 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 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.

18. 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.

19. 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 reports (NPT/CONF.2015/PC.I/11, NPT/CONF.2015/PC.II/10 and NPT/CONF.2015/PC.III/18) to the Preparatory Committee at its three sessions.

20. The Preparatory 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 2015 Review Conference

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

Dates and venue of the 2015 Review Conference

22. At its second session, the Preparatory Committee decided to hold the 2015 Review Conference in New York from 27 April to 22 May 2015.

Draft rules of procedure

23. At its third session, the Preparatory Committee considered the draft rules of procedure for the 2015 Review Conference. It agreed to recommend to the Conference the draft rules of procedure as contained in annex III to the present report.

24. At the same session, the Preparatory Committee agreed to recommend to the Conference that, notwithstanding rule 44.3 of the draft rules of procedure, 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.

25. Also at its third session, the Preparatory 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

26. The Preparatory Committee agreed at its third session that, upon communication of the nomination of the President of the 2015 Review Conference by the Chair of the Group of Non-Aligned States Parties to the Treaty, the Chair of the third session of the Committee would seek endorsement by States parties of that nomination.

27. At its third session, the Preparatory Committee agreed to recommend that Main Committees should be chaired by the Chairs of the consecutive sessions of the Preparatory Committee, or their successors, as follows: Main Committee I should be chaired by a representative of the Group of Non-Aligned States Parties to the Treaty, namely, the Chair of the third session of the Preparatory Committee; Main Committee II should be chaired by a representative of the Group of Eastern European States, namely, the Chair of the second session of the Preparatory Committee; and that Main Committee III should be chaired by a representative of the Western Group, namely, the Chair of the first session of the Preparatory Committee.

28. The Preparatory Committee also agreed to recommend that the post of Chair of the Drafting Committee be assumed by a representative of the Group of Eastern European States, and the post of Chair of the Credentials Committee by a representative of the Group of Non-Aligned States Parties to the Treaty.

Appointment of the Secretary-General

29. At its first session, the Preparatory Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Committee, to nominate an official to act as provisional Secretary-General of the 2015 Review Conference, 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 Committee, to nominate Thomas Markram, Chief, 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

30. At its third session, the Preparatory Committee adopted the draft provisional agenda of the 2015 Review Conference as contained in annex IV to the present report.

31. At the same session, the Preparatory 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 2015 Review Conference, including its Preparatory Committee

32. At its third session, the Preparatory Committee had before it the revised estimated cost of the 2015 Review Conference, including its Preparatory Committee, as recalculated using the actual documentation costs of the first and second sessions of the Committee (NPT/CONF.2015/PC.III/1).

33. In order to promote greater financial transparency and accountability and taking into account the practice of multilateral and other organizations, the Preparatory Committee for the 2010 Review Conference, at the 12th plenary meeting of its second session, held on 6 May 2008, adopted a decision in which it requested 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, financial reports were submitted to each session of the Committee (NPT/CONF.2015/PC.I/4, NPT/CONF.2015/PC.II/11 and NPT/CONF.2015/PC.III/21).

34. At its third session, the Preparatory 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, the Final Document of the 2000 Review Conference and the conclusions and recommendations for follow-on actions adopted at the 2010 Review Conference. The decision on background documentation is contained in annex VI to the present report.

Final document(s)

36. At its third session, the Preparatory Committee decided to defer the consideration of the matter to the 2015 Review Conference.

IV. Participation at the 2015 Review Conference

37. At its third session, the Preparatory Committee decided that invitations to observers which, in accordance with the decision on participation, were entitled to participate in the 2015 Review 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 Chair of the third session of the Committee.

V. Adoption of the final report

38. The Preparatory Committee adopted its final report at its last meeting, on 9 May 2014.

Annex I: Summary Records – [Eds...]

Annex II: List of Documents – [Eds]

C — Materials from Previous Review Conferences

Final Document. Part I Organization and work of the Conference. 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[NPT/CONF.2015/50 (Part I)] (Procedural report)

[Eds . . .]

Conclusions of the Conference

29. Despite intensive consultations, the Conference was not able to reach agreement on the substantive part of the draft Final Document, as contained in NPT/CONF.2015/R.3. At its 15th and final plenary meeting, on 22 May 2015, the Conference adopted the procedural part of the draft Final Document on the organization and work of the Conference as contained in document NPT/CONF.2015/R.2, as orally amended. [Eds . . .]

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 [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.]

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.

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 INF/CIRC/153 (Corrected), and the role of the United Nations Security Council and the General Assembly, in accordance with the Charter of the United Nations, in upholding compliance with IAEA safeguards agreements and ensuring compliance with safeguards obligations by taking appropriate measures in the case of any violations notified to it by IAEA.

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

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

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

14. The Conference welcomes that 166 States have brought into

force comprehensive safeguards agreements with IAEA in compliance with article III, paragraph 4, of the Treaty.

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

16. The Conference welcomes that all nuclear-weapon States have now brought into force additional protocols to their voluntary-offer safeguards agreements incorporating those measures provided for in the model additional protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the protocol.

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

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

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

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

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

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

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

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

that additional protocols also equip IAEA with access that provides the basis for credible assurance.

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

26. The Conference recognizes that national rules and regulations of States parties are necessary to ensure that the States parties are able to give effect to their commitments with respect to the transfer of nuclear and nuclear-related dual-use items to all States taking into account articles I, II and III of the Treaty, and, for States parties, also fully respecting article IV. The Conference notes that numerous States underline that effective and transparent export controls are important for facilitating the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, which, in the view of those States, depends on the existence of a climate of confidence about non-proliferation.

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

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

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

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

Article IV and sixth and seventh preambular paragraphs

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

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

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

34. The Conference calls upon all States parties, in acting in pursuance of the objectives of the Treaty, to observe the legitimate right of all States parties, in particular developing States, to full access to nuclear material, equipment and technological information for peaceful purposes. Transfers of nuclear technology

and international cooperation among States parties in conformity with articles I, II and III of the Treaty are to be encouraged. They would be facilitated by eliminating undue constraints that might impede such cooperation.

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

Peaceful uses of nuclear energy: nuclear energy and technical cooperation

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

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

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

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

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

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

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

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

44. The Conference calls on States parties to make every effort and take practical steps to ensure that the IAEA resources for technical cooperation activities are sufficient, assured and predictable to meet the objectives mandated in article II of the IAEA statute, notes with appreciation the 94 per cent rate of attainment level by the end of 2009, and looks forward to reaching the rate of

100 per cent, which is central to reconfirming the commitment of IAEA member States to the IAEA technical cooperation programme, and thus recalls that the financing of technical cooperation should be in line with the concept of shared responsibility and that all members share a common responsibility towards financing and enhancing the technical cooperation activities of IAEA.

45. The Conference welcomes the commitment of the IAEA Director General to ensuring that the work of IAEA continues to meet the basic needs of human beings in the fields of, inter alia, human health, including the application of nuclear technology in cancer therapy, water resources, industry, food, nutrition and agriculture, and especially the initiative of the IAEA Director General to highlight cancer control as a priority for IAEA during 2010.

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

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

Nuclear power

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

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

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

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

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

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

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

[Eds...]

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.

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

[23 November 2012]

Press statements:

I. 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 (MEWMDFFZ).

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 MEWMDFZ.

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 (MEWMDFZ), 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 non-proliferation 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 MEWMDFZ 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 non-proliferation 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.

Preparations for the conference on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction

[NPT/CONF.2015/37]

Appointment of the facilitator

1. In 1995, the Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) adopted a Resolution on the Middle East calling for, *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. Subsequently, the 2010 NPT Review Conference emphasized the importance of a process leading to full implementation of the 1995 Resolution.

2. According to the Final Document of the 2010 NPT Review Conference, the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (henceforth *the conveners*), "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 full support and engagement of the nuclear-weapon States". The 2010 NPT Review Conference also agreed that "the 2012 Conference shall take as its terms of reference the 1995 Resolution".

3. In accordance with the practical step endorsed by the 2010 Review Conference, on 14 October 2011, the conveners in consultation with the States of the region, appointed Under-Secretary of State Jaakko Laajava of the Ministry for Foreign Affairs of Finland as facilitator and designated 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.

Following the appointment of the facilitator and designation of the host Government, an office was established within the Ministry for Foreign Affairs of Finland in order to support the facilitator and assist in the preparations for the Conference.

The facilitator's mandate

4. The facilitator's mandate is 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's mandate is also to assist implementation of follow-up 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.

5. Accordingly, the facilitator has presented his reports to the three sessions of the Preparatory Committee (documents NPT/CONF.2015/PC.I/11, NPT/CONF.2015/PC.II/10 and NPT/CONF.2015/PC.III/18).

Consultations by the facilitator

6. In supporting the implementation of the 1995 Resolution and undertaking preparations for the convening of the 2012 Conference, the facilitator began immediately in October 2011 fulfilling his mandate by gathering ideas, views and expectations of the regional States on the establishment of the zone and on the Conference in order to ensure their primary input into the process and to gain a full understanding of the various points of departure.

7. The facilitator adopted an inclusive approach in order to ensure that the views of all regional States were taken into account in the consultative process. In determining the list of regional parties to be consulted, the conveners and the facilitator have referred to the international Atomic Energy Agency document GC(XXXIII)/887, 29 August 1989, para 3 (Technical Study on Different Modalities of the Application of Safeguards in the Middle East). He has encouraged all States of the Middle East to adopt an open and forward-looking approach and to engage with each other in constructive dialogue and cooperation. The facilitator has throughout his tenure emphasized that while the international community, the conveners and the facilitator can provide important support, the ownership and the ultimate responsibility for a successful Conference and the establishment of the zone lies with the States of the region.

8. The facilitator and the staff of his office have carried out close to six hundred consultations and meetings in regional capitals and outside the region with all stakeholders, in particular the States of the region, the conveners of the Conference, the nuclear-weapon States, relevant international organizations, civil society and other interested parties. The focus of the consultations, bilateral or multilateral, has been with the States of the region.

9. Between October 2013 and June 2014 the facilitator together with the conveners of the Conference and with the participation of States of the region held five informal meetings in Glion and Geneva, Switzerland, in order to facilitate agreement among the States of the region on the arrangements for the Conference to be held in Helsinki. The meetings provided an opportunity to exchange views on the Conference rules of procedure. Participants contributed actively to the dialogue and presented proposals. The conveners and the facilitator were impressed by the participants' readiness to engage, by their wish to make progress and by their open and constructive approach.

10. Despite the efforts of the facilitator and the conveners in 2014 and 2015 to continue these informal meetings and move to the necessary drafting phase, it was not possible to convene a further meeting.

11. The Final Document of the 2010 NPT Review Conference recognized the important role played by civil society in contributing to the implementation of the 1995 Resolution, and encouraged all efforts in this regard. The facilitator and his team have participated in various events organized by civil society actors and have sought to actively

engage with non-governmental organizations, academia and think tanks.

Preparations for the Conference

12. The Final Document of the 2010 NPT Review Conference set the task of convening the Conference upon the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution. The conference is to be attended by all States of the Middle East. In determining the list of regional participants, the conveners and the facilitator have referred to the IAEA Document mentioned in paragraph 8 above.

13. As regards the time and venue, Finland as the host Government has announced that it is prepared to arrange the Conference in Helsinki on a short notice.

14. In May 2012, the facilitator's office presented to the States of the region non-papers on the different substantive and organizational aspects of the Conference in order to assist in identifying arrangements to be freely arrived at by them. Following input received, in October 2012, the facilitator circulated updated non-papers as his proposals for the Conference arrangements, including its agenda, modalities and rules of procedure. In his proposals, the facilitator sought to accommodate the different points of departure of the States of the regions as regards the Conference and the establishment of the zone.

15. In the course of the bilateral and multilateral consultations of the facilitator the States of the region have put forward both formally and informally written and oral proposals regarding the Conference arrangements. Tunisia submitted on 19 April 2013 on behalf of the States members of the League of Arab States a working paper (NPT/CONF.2015/PC.II/WP.34) which included an Annex "The position of the Arab States regarding the non-paper prepared by the facilitator of 2012 conference on the establishment of a zone free of nuclear weapons and other weapons of mass destruction".

16. The facilitator's office produced in November 2014 "an orientation paper" which covers all main aspects of the arrangements for the Conference. It has been distributed to all future participants of the Conference as a tool of the facilitator that can be used during consultations in order to help move the process forward.

17. The Final Document of the 2010 NPT Review Conference endorsed additional steps aimed at supporting the implementation of the 1995 Resolution, including that IAEA, the Organization 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. The facilitator requested said documentation from IAEA, the Organization for the Prohibition of Chemical Weapons, the Biological and Toxin Weapons Convention Implementation Support Unit and the Preparatory Commission for the Comprehensive Nuclear -Test-Ban Treaty Organization. Each of these organizations provided the background documentation which was shared with the States of the region by the facilitator in December 2012.

Convening of the Conference

18. It was not possible to convene a Conference in 2012 as planned with the participation of all States of the region. Following the statements by the conveners stating this state of affairs, disappointment at the postponement of the Conference was widely expressed. Nevertheless, all States of the region expressed their willingness to continue the preparations for the Conference. The Government of Finland announced that it remained prepared to host the

Conference once convened. The facilitator stated he would continue Conference preparations with the States of the region and the conveners.

19. The Government of Finland and the facilitator are grateful for the extensive support and cooperation they have been offered by all parties throughout the tenure of the facilitator. The Governments of the Kingdom of Saudi Arabia and the United Kingdom have assisted financially the work of the facilitator. The Government of Switzerland has provided financial and logistical support to the organization of the informal meetings in Switzerland. The facilitator thanks these Governments for their valuable support.

Implementation of the 1995 resolution and 2010 outcome on the Middle East: working paper submitted by Bahrain on behalf of the Arab Group. Working Paper to 2015 Revcon.

[NPT/CONF.2015/WP.33 22 April 2015]

1. The issue of the establishment of a Middle East zone free of nuclear weapons has long occupied the international community. Despite the fact that the General Assembly has passed a resolution yearly on the establishment of a Middle East zone free of nuclear weapons since 1974, unfortunately, the issue remains unresolved after 40 years.

2. In 1995, as an integral part of the Treaty on the Non-Proliferation of Nuclear Weapons extension package, the 1995 Extension and Review Conference adopted a resolution sponsored by the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America on the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction (hereinafter the 1995 Resolution).

3. After 15 years of inaction, the 2010 Review Conference adopted as part of its action plan a set of actions on the implementation of the 1995 Resolution that included, inter alia, mandating the Secretary-General and the co-sponsors of the 1995 Resolution 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 (hereinafter the 2012 conference), and mandating the Secretary-General and the co-sponsors of the 1995 Resolution to appoint, after consultations with the States of the region, a facilitator and a host Government for the 2012 conference.

4. In October 2011, the Secretary-General announced the appointment of Finnish Undersecretary Jaakko Laajava as the facilitator and the Government of Finland as the host. Despite the efforts of the facilitator and the full engagement of the member States of the League of Arab States (annex A), it was announced, without consulting Arab States, in November 2012 that the 2012 conference had been postponed. Despite later efforts by the facilitator and the continued engagement of the member States of the League of Arab States to convene the conference during the subsequent years outside of the mandate defined in the 2010 action plan (annex B), the conference has not been held to date.

5. In view of the fact that the 2012 conference was not held in accordance with the defined mandate of the 2010 action plan, the Arab States call upon the 2015 Review Conference to adopt the following:

- a. To reaffirm the 1995 Resolution on the establishment in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction, which, being the basis upon which the treaty was indefinitely extended without a vote, remains valid until it is fully implemented;
- b. To call upon Israel, the only State in the Middle East that remains outside the Treaty, to immediately sign and ratify the Treaty without any further delay, as a non-nuclear-weapon State;
- c. To call upon the Secretary-General to convene

a conference within 180 days from the adoption of the 2015 Review Conference Final Document, aimed at launching a process to conclude a legally binding Treaty establishing a Middle East zone free of nuclear weapons and all other weapons of mass destruction (hereinafter "The Middle East Nuclear Weapon- and Weapons of Mass Destruction- Free Zone Conference") with the following mandate:

1) The Secretary-General shall invite States of the Middle East region to attend the Middle East Nuclear Weapon- and Weapons of Mass Destruction- Free Zone Conference. The Secretary-General shall exert all efforts and take all necessary measures with a view to ensuring the success of the conference;

2) In addition to States of the region (defined as members of the League of Arab States, Israel and the Islamic Republic of Iran), the five nuclear-weapon States, the International Atomic Energy Agency (IAEA), the Organization for the Prohibition of Chemical Weapons, the Biological Weapons Convention Implementation Unit and the League of Arab States shall be invited to attend the Middle East Nuclear Weapon- and Weapons of Mass Destruction- Free Zone Conference as observers;

3) The Middle East Resolution adopted at the 1995 Review and Extension Conference shall be the terms of reference of the Middle East Nuclear Weapon- and Weapons of Mass Destruction- Free Zone Conference;

4) The Middle East Nuclear Weapon- and Weapons of Mass Destruction- Free Zone Conference shall also adopt the establishment of two working groups as follows:

- a. *Working Group I*: dealing with the scope, geographic demarcation of the zone, prohibitions and interim measures;
- b. *Working Group II*: dealing with verification measures and implementation mechanisms;

5) The Middle East Nuclear Weapon- and Weapons of Mass Destruction- Free Zone Conference shall meet annually in its plenary format and working groups;

6) When such time that a legally binding treaty is agreed among the participating States of the region, the Secretary-General shall reconvene the conference to adopt the negotiated treaty on the establishment of a zone free of nuclear weapons and all other weapons of mass destruction in the Middle East;

7) The Secretary-General shall inform the 2020 Review Conference and its preparatory committees on progress made and the status of the implementation of the 1995 Resolution;

8) The permanent five members of the Security Council shall provide all necessary support for the implementation of this mandate, and shall present reports on their actions in this regard to the Review Conference and its preparatory committees, especially the co-sponsors of the 1995 Resolution, who bear special responsibility for the resolution they sponsored to guarantee the indefinite extension of the Treaty without a vote in 1995;

9) The Secretary-General shall secure the required funds, including through a voluntary fund that could be established by the Secretary-General to support the implementation;

- d. *To request all Member States to exert all efforts to support the convening of the Middle East Nuclear Weapon- and Weapons of Mass Destruction- Free Zone Conference and the full implementation of the 1995 Resolution;*

- e. *The conference shall not be postponed. In case the States that announce their participation in the conference decide to postpone the convening of the conference, the conference shall be*

held within 90 days;

- f. *To encourage all Member States to report on their efforts to implement the 1995 Middle East Resolution.*

[Eds...]

Progress Towards the Convening of a Conference on The Establishment of a Middle East Zone Free of Nuclear Weapons and All Other Weapons of Mass Destruction Attended by All States Of The Middle East: Working Paper Submitted On Behalf Of The Co-Convening States (Russian Federation, United Kingdom Of Great Britain And Northern Ireland And United States Of America)

[NPT/CONF.2015/WP.48]

Multilateral efforts

1. The Final Document of the 2010 NPT Review Conference "NPT/CONF.2010/50" tasked the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution on the Middle East, namely the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, to convene a Conference on a Middle East zone free of nuclear weapons and all other weapons of mass destruction in 2012, on the basis of arrangements freely arrived at by the States of the region.
2. Co-convening States and the United Nations, alongside the Facilitator, have invested significant efforts in this process. Work started soon after the 2010 Review Conference, where co-convenors agreed a joint approach and, following extensive consultations over a number of months, the Republic of Finland was designated as the host government, and Ambassador Jaakko Laajava of Finland was appointed as the Facilitator in 2011 by the Secretary-General of the United Nations and the co-sponsors of the 1995 Resolution. Following the appointment of the Facilitator, the Government of Finland established under the Ministry for Foreign Affairs a team of experts to support the Facilitator's work and allocated funds to cover the activities of the Facilitator's office as well as the Conference itself.
3. Following his nomination, the Facilitator undertook outreach with States of the region, strongly supported by the co-convenors, in order to try and agree arrangements for a Conference attended by all States of the Middle East. Outreach also included discussions with the International Atomic Energy Agency, the Organisation for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention Implementation Support Unit. The Facilitator and co-convenors later made a number of joint trips to the region. As a result of this work, the Facilitator was able to circulate a number of papers in November 2012, and secure the willingness of one non-NPT State, to contribute to discussions on what freely-arrived arrangements for a Conference might mean in practice. At that stage, a meeting between States of the region to discuss arrangements was not yet possible.
4. Regrettably, despite these efforts, it was not possible to agree with States of the region the necessary agenda, modalities and outcomes for a Conference to be held in 2012, attended by all States of the Middle East, on the basis of arrangements freely arrived at by the States of the region. However, these efforts continued, with further consultations and travel to the region. In October 2013, after States of the region indicated a willingness to compromise in order to allow face-to-face talks, States met informally in Glion, Switzerland, supported by the Facilitator and co-convenors. These were the first direct security discussions involving the States of the region in almost twenty years, and hence the first moment since 2010 when direct regional discussions on a Conference took place. There have been four further

informal meetings in Switzerland since that first meeting. Israel and Arab States have attended all five meetings.

5. Led by the Facilitator, States of the region have discussed arrangements for the Conference at these five meetings. All states participated in a respectful, positive and constructive manner. Papers on the agenda, modalities and outcomes for the Conference have all been tabled informally for discussion. Although States of the region continue to disagree on important elements of the agenda, there has been significant progress. This has included:

- A broad acceptance of the vast majority of the agenda, much of which is not contentious;
- Serious discussion of the modalities and outcomes documents;
- The willingness of parties for all Conference decisions to be taken by consensus.

6. States of the region have not met since June 2014, however, the efforts of the Facilitator and co-convenors have not ceased. The co-convenors have continued to work together and liaise closely with all of the States of the region. The Facilitator has continued to travel to regional cities, including Cairo, Tel Aviv and Tehran. He also proposed several times specific dates and alternative venues and meeting formats, all with a view to encouraging all states to participate in a further round of consultations to try and narrow differences on arrangements. It was unfortunately not possible to convene a further meeting.

7. Throughout this process, the co-convening states and the United Nations have invested considerable effort into convening a Conference. The Secretary-General of the United Nations and the High Representative for Disarmament Affairs have engaged actively to have the Conference convened as soon as possible, and given their full support to the Facilitator. Ministers and senior officials from the co-convening states have supported this process at the highest levels, in an effort to promote constructive engagement and support for the Facilitator's work. This has included numerous meetings with, discussions with and travel to States of the region. The co-convening states remain ready to support this process in order to convene a Conference as soon as possible.

Recommendations

8. We recommend that:
 - The Conference reiterates the importance of the Resolution on the Middle East adopted by the 1995 Review and Extension Conference, and confirms its support for the full implementation of its aims and those of the 2010 Review Conference in relation to the Middle East.
 - The Conference regrets that a Conference on a Middle East zone free of nuclear weapons and all other weapons of mass destruction did not take place in 2012; the Conference nonetheless welcomes the continuous efforts of the Facilitator, the States of the region and the co-convenors to try to agree arrangements for a Conference attended by all States of the Middle East to be convened, including through a series of informal consultations among regional parties, so that they may freely reach agreement on arrangements.
 - The Conference urges all States of the region, supported by the Facilitator and the co-convenors, to undertake urgent consultations in order to allow the convening of a Conference attended by all States of the Middle East as soon as possible, on the basis of arrangements freely arrived at by the States of the region.
 - The Conference underlines its collective belief that convening a successful, inclusive Conference will be a practical first step towards the long-held, common goal of the establishment of a Middle East zone free from nuclear weapons and all weapons of mass destruction.
 - In order to continue the substantive work in this area, the Conference should address the possibility of funding and consider the establishing of a special

Trust Fund for all those interested to make voluntary contributions to cover the costs of holding the Conference on the establishment of a Middle East zone free from nuclear and all other weapons of mass destruction.

Towards a regional dialogue in the Middle East: an Israeli perspective: submission by Israel

[NPT/CONF.2015/36 30 April 2015]

1. Israel's long-held vision of a more secure and peaceful Middle East requires that all regional States engage in a process of direct and sustained dialogue to address the broad range of regional security challenges in the Middle East. Such a dialogue, based on the widely accepted principle of consensus, can only emanate from within the region and address in an inclusive manner the threat perceptions of all regional parties with a view to enhancing and improving their security. Direct contact, combined with trust and confidence-building, is an essential basis for the creation of a new security paradigm in a region that is increasingly fraught with wars, conflicts, disintegration of national territories and human suffering.
2. Accordingly, Israel agreed in 2011 to the request of the Under-Secretary of State for Foreign and Security Policy of Finland, Jaakko Laajava, to engage in consultations to advance a regional dialogue. Subsequently, Israel was the first country in the region to respond positively to Mr. Laajava's proposal in February 2013 to participate in multilateral consultations in Switzerland to discuss the arrangements and conditions necessary for convening a conference on establishing the Middle East as a zone free of all weapons of mass destruction and means of delivery. It took the Arab Group an additional eight months to agree to participate in the consultations.
3. Between October 2013 and June 2014, five rounds of multilateral consultations were held in Switzerland between Israel and several of its Arab neighbours. The central purpose of the meetings was to seek regional consensus on all the essential aspects of a conference in Helsinki, including the agenda, the concluding document and the necessary modalities. The consultations were conducted in a business-like manner and were the first direct engagement between Israel and its neighbours on this issue in more than 20 years, since the arms control and regional security process in the 1990s.
4. While not all regional States attended, the consultations presented an important opportunity for direct regional engagement. Indeed, Israel's participation at a senior and authoritative level in all the five meetings attested to the importance that Israel ascribed to the need to redefine a new regional security paradigm for the Middle East. During the consultations, Israel submitted, including in writing, some creative ideas and formulations that could advance consensus, as well as understandings and trust, between the regional parties. Indeed, Israel stated unequivocally, also in public, that, if agreement were reached on the agenda, the concluding document and terms of reference of a conference in Helsinki, the regional States could proceed to set a date for such an event.
5. In June 2014, the Arab representatives at the fifth round of consultations in Geneva felt that they required new instructions and in effect discontinued the talks. Since June 2014, Mr. Laajava has been attempting to convene a sixth round of consultations in Geneva. Israel responded positively on 20 October 2014 and 7 January 2015 to formal invitations in that regard. Despite Israel's positive attitude towards continued engagement, the sixth round of consultations in Geneva was postponed several times and was not held, preventing necessary progress towards a consensual agreement on a conference in Helsinki.
6. Regrettably, in recent years the Arab countries have preferred to focus their efforts on promoting contentious resolutions in the International Atomic Energy Agency General Conference and the First Committee of the General

Assembly. That negative approach has reinforced the lack of trust and confidence and prevented a meaningful dialogue between the States of the Middle East.

7. Ultimately, it is difficult to understand how any disarmament, arms control and regional security issues can be addressed without any direct dialogue between the regional States, as the Group of Arab States suggests. Such strident opposition to conducting a direct dialogue with Israel, coupled with the demand that a conference be convened by a deadline on the basis of terms of reference conceived by one side only, underlines and reinforces the mistrust and suspicion between the States in the region. If a serious regional effort has not emerged in the Middle East during the past five years it is not because of Israel.

8. It should be emphasized that notions of direct engagement and consensus are fundamental norms in international diplomacy and have been accepted in other regions. In that context, the Group of Seven recently declared that: "The regional parties must engage actively with each other in order to reach consensus on a date and an agenda for the Helsinki Conference as soon as possible. We emphasize that the Conference can only lead to a meaningful process if the interests of all participants are taken into account."

9. To promote any significant regional security architecture in the Middle East, it is imperative that the regional States do not adopt positions that prevent the other side from participating in what should be an inclusive regional process between all relevant stakeholders. Decisions that seek to circumvent and substitute direct engagement or the building of trust and agreement among regional parties will neither assist a regional process nor hasten a successful outcome.

10. A meaningful process will require:

- (a) That regional States assume responsibility for the promotion of a direct regional dialogue, without external auspices that do not emanate from the region;
- (b) That regional States address the broad range of security challenges facing the region;
- (c) That all decisions be reached by consensus between the regional parties.

Israel, for its part, will continue to adopt a positive and constructive approach towards a meaningful regional discussion that could lead to a more peaceful and secure Middle East free from wars, conflicts and all weapons of mass destruction.

Regional Issues, Including with Respect to the Middle East and Implementation of the 1995 Middle East resolution: a Working Paper of the Chair of Subsidiary Body 2

[NPT/CONF.2015/MC.II/WP.2]

1. The Review Conference reaffirms its support for 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 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The 1995 Resolution remains valid until its goals and objectives are achieved. The 1995 Resolution, which was co-sponsored by the depositary States of the Treaty (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 Review and Extension 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 Review Conference reaffirms its endorsement of the aims and objectives of the Middle East Peace process, as stated in the 1995 Resolution, 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 Review Conference reaffirms the urgency and importance of achieving universality of the Treaty. The Review Conference calls on all States in the Middle East that have not yet acceded to the Treaty to do so as non-nuclear-weapon States so as to achieve its universality at an early date.

4. The Review Conference recalls the practical steps adopted at the 2010 Review Conference in order to launch a process leading to a full implementation of the 1995 Resolution.

5. The Review Conference deeply regrets that a conference did not take place in 2012 as agreed. This Review Conference nonetheless welcomes the continuous efforts of the facilitator, Ambassador Jaakko Laajava of Finland, the States of the region, the Secretary-General of the United Nations and the co-sponsors of the 1995

Resolution in undertaking preparations for the convening of the conference, including through a series of informal consultations among States of the region.

6. The Review Conference takes note of the overwhelming support expressed by the States parties to convene a Conference on the establishment of a Middle East zone free of nuclear and all other weapons of mass destruction. To that end, the Review Conference agrees on the following actions:

- i. The Secretary-General of the United Nations, in consultation with the co-sponsors of the 1995 Resolution and the States of the region, will convene a Conference by 15 December 2015, 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.
- ii. The Conference shall take as its terms of reference the 1995 Resolution. The Secretary-General of the United Nations and the three co-sponsors of the 1995 Resolution guarantee that the Conference will not be postponed.
- iii. In addition to States of the region (defined as members of the League of Arab States, the Islamic Republic of Iran and Israel), the nuclear-weapon States, the International Atomic Energy Agency (IAEA), the Organisation for the Prohibition of Chemical Weapons (OPCW), the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO), the Biological Weapons Convention Implementation Support Unit (BWC-ISU) and the League of Arab States will be invited to attend the Conference as observers.
- iv. The Secretary-General of the United Nations, or his designated representative, together with the co-sponsors of the 1995 Resolution, in cooperation with the States of the region, will spare no efforts to ensure proper preparation and a successful outcome of this Conference. The Review Conference urges all States of the region to engage without delay in intensive direct consultations in appropriate formats, at their discretion, including first and foremost through preparatory meetings to which all States of the region will be invited. The primary purpose of these consultations will be to reach consensus on an agenda and a final document of the Conference to ensure convening a successful event that will be a practical first step towards the long-held, common goal of the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction.
- v. If the States of the region are not able to agree amongst themselves on the necessary arrangements for the Conference by 15 November 2015, the Secretary-General of the United Nations, in consultation with the co-sponsors of the 1995

Resolution, will issue invitations to all States of the region for the Conference to be convened by 15 December 2015.

7. The Conference welcomes the efforts taken by the European Union, IAEA, OPCW, CTBTO and BWC-ISU aimed at supporting the implementation of the 1995 Resolution.

8. The Secretary-General of the United Nations will inform the 2020 Review Conference and each session of its Preparatory Committee on progress made and the status of the implementation of the 1995 Resolution.

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

10. The 2015 Review Conference reaffirms that all States parties to the Treaty, particularly the nuclear-weapon States and the States of the region, should continue to report on steps taken to implement the 1995 Resolution, through the United Nations Secretariat, to the President of the 2020 Review Conference, as well as to the Chairpersons of the Preparatory Committee meetings to be held in advance of that Conference.

11. States should assist the preparation of and holding of the Conference as well as follow-up steps by contributing the necessary funds to enable the Secretary-General of the United Nations to proceed with the arrangements as outlined above in accordance with the established UN financial regulations.

12. 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 condemns the nuclear tests conducted by the Democratic People's Republic of Korea in 2006, 2009 and 2013, and urges the Democratic People's Republic of Korea to refrain from conducting further nuclear tests as required by the relevant United Nations Security Council resolutions. The Conference strongly deplores all Democratic People's Republic of Korea's ongoing nuclear activities and urges this country to renounce its policy of building its nuclear forces. The Democratic People's Republic of Korea's continued development of nuclear capabilities poses a serious threat to international peace and security and undermines the global non-proliferation regime.

2. The Conference recalls that the Democratic People's Republic of Korea cannot have the status of a nuclear-weapon State in accordance with the Treaty, and reiterating the international community's opposition to its possession of nuclear weapons, strongly urges the DPRK to abandon all its nuclear weapons and existing nuclear programmes, and return, at an early date, to the Treaty and IAEA safeguards.

3. The Conference calls on the Democratic People's Republic of Korea to fully comply with its obligations under all relevant United Nations Security Council resolutions, and take concrete steps to honour its commitment to full implementation of the 2005 Joint Statement of the Six-Party Talks.

The Conference reaffirms its firm support for the Six-Party Talks so as to achieve the complete, verifiable and irreversible denuclearization of the Korean Peninsula, and calls on the Democratic People's Republic of Korea to respond to diplomatic efforts aimed at creating favourable conditions for the resumption of Six-Party Talks.

E– P5 Conferences on Confidence Building and Nuclear Disarmament (CBND)

Joint Statement on the First P5 Conference

[London, 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 on 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.

Joint Statement on the Second P5 Conference

[Paris, 2011]

The P-5 met in Paris on 30 June – 1 July for their first follow-up meeting to the NPT Review Conference, with a view to considering progress on the commitments they made at this Conference, as well as to following up 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 P-5 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 P-5 nuclear consultation, they approved to continue working on an agreed glossary of definitions for key nuclear terms and established a dedicated working group.

The P-5 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 P-5 shared their views on how to respond to notifications of withdrawal from the Treaty, while recognizing 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 P-5 States recalled their commitment to promote and ensure the swift entry into force of the Comprehensive Nuclear Test-Ban Treaty (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 objective 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 a 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 P-5 will, prior to the next United Nations General Assembly, renew their efforts with other relevant partners to promote such negotiations.

The P-5 welcomed the steps taken by the U.S., Russia and the UK towards holding a Conference on a Middle East WMD Free Zone (MEWMDFZ) in 2012.

The P-5 will follow on their discussions and hold a third P-5 Conference in the context of the next NPT Preparatory Committee.

Joint Statement on the Third P5 Conference

[Washington DC, 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.

Joint Statement on the Fourth P5 Conference

[Geneva, 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.

Joint Statement on the Fifth P5 Conference

[Beijing, 2014]

1. The five Nuclear Non-Proliferation Treaty (NPT) nuclear-weapon states, or P5, met in Beijing on April 14-15, 2014, under the chairmanship of the People's Republic of China, to build on the 2009 London, 2011 Paris, 2012 Washington, and 2013 Russian-hosted Geneva P5 conferences. The P5 reviewed progress towards fulfilling the commitments made at the 2010 NPT Review Conference (RevCon), and continued discussions on issues related to all three pillars of the NPT – disarmament, nonproliferation, and the peaceful uses of nuclear energy. The P5 also had a useful discussion with representatives of civil society during the Conference.

2. The P5 reviewed significant developments at the 2013 Preparatory Committee (PrepCom) for the 2015 NPT Review Conference and in the context of the NPT since the 2013 Geneva P5 Conference. The P5 reaffirmed that the NPT remains the essential cornerstone for the nuclear nonproliferation regime and the foundation for the pursuit of nuclear disarmament, and they remain committed to strengthening the NPT. They emphasized the importance of continuing to work together in implementing the Action Plan adopted by consensus at the 2010 NPT Review Conference, and reaffirmed their commitment to the shared goal of nuclear disarmament and general and complete disarmament as provided for in Article VI of the NPT. The P5 intend to continue to seek progress on the step-by-step approach to nuclear disarmament, which is the only practical path to achieving a world without nuclear weapons and in keeping with our NPT obligations.

3. The P5 intend to strengthen P5 engagement to advance progress on NPT obligations and 2010 NPT Review Conference Action Plan commitments. The P5 advanced their previous discussions on the issues of transparency, confidence-building, and verification, and welcomed the achievement under France's leadership of P5 consensus on a reporting framework. They introduced to each other their national reports consistent with this reporting framework and Actions 5, 20, and 21 of the 2010 NPT RevCon Final Document, with a view to reporting to the 2014 PrepCom. They encourage other NPT States Party to submit reports, consistent with Action 20 of the NPT RevCon Final Document.

4. The P5 reviewed the work carried out by the Working Group on the Glossary of Key Nuclear Terms under China's leadership, and in this regard, noted the success of the Second Experts' Meeting of the Working Group held on 26-27 September 2013, in Beijing, which established milestones for the completion of the first phase of the Glossary effort for the 2015 RevCon. The progress made in this effort provides a solid foundation for the Working Group to submit its outcome on the terms currently under discussion to the 2015 NPT Review Conference. The P5 stressed again the importance of this work, which is increasing mutual understanding and will facilitate further P5 discussions beyond 2015 on nuclear issues.

5. The P5 had an exchange of views on their nuclear doctrines, strategic stability, and international security from their individual country perspectives to gain better understanding and build strategic trust. They also discussed the importance of verification in achieving progress towards further disarmament and ensuring the success of nonproliferation efforts. The P5 welcomed briefings by the Russian Federation and the United States on aspects of the New START Treaty's implementation, as well as on implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly-Enriched Uranium Extracted From Nuclear Weapons, signed in Washington, D.C. on 18 February 1993, and its related Protocol on HEU Transparency Arrangements. The P5 shared further information on their

respective experiences in verification and resolved to continue such exchanges.

6. The P5 visited the Chinese National Data Centre for the implementation of the Comprehensive Nuclear Test-Ban Treaty (CTBT), as an endeavor to enhance transparency and mutual understanding. They recalled their commitment in the 2010 NPT RevCon Final Document to promote and take concrete steps towards early entry into force of the CTBT and its universalization. They 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 intend to continue their cooperative work to strengthen the CTBT verification regime. The P5 confirmed their support for the ad referendum arrangement for collaborative work by their CTBT technical experts towards improved critical on-site inspection techniques and technology.

7. The P5 supported efforts to revitalize the Conference on Disarmament (CD) and continue to be concerned with the impasse at the CD. They discussed efforts to find a way forward in the CD and reiterated their support for a comprehensive program of work, which includes the immediate start of negotiations in the CD on a legally binding, verifiable international ban on the production of fissile material (Fissile Material Cut-off Treaty or FMCT) for use in nuclear weapons or other nuclear explosive devices on the basis of CD/1299 and the mandate contained therein. The P5 participated fully in the first session of the UN Group of Governmental Experts (GGE) on FMCT, established in UNGA/RES/67/53, and look forward to further engagement in this group.

8. In reaffirming the historic contribution of the pragmatic, step-by-step process to nuclear disarmament and stressing the continued validity of this proven route, the P5 also emphasized their shared understanding of the severe consequences of nuclear weapon use and their resolve to continue to give the highest priority to avoiding such contingencies, which is in the interests of all nations.

9. The P5 shared their views on topical proliferation issues and remain concerned about serious challenges to the nonproliferation regime. They pledged to continue their efforts in different formats and at various international fora to find peaceful diplomatic solutions to the outstanding issues faced by the nonproliferation regime. As they did previously, and looking ahead to the 2014 PrepCom, they called on the states concerned to fulfill without delay their international obligations under the appropriate UN Security Council resolutions, undertakings with the IAEA and other appropriate international commitments.

10. The P5 shared their views on how to prevent abuse of NPT withdrawal (Article X). They resolved to make efforts to broaden consensus among NPT States Party on the withdrawal issue at the 2014 PrepCom, thus making a further contribution to the NPT Review Process.

11. The P5 reviewed their efforts to bring about the entry into force of the relevant legally binding protocols of nuclear-weapon-free zone treaties as soon as possible. They also reiterated their support for the early 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.

12. The P5 discussed issues related to strengthening the International Atomic Energy Agency (IAEA) safeguards system. They 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. The P5 also discussed the role of the nuclear-weapon-states, in conformity with the provisions of the NPT, in assisting the IAEA in cases involving possible detection of nuclear weapon programs in non-nuclear weapon states.

13. The P5 noted that they are now more engaged than ever in regular interactions on disarmament, arms control, and nonproliferation issues. The P5 pledged to continue to meet at all appropriate levels on nuclear issues to further promote dialogue and mutual confidence. In addition to meeting at all appropriate levels, the P5 intend to hold a sixth P5 conference. The P5

welcomed the offer by the United Kingdom to host this conference in London in 2015.

Joint Statement on the Sixth P5 Conference

[London, 2015]

The Nuclear Non-Proliferation Treaty (NPT) Nuclear-Weapon States (NWS), or P5, met in London, 4-5 February 2015, for the sixth P5 Conference to review progress towards fulfilling the commitments made at the 2010 NPT Review Conference and to discuss the next steps for the P5 Process. In particular the P5 considered the implementation of the 2010 Action Plan adopted by consensus as a roadmap for long term action. The P5 also considered a wide array of issues related to and steps towards making progress on all three pillars of the NPT: disarmament, non-proliferation and the peaceful uses of nuclear energy. In addition, the P5 had constructive and productive discussions with a number of non-nuclear-weapon states and civil society representatives.

In reaffirming their commitment towards achieving a world without nuclear weapons in accordance with the goals of the NPT, the P5 reflected on the contribution that the P5 Process has made in developing the mutual confidence and transparency among the P5 that is essential to make progress towards multilateral nuclear disarmament. At the start of the second cycle of the process, all of the P5 noted the value of having an established dialogue, with each P5 state having now hosted a conference at least once. They welcomed how each conference had built on the success of the last and the increasing amount of intersessional work on issues such as the Comprehensive Nuclear-Test-Ban Treaty, the achievement of P5 consensus on a common reporting framework and the Glossary of Key Nuclear Terms, which have all contributed towards the implementation of the 2010 Action Plan.

At their 2015 Conference the P5 restated their belief that the Nuclear Non-Proliferation Treaty remains the essential cornerstone for the nuclear non-proliferation regime and the foundation for the pursuit of nuclear disarmament, and is an essential contribution to international security and stability. They reviewed the NPT Preparatory Committee process over the course of this Review Cycle and considered the upcoming 2015 Review Conference, where the P5 intend to make a joint statement. The P5 looked forward to working with all States Parties to the NPT to ensure a positive outcome to the Review Conference that is balanced across the three mutually reinforcing pillars.

The P5 reaffirmed that a step-by-step approach to nuclear disarmament that promotes international stability, peace and undiminished and increased security for all remains the only realistic and practical route to achieving a world without nuclear weapons. To this end, the P5 discussed issues related to international security and strategic stability and their nuclear doctrines in order to enhance mutual understanding in these areas. This included updates on New START implementation and the verification experiences of both the Russian Federation and the United States in relation to the New START Treaty. It was noted that, since the entry into force of the NPT, the step-by-step approach has already dramatically reduced the number of nuclear weapons held by the NWS from their Cold War peak. The P5 all reaffirmed the importance of full compliance with existing, legally-binding arms control, nonproliferation, and disarmament agreements and obligations as an essential element of international peace and security.

The P5 stressed that addressing further prospects for nuclear disarmament would require taking into account all factors that could affect global strategic stability. In doing so they stressed the importance of engaging in frank and constructive dialogue to that end.

The P5 reiterated their shared understanding about the severe consequences of nuclear weapon use and underlined their resolve to prevent such an occurrence from happening. They also reaffirmed their commitment to existing security assurances regarding the use, or threat of use, of nuclear weapons, including, in accordance with UNSCR 984 (1995), their readiness to assist non-nuclear-weapon States Parties to the NPT that may become the victims of a nuclear attack (terrorist or otherwise).

The P5 discussed efforts to achieve entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and recalled their commitment in the 2010 NPT Review Conference Final Document to promote and take concrete steps towards early entry into force of the CTBT and its universalization. They called upon all states to uphold national moratoria on conducting any nuclear explosion. It was noted that all members of the P5 have such a voluntary moratorium in place. P5 collaboration on improving and maintaining the International Monitoring System was reviewed. The P5 intend to release a joint statement on minimizing the impact of medical isotope production on the International Monitoring System. Further, particular note was made of the successful completion of the Integrated Field Exercise 2014 in Jordan, to which all members of the P5 contributed equipment, personnel and effort. The P5 decided to continue regular technical meetings aimed at enhancing the verification regime and to hold a workshop on data quality objectives for radionuclide measurements for on-site inspections.

The P5 reiterated their full support for the United Nations disarmament machinery, including the Conference on Disarmament (CD), and the Disarmament Commission. Whilst there was shared disappointment over the long-standing lack of consensus on a Programme of Work in the CD, the P5 welcomed the increased activity of the CD in its 2014 session and in particular informal substantive discussions held on all CD agenda items under the Schedule of Activities and the efforts of the Informal Working Group which sought to produce a Programme of Work robust in substance and progressive over time in implementation. The P5 discussed efforts to find a way forward in the CD and reiterated their support for a comprehensive and balanced Programme of Work which includes the immediate start 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 use in nuclear weapons or other nuclear explosive devices (Fissile Material Cut-off Treaty (FMCT)) on the basis of CD/1299 and the mandate contained therein. The P5 stressed in this regard the importance of the ongoing discussions of the Group of Governmental Experts established by United Nations General Assembly Resolution 67/53.

The P5 also decided that they should increasingly engage with the wider disarmament community. To this end, a number of non-nuclear-weapon states were invited, for the first time, to a briefing and discussion session as part of the P5 Conference. The P5 delivered a briefing on the Conference before discussing a number of NPT-related matters in greater depth and expressed their desire to continue such discussions when preparing for the important steps of the next review cycle, building on the increased engagement that has taken place in recent months with the NNWS. In addition to this an outreach event was organised in conjunction with Chatham House, providing civil society the opportunity to engage with the P5.

The P5 co-operative work featured heavily during the discussions and progress was made on the Glossary of Key Nuclear Terms. The P5 announced their intention to release the first edition for the Ninth Review Conference. The P5 intend to revise and update the Glossary as appropriate in due course.

The P5 received updates on a variety of bilateral and multilateral projects regarding disarmament verification, including from some P5 members.

The P5 reiterated the need to find peaceful and diplomatic solutions to challenges to the non-proliferation regime. The P5 welcome the ongoing diplomatic process between the Islamic Republic of Iran and the P5+1, and highlighted their continued commitment to negotiations on a comprehensive settlement that would guarantee the exclusively peaceful nature of Iran's programme. Regarding the interaction between the International Atomic Energy Agency (IAEA) and Iran, they noted the urgent need for full co-operation in order to resolve all outstanding issues, including those related to possible military dimensions. Additionally, the P5 stressed their resolve for a diplomatic resolution to the nuclear issue on the Korean Peninsula so as to achieve its complete, verifiable and irreversible denuclearization in accordance with the 19 September 2005 Joint Statement of the Six-Party Talks.

The P5 stressed the importance of maintaining and strengthening the IAEA's safeguards system. Discussions covered matters such as the universalisation of the Additional Protocol.

In discussing nuclear-weapon-free zones, the P5 welcomed the signing of the Protocol to the Treaty on the Central Asia Nuclear Weapon Free Zone in 2014 and its subsequent ratification by France and the UK, and noted the relevant efforts by others to bring about the Protocol's entry into force. The P5 also expressed hope that progress would be made on the signature of the Protocol to the South East Asian Nuclear Weapon Free Zone Treaty, and encouraged the parties to that Treaty to continue to engage constructively in order to find solutions to outstanding issues. Furthermore, the P5 reaffirmed their full support for the efforts of the facilitator and co-conveners in holding a conference on establishing a weapons of mass destruction free zone in the Middle East, and urged all states of the region to redouble their efforts to reach consensus on arrangements so that a conference could be convened.

The P5 continued their discussion on the issue of withdrawal from the NPT. Whilst noting that every State Party has the right to withdraw under the provisions of Article X.1, the P5 expressed the hope that the Review Conference would reach consensus on recommendations concerning potential abuse of the exercise of the right of withdrawal.

The P5 reviewed actions by each of the P5 to promote the peaceful uses of nuclear energy by States Parties to the NPT in conformity with Articles I, II, and III of the NPT, and reaffirmed their support for the programs of the IAEA in this area, including the Technical Cooperation Programme.

The NWS looked forward to continuing their dialogue in order to make progress on NPT obligations. The P5 welcomed France's generous offer to host the next P5 Conference. They looked forward to a consensual, balanced outcome to the 2015 Review Conference, which would do much to enhance the P5's continuing efforts to strengthen the NPT.

Joint Statement on the 7th P5 Conference

[Washington DC, 15 September 2016]

1. As Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), 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 met in Washington, D.C., 14-15 September 2016, for the seventh P5 Conference to demonstrate continued commitment to the NPT, and to review progress made on nuclear disarmament, nonproliferation, and peaceful uses of nuclear energy including in fulfilling commitments made at the 2010 NPT Review Conference. The P5 reaffirmed the ongoing relevance of all provisions of the Action Plan adopted by consensus at the 2010 NPT Review Conference that remains an indispensable roadmap for the implementation of all the three pillars of the NPT. The P5 took stock of the 2015 NPT Review Conference and discussed ways to enhance prospects for the 2020 NPT Review Cycle. The P5 look forward to working with all States Parties to the NPT to ensure a positive outcome to the 2020 NPT Review Cycle.

2. The P5 recognized the considerable progress made together through the P5 process since the first such conference in 2009 and reaffirmed the value of this format for fostering dialogue, transparency, and cooperation among Nuclear Weapons States (NWS) and with international partners. The development of a common reporting framework for the 2015 NPT Review cycle, the work of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) Experts Group, and the publishing of a Glossary of Key Nuclear Terms provide a sound foundation for further cooperative work. They resolved to continue working together through the P5 process to make further progress during the 2020 NPT Review Cycle.

3. The P5 reaffirmed that the NPT remains the cornerstone of the international nuclear nonproliferation regime, a framework for expanding the peaceful uses of nuclear energy amongst States

Parties to the Treaty, and the foundation for the collective pursuit of nuclear disarmament. The P5 committed to working together and with other States Parties to strengthen in a balanced and effective manner each of the NPT's mutually reinforcing pillars – disarmament, nonproliferation, and the peaceful uses of nuclear energy. The P5 reaffirmed that the preservation of the integrity of the NPT, achieving its universality and its strict implementation are essential to regional and international peace and security.

4. At their 2016 Conference, the P5 reaffirmed the shared goal of and commitment to nuclear disarmament and general and complete disarmament, as referenced in the preamble and provided for in Article VI of the NPT. The P5 restated their steadfast commitment to seeking a safer world for all and achieving a world without nuclear weapons, in accordance with the goals of the NPT. We continue to pursue a progressive step by step approach towards this end, in a way that promotes international stability, peace, and security, and based on the principle of increased and undiminished security for all. We continue to believe that this approach is the only practical way to make progress toward nuclear disarmament while enhancing international peace and stability, and is the only realistic way to achieve a world without nuclear weapons. The P5 stressed that addressing further prospects for nuclear disarmament would require taking into account all factors that could affect global strategic stability. The P5 all reaffirmed the importance of full compliance with existing, legally-binding arms control, nonproliferation, and disarmament agreements and obligations as an essential element of international peace and security.

5. The P5 expressed their deep concern with efforts to pursue approaches to nuclear disarmament that disregard the global strategic context. Such efforts will threaten the consensus-based approach that has served for decades to strengthen the NPT regime and enhance the Treaty's contribution to international security and may negatively affect the prospects for consensus at future NPT Review Conferences. The P5 reiterated a call upon all members of the international community to engage in an open and constructive dialogue on nuclear disarmament, international security, and stability issues that is inclusive of all states and focused on practical measures leading to a world without nuclear weapons and other weapons of mass destruction.

6. The P5 reiterated their full support for the United Nations' disarmament machinery, including the Conference on Disarmament (CD), and the Disarmament Commission. While noting their disappointment at the long-standing lack of consensus on a Program of Work in the CD, the P5 acknowledged creative efforts to find a compromise during the 2016 session and discussed a number of proposals towards that end. In this regard, the P5 reaffirm their support and readiness to explore all of the options to get the CD back to work, taking into account all previous proposals and agreements amongst themselves and bearing in mind the 2010 NPT Action Plan.

7. The P5 reaffirmed that, as stated in UN Security Council Resolution 1887 (2009), the proliferation of weapons of mass destruction and their means of delivery constitutes a threat to international peace and security. They reaffirmed that all NPT States Parties must ensure strict compliance with their nonproliferation obligations under the NPT. The P5 remained deeply

concerned by the challenge that non-compliance by States Parties poses to the integrity of the NPT and emphasize the role of the UN Security Council in determining if such situations constitute a threat to international peace and security. The P5 emphasized the Security Council's primary responsibility in addressing such threats. The P5 reiterated the importance of seeking peaceful and diplomatic solutions to the challenges facing the non-proliferation regime. They also noted the need to further strengthen the International Atomic Energy Agency (IAEA) safeguards system, including the universalization of the Additional Protocol.

8. They strongly condemned the January 6 and September 9 2016 nuclear tests, and the continued ballistic missile tests and ballistic missile launches carried out by the Democratic People's Republic of Korea, in violation of its obligations pursuant to relevant UN Security Council resolutions and in contravention of its commitments under the September 19, 2005

Joint Statement of the Six-Party Talks. The P5 recalled the press statement of the UN Security Council on September 9, 2016. The P5 reiterated the importance of maintaining peace and stability on the Korean Peninsula and in North-East Asia at large. The P5 reaffirmed their commitment to the full implementation of the 2005 Joint Statement of the Six-Party Talks, and urged the DPRK to respond to diplomatic efforts aimed at the eventual resumption of the Six-Party Talks and achieving complete, verifiable, and irreversible denuclearization of the Korean Peninsula in a peaceful manner. They stressed the importance of working to reduce tensions in the Korean Peninsula.

9. They also welcomed and reaffirmed their commitment to the full implementation of the Joint Comprehensive Plan of Action (JCPOA) endorsed by the UN Security Council Resolution 2231. Successful implementation of this JCPOA will ensure that Iran's nuclear program is and remains exclusively peaceful and will enable Iran to fully enjoy its right to nuclear energy for peaceful purposes as recognized in the relevant articles of the NPT in line with its obligations therein. They called for full implementation of all commitments pursuant to the JCPOA. They expressed their strong support for the IAEA's essential and independent role.

10. The P5 noted that global stocks of nuclear weapons are now at their lowest point in over half a century as the result of unprecedented efforts on the part of nuclear weapon states. They further underlined the need to pursue further efforts in the sphere of nuclear disarmament and general and complete disarmament in accordance with the Preamble and Article VI of the NPT and in a way that promotes international security and stability and taking into account all factors that could affect strategic stability.

11. The P5 discussed global strategic stability and their respective nuclear doctrines. In their shared effort to strengthen international peace and security and to address further prospects for nuclear disarmament, they stressed their readiness to engage in frank and constructive dialogue that takes into account all factors that could affect global strategic stability. The P5 also decided to seek enhanced international understanding of the role of nuclear weapons in the overall international security environment.

12. The P5 noted that 2016 marks twenty years since the opening for signature of the CTBT, and reiterated their commitment in the 2010 NPT Review Conference Final Document to promote and take concrete steps toward early entry into force and universalization of the Treaty. They called upon all states to uphold national moratoria on conducting nuclear weapon test explosion or any other nuclear explosion pending entry-into-force of the CTBT. The P5 reviewed efforts to build and maintain the International Monitoring System (IMS), supported by the International Data Centre (IDC), as well as a strong On-site Inspection (OSI) regime.

13. The P5 reviewed various areas of cooperation and reaffirmed their shared commitment to broaden and deepen dialogue and cooperation. The P5 decided to undertake further activities on the Glossary of Key Nuclear Terms. The P5 also reaffirmed the value of continuing regular meetings of technical experts to promote completion of the CTBT's verification regime and enhance its effectiveness. The P5 also decided to support and encourage dialogue among academic experts and scientists on mutually agreed issues related to international security and stability, nuclear non-proliferation, nuclear disarmament and peaceful uses of nuclear energy. The P5 decided to pursue further interaction and dialogue with non-nuclear weapon States in various multilateral formats. They shared further information on their respective bilateral and multilateral experiences in verification and resolved to continue such exchanges.

14. The P5 reiterated their common understanding of the severe consequences of use of nuclear weapons. They underscored their resolve to prevent such an occurrence from happening. They further reaffirmed their commitment to existing security assurances regarding the use, or threat of use, of nuclear weapons and recalled their statements on negative and positive security assurances as noted in UN Security Council Resolution 984 (1995), and as revised since then. The P5 intend to continue to exchange views on the issue.

15. The P5 reaffirmed the protocols to existing Nuclear-Weapon-Free-Zone treaties as an important mechanism for providing legally binding negative security assurances and recalled their signature of the Protocol to the Central Asia Nuclear Weapon Free Zone

Treaty in 2014 and their readiness to sign the protocol to the Southeast Asia Nuclear-Weapon-Free Zone at the soonest possible time. They reiterated the importance of the 1995 NPT Review Conference Resolution on the Middle East and underlined their readiness to undertake efforts, including with states in the region, aimed at its implementation. The P5 underscored the need for renewed engagement among the states in the region in order to convene an initial conference on a Middle East Zone free of all weapons of mass destruction and their means of delivery.

16. The P5 underscored their commitment to prevent nuclear terrorism and their support for measures to strengthen overall nuclear security. They recalled the series of Nuclear Security Summits. Welcoming the entry into force of the Amendment to the Convention on the Physical Protection of Nuclear Material in May 2016, they renewed their support to the universalization of the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities as well as of the International Convention for the Suppression of Acts of Nuclear Terrorism. They reaffirmed their support for relevant international organizations such as the United Nations, IAEA, and INTERPOL as well as international initiatives such as the Global Initiative to Combat Nuclear Terrorism. They also further reaffirmed the central role of the IAEA in international cooperation in the area of nuclear security and expressed support for the international conference on nuclear security to be held in Vienna on December 5-9, 2016.

17. The P5 remain steadfast in their commitment to broaden access of NPT States Parties to peaceful uses of nuclear energy, and they reiterated the right of NPT States Parties to pursue the peaceful use of nuclear energy without discrimination and in conformity with their nonproliferation obligations and highest standards of nuclear safety and security. The P5 noted their extensive support for international cooperation, both bilaterally and multilaterally, on peaceful use, including the IAEA Technical Cooperation Program and multiple initiatives to strengthen IAEA programs in these areas as appropriate. They welcomed the progress in establishing the IAEA low-enriched uranium (LEU) bank in Kazakhstan and expressed their continuing support for the IAEA LEU Reserve in Angarsk (Russia), the American Assured Fuel Supply, and the UK Assurance of Supply of Enrichment Services. They affirmed that these initiatives pave the way for the assured access to nuclear fuel, which promote sustainable development and energy security and benefit all NPT States Parties.

18. The P5 welcomed France's plans to host the next Conference in 2017.

P5 Statement on The Comprehensive Nuclear-Test-Ban Treaty (CTBT)

15 September 2016

See Section L

F – Reporting by NWS pursuant to actions 5, 20, and 21 of the final document of the 2010 Review Conference of the NPT

Reporting mandate in actions 5, 20 and 21 from Final Document of 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

(NPT/CONF.2010/50 Vol. I)

[Eds...]

The Conference resolves that:

[Eds...]

• 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.

[Eds...]

• 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.

Transparency of nuclear weapons: the Non-Proliferation and Disarmament Initiative (NPDI). Annex of Working Paper submitted to 2012 Prepcom

[20 April 2012, NPT/CONF.2015/PC.I/WP.12]

Editorial note: Reporting categories have been reproduced from the table form in which they were originally published in.

Warheads

- Total number of nuclear warheads

- Aggregate number of nuclear warheads in stockpile

- Number of strategic or non-strategic nuclear warheads: Strategic, Non-strategic

- Number of strategic or non-strategic deployed nuclear warheads: Strategic, Non-strategic

- Number of strategic or non-strategic non-deployed nuclear warheads: Strategic, Non-strategic

- Reductions (in numbers) of nuclear warheads in 20xx

- Aggregate number of nuclear warheads dismantled in 20xx

Delivery vehicles

- Number of nuclear warhead delivery systems by type (missiles, aircraft, submarines, artillery, other): Deployed, Non-deployed:

- Reduction (in numbers) of delivery systems in 20xx

- Aggregate number of delivery systems dismantled in 20xx

Nuclear disarmament since 1995

- 1995-2000

- 2000-2005

- 2005-2010

Nuclear doctrine

- Measures taken or in process to diminish the role and significance of nuclear weapons in military and security concepts, doctrines and policies

- Measures taken or in process to reduce the operational readiness of the reporting State's nuclear arsenal

- Measures taken or in process to reduce the risk of accidental or unauthorized use of nuclear weapons

- Description of negative security assurances (including status and definition) by reporting States

- Current status and future prospect of the ratification of the relevant protocols to nuclear-weapon-free-zone treaties

- Current status of consultations and cooperation on entry into force of the relevant protocols of nuclear-weapon-free-zone treaties

- Current status of review of any related reservations about the relevant protocols of nuclear-weapon-free-zone treaties by concerned States

Nuclear testing

- Current status of ratification of the Comprehensive Nuclear-Test-Ban Treaty

- Current status of the reporting State's policy on continued adherence to the moratorium on nuclear-weapon test explosions

- Activities to promote the entry into force of the Comprehensive Nuclear-Test-Ban Treaty at the national, regional and global levels

Scheduled policy reviews

- Scope and focus of policy reviews, scheduled or under way, relating to nuclear weapon stocks, nuclear doctrine or nuclear posture

Fissile material

- Aggregate amount of plutonium produced for national security purposes (in metric tons)

- Aggregate amount of highly enriched uranium produced for national security purposes (in metric tons)

- Amount of fissile material declared excess for national security purposes (in metric tons)

- Current status (and any future plan), including the amount and year, of declarations to the International Atomic Energy Agency of all fissile material designated by the reporting State as no longer

required for military purposes and placement of such material under Agency or other relevant international verification and arrangements for the disposition of such material for peaceful purposes

- Current status of the development of appropriate legally binding verification arrangements to ensure the irreversible removal of such fissile material

- Current status (and any future plan) of the dismantlement or conversion for peaceful uses of facilities for the production of fissile material for use in nuclear weapons

Other measures in support of nuclear disarmament

- Any cooperation among Governments, the United Nations and civil society aimed at increasing confidence, improving transparency and developing efficient verification capabilities

- Year and official document symbol of regular reports on the implementation 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

- Activities to promote disarmament and non-proliferation education

Agreed P5 Standard Reporting Framework

April 2014 New York

As Provided in the Action Plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Governments of the five NPT nuclear-weapon states are working to implement Action 5 to "further enhance transparency and increase mutual confidence" and to make national reports on our Action 5 and other undertakings to the 2014 NPT Preparatory Committee under a common framework. Action 21 states, "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 framework we use for our national reports includes common categories of topics under which relevant information is reported, and it addresses all three pillars of the NPT: disarmament, non-proliferation, and peaceful uses of nuclear energy. We encourage all States Parties, consistent with Action 20, to make similar reports.

Section I. National Measures Relating to Disarmament

- National Security Policies, Doctrine and Activities Associated with Nuclear Weapons
- Nuclear Weapons, Nuclear Arms Control (including Nuclear Disarmament) and Verification
- Transparency and Confidence-Building Measures
- Other Related Issues

Section II. National Measures Relating to Nuclear Nonproliferation

- Safeguards
- Export Controls
- Nuclear security
- Nuclear-Weapon-Free Zones
- Compliance and Other Related Issues/Concerns
- Other Contributions to Nuclear Weapons Nonproliferation

Section III. National Measures Relating to the Peaceful Uses of Nuclear Energy

- Promoting Peaceful Uses
- Technical Assistance through the IAEA to its Member States
- Nuclear Safety and Civil Nuclear Liability
- Other related Issues

ANY OTHER ACTIONS TAKEN TO IMPLEMENT AND/OR STRENGTHEN THE NPT

Increased transparency in Nuclear Disarmament: Working paper submitted by the members of the Non-Proliferation and Disarmament Initiative

[19 March 2014, NPT/CONF.2015/PC.III/WP.10]

The Non-Proliferation and Disarmament Initiative recommends that the 2015 Review Conference:

(a) In relation to three principles of nuclear disarmament, reiterate the importance of the realization of nuclear disarmament measures under strict observance of the principles of transparency, verification and irreversibility. The 2015 Review Conference should also recognize that the principle of transparency underpins the principles of verification and irreversibility;

(b) In relation to reporting, call on the nuclear-weapon States to agree on a standard reporting form, as recommended under action 21 of the action plan of 2010, and to utilize the form in implementing action 20 (regular reports) and action 5 (reporting on nuclear disarmament efforts at the 2014 Preparatory Committee);

(c) In relation to strengthening the review process, highlight the relationship between increased transparency through regular reporting utilizing a standard reporting form and the objective of accountability that is at the core of strengthening the Non-Proliferation Treaty review process. In this context of a strengthened review process, the 2015 Review Conference should urge the nuclear-weapon States to make regular reports, as an important confidence-building measure, for instance, annually, on their nuclear disarmament activities, utilizing a standard reporting form, and to continuously work to improve the quantity and quality of information provided in the agreed standard form during the 2020 review cycle;

(d) Call upon all States parties, both nuclear-weapon States and non-nuclear-weapon States, to submit regular reports on their fulfilment of their obligations and commitments under the provisions of the Non-Proliferation Treaty.

Excerpts Implementation of the Treaty on the Non-Proliferation of Nuclear Weapons in the People's Republic of China. Report submitted by China

(NPT/CONF.2015/32)

[Eds . . .]

Reporting on national measures relating to nuclear disarmament

4. As a permanent member of the Security Council and a nuclear-weapon State, China is firmly committed to an open, transparent and responsible nuclear policy; it faithfully implements its nuclear disarmament obligations under the Treaty and advocates the complete prohibition and thorough destruction of nuclear weapons. China is pleased to see that this position has been gaining growing acceptance from countries and the international community in recent years. China will continue to do its part to advance the global nuclear disarmament process and to achieve the goal of the complete prohibition and thorough destruction of nuclear weapons.

National security policies, doctrines and activities concerning nuclear weapons

5. China has always advocated and promoted the complete prohibition and thorough destruction of nuclear weapons. China had no choice but to develop nuclear weapons at a particular time in its history for the sole purpose of self-defence, self-protection and safeguarding its national security, and not for threatening other countries. It advocates responding to nuclear threats, breaking the nuclear monopoly, preventing nuclear war and eliminating nuclear

weapons. In 1964, on the day that China conducted its first nuclear test, the Government of China issued a statement proposing a summit of world leaders to discuss the complete prohibition and thorough destruction of nuclear weapons. The Government has since reiterated and promoted the complete prohibition and thorough destruction of nuclear weapons. China has also called for the negotiation and conclusion of a convention on the complete prohibition of nuclear weapons.

6. China has always been committed to a nuclear strategy of self-defence. Its principle for nuclear weapons use, the scale of its nuclear arsenal and its policy on nuclear arms control are based on this commitment. China's nuclear weapons are for the sole purpose of defending against possible nuclear attack and never for threatening or targeting any other country. China has never provided a nuclear umbrella for any other country or deployed nuclear weapons in any other country. China has never taken part in any form of nuclear arms race. It never competes with other countries in terms of nuclear input, quantity or scale and always keeps its nuclear arsenal at the minimum level required for its national security.

7. China is the only nuclear-weapon State that has consistently maintained the pledge to not be the first to use nuclear weapons at any time or under any circumstances. In 1964, on the day that China conducted its first nuclear test, the Government of China solemnly declared that at no time and under no circumstance would it be the first to use nuclear weapons. Over the past few decades, whether confronted with a nuclear threat or with nuclear blackmail, as was the case during the cold war, or when faced with the drastic changes occurring in the post-cold-war international security environment, China has never deviated from its pledge and will never do so in the future.

8. China has also actively worked for the conclusion of a multilateral treaty on no-first-use of nuclear weapons among nuclear-weapon States and formally presented a draft "Treaty on Mutual No-First-Use of Nuclear Weapons" to the other four nuclear-weapon States in January 1994. China also actively seeks to enter into commitments with other nuclear-weapon States, on a bilateral or multilateral basis, on no-first-use of nuclear weapons.

9. The policy of no-first-use of nuclear weapons can lower the threat of nuclear weapons, reduce the risk of a nuclear war and prevent the proliferation of nuclear weapons. It is an important step towards complete and thorough nuclear disarmament and the establishment of a nuclear-weapon-free world. China's consistent no-first-use of nuclear weapons pledge is in itself a genuine act of nuclear disarmament.

10. China is the only nuclear-weapon State that has pledged unconditionally not to use or threaten to use nuclear weapons against non-nuclear-weapon States and nuclear-weapon-free zones. Since 1964, when the first nuclear test was conducted, the Government of China has all along kept this commitment. In April 1995, the Government issued a statement reaffirming its unconditional negative security assurances to all the non-nuclear-weapon States and its commitment to offering them positive security assurances. In 2000, China and the other four nuclear-weapon States issued a joint statement, reaffirming the security assurances made in Security Council resolution 984 (1995). At the request of Ukraine and Kazakhstan, the Government of China issued statements offering non-nuclear State security assurances to the two countries in December 1994 and February 1995, respectively.

11. China maintains that the international community should negotiate and conclude at an early date an international legal instrument to unconditionally provide negative security assurances to all the non-nuclear-weapon States and supports the efforts by the Conference on Disarmament to start substantive work in this regard as soon as possible.

12. China's self-defence-oriented nuclear strategy is deeply rooted in its military culture tradition of focusing on self-protection. The Chinese people highly value harmony and peace, and have a long tradition of seeing war only as a last resort. As a Chinese saying goes, "belligerence will bring a country to its destruction, no matter

how powerful it is". Being cautious about going to war is an important part of Chinese military culture. Therefore, ever since the birth of nuclear weapons, the Government of China has stated clearly that atomic bombs cannot end a war, and has committed itself to a no-first-use of nuclear weapons strategy. China's position is to oppose and prevent nuclear wars and, more importantly, to not be the one to start a nuclear war. China does not want to see the humanitarian calamities that are caused by nuclear war. That is another important reason why China is committed to a no-first-use of nuclear weapons policy.

Nuclear weapons, nuclear arms control (including nuclear disarmament) and verification

13. China exercises utmost restraint in the development of its nuclear weapons, which is consistent with its quest for their complete prohibition and thorough destruction, its no-first-use of nuclear weapons policy and its self-defence-oriented nuclear strategy. China's first-generation leaders, Chairman Mao Zedong and Premier Zhou Enlai, unequivocally stated that "our country may manufacture a small number of atomic bombs, but we do not plan to use them ... we have them only as defensive weapons". They instructed the relevant departments to be economical in their research and development and that there was no need to produce "too many" nuclear weapons, as such weapons were to be scrapped eventually, and that having too many of them would become a burden for the country. China has never taken part in any nuclear arms race in any form with any country in the past, nor will it do so in the future. China's nuclear arsenal is very limited in scale and is kept at the minimum level required for its national security, thus enabling China to make significant contributions to the international nuclear disarmament process. China has officially closed its nuclear weapon research and development base in Qinghai. After environmental restoration, the entire site was handed over to the local government.

14. China maintains a moderate level of readiness in peace time. If China comes under nuclear threat, its nuclear forces will, upon orders from the Central Military Commission, go to a higher alert level and make preparations for a nuclear counter-attack to deter the enemy from using nuclear weapons against China. If China comes under nuclear attack, it will launch a resolute nuclear counter-attack against the enemy.

15. China's nuclear weapons are under the direct command of the Central Military Commission. China attaches great importance to ensuring the safety and effective control of its nuclear weapons and related facilities and has taken concrete measures in this regard. China's relevant institutions and combat troops strictly implement a nuclear safety control system, an accreditation system for nuclear-related personnel and an emergency response mechanism for nuclear-weapon-related accidents. China has adopted reliable technologies to strengthen the safety and physical protection of its nuclear weapons during storage, transportation and training, and has put in place special safety measures to avoid unauthorized and accidental launches, in order to ensure the absolute safety of these weapons. China has modernized its nuclear weapons solely to ensure the safety, security, reliability and effectiveness of its nuclear arsenal. No accident relating to the security and safety of nuclear weapons has ever occurred in China.

16. China actively supports international nuclear disarmament efforts and has made concrete efforts in this regard.

17. China maintains that all nuclear-weapon States should fulfil in good faith their obligations under article VI of the Treaty and publicly undertake not to seek to permanently possess nuclear weapons. Nuclear disarmament should be a just and reasonable process of gradual and balanced reduction. States with the largest nuclear arsenals bear a special responsibility for nuclear disarmament and should take the lead in reducing their nuclear arsenals drastically. When conditions are ripe, all nuclear-weapon States should join the multilateral nuclear disarmament negotiation process. To attain the ultimate goal of complete and thorough nuclear disarmament, the international community should develop, at an appropriate time, a viable and long-term plan of phased actions, including the conclusion of a convention on the complete

prohibition of nuclear weapons.

18. Over the years, China has voted in favour of important nuclear disarmament resolutions adopted by the General Assembly, such as those entitled “Nuclear disarmament”, “The Convention on the Prohibition of the Use of Nuclear Weapons” and “Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons”.

19. China supports the start by the Conference on Disarmament of substantive work, in a comprehensive and balanced manner, on such important topics as nuclear disarmament, security assurances to non-nuclear-weapon States, a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and prevention of an arms race in outer space.

20. China supports the Comprehensive Nuclear Test-Ban Treaty and is actively preparing for its national implementation.

21. China supports the purposes and principles of the Comprehensive Nuclear Test-Ban Treaty and was one of the first countries to sign the Treaty. China has strictly abided by its commitment to a moratorium on nuclear tests. China supports the early entry into force of the Treaty and all the international efforts made in this regard. China has participated in all the conferences on facilitating the entry into force of the Treaty and actively supported relevant resolutions in the First Committee of the General Assembly. China has paid its assessed contributions to the Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization on time and in full.

22. China has taken an active part in all the work of the Provisional Technical Secretariat of the Preparatory Commission and is steadily preparing for the national implementation of the Comprehensive Nuclear Test-Ban Treaty. China has established a national preparatory agency charged with the comprehensive implementation of the Treaty. China has undertaken construction work on eleven monitoring stations and one radionuclide laboratory, of which six seismic stations, three radionuclide stations, as well as a radionuclide laboratory and a nuclear test-ban national data centre in Beijing, have been completed. Construction work on one of the two infrasound stations is close to completion and the other one is under preparation. As called for under the agreement, the Beijing and Guangzhou radionuclide stations have entered the third phase of the International Noble Gas Experiment. The Beijing and Lanzhou radionuclide stations regularly send monitoring data on air particles to the Provisional Technical Secretariat. The Haila'er and Lanzhou primary seismic stations as well as the Beijing, Lanzhou and Guangzhou radionuclide stations are undergoing testing and evaluation prior to certification. In May 2014, in Beijing, the Government of China and the Provisional Technical Secretariat jointly organized a regional technical training program on operation and maintenance for managers of international monitoring system stations.

23. China has taken an active part in the negotiations of the on-site inspection operational manual and other guiding documents as well as activities organized or supported by the Provisional Technical Secretariat aimed at enhancing the implementation capabilities of signatory states and the monitoring capabilities of the international monitoring system. China has developed the mobile Argon-37 rapid measuring and detection system and the radio xenon sampling, purification and measurement system, which can be used to quickly detect gases from underground nuclear tests. China has provided these systems to the Provisional Technical Secretariat to help it gradually enhance its capacity for on-site inspection.

24. China vigorously supported the on-site inspection integrated field exercise in 2014, providing the above-mentioned systems and sending relevant technical experts to take part in the entire preparation and implementation process of this exercise. In April 2013, the Government of China and the Provisional Technical Secretariat co-organized equipment training courses for the mobile Argon-37 rapid measuring and detection system and the radio xenon sampling, purification and measurement system in Chengdu and Beijing, in which 10 experts from 9 countries participated. The training courses gave them better insight into the Chinese systems.

In November 2013, the Government of China and the Provisional Technical Secretariat jointly organized the twenty-first on-site inspection workshop in Yangzhou, and the participants discussed in detail the preparations for field exercises. During the field exercises in November and December of 2014, the systems provided by China won high acclaim from the participating officials and experts.

25. China supports the early negotiation and conclusion of a fissile material cut-off treaty.

26. The Government of China is of the view that concluding a fissile material cut-off treaty to completely ban the production of fissile material for nuclear weapons or other nuclear explosive devices would contribute to nuclear disarmament and non-proliferation and would be an important step towards the complete prohibition and thorough destruction of nuclear weapons.

27. China has always supported the negotiation and conclusion of a non-discriminatory, multilateral and internationally verifiable fissile material cut-off treaty at an early date in the Conference on Disarmament on the basis of document CD/1299 and the mandate contained therein. As the sole multilateral disarmament negotiating forum, the Conference on Disarmament is the only appropriate venue for the negotiation of a fissile material cut-off treaty. China supports the Conference on Disarmament in coming to an agreement on a comprehensive and balanced programme of work so as to start substantive work on the negotiations, including on a fissile material cut-off treaty.

28. China has supported decisions made in past years by the Conference on Disarmament on the mandate, working mechanism and other issues relevant to the negotiation of a fissile material cut-off treaty. It has earnestly participated in all fissile material cut-off treaty-related activities within the framework of the Conference on Disarmament and has been actively communicating and successfully completed tasks in this regard. When it held the Chair of the Conference on Disarmament, China organized informal discussions on a fissile material cut-off treaty. China has also been an active player in coordination between the five nuclear weapon States and in the dialogue process with relevant countries.

29. In accordance with General Assembly resolution 67/53, China has recommended governmental expert to the United Nations group of governmental experts on the fissile material cut-off treaty, sent delegations to the four meetings of the Group and taken an active part in the discussion on issues related to a fissile material cut-off treaty. China welcomes the work report of the Group, reached through consultations, reiterating the authoritative status of the Conference on Disarmament, document CD/1299 and the mandate contained therein.

30. China attaches importance to research on nuclear arms control verification technology and actively promotes the international arms control process. China has established verification mechanisms for a comprehensive nuclear test ban, pursuant to the Comprehensive Nuclear Test-Ban Treaty. These mechanisms played an important role in monitoring the leakage of radioactive substances from Japan's Fukushima Daiichi nuclear power plant and the nuclear tests of the Democratic People's Republic of Korea.

31. On 11 March 2011, an earthquake and tsunami hit the Fukushima Daiichi nuclear power plant, causing a huge leakage of radioactive substances. The Preparatory Commission for the Comprehensive Nuclear Test-Ban Treaty Organization immediately launched a process to monitor the spread of radioactive substances around the globe. Upon its request, China's Beijing, Lanzhou and Guangzhou radionuclide monitoring stations and the Beijing radionuclide laboratory provided a large amount of monitoring data on the leakage. These data greatly helped the secretariat to monitor the spread of radioactive substances in East Asia and Northeast Asia and also contributed to research on the spread of particles and gases in the atmosphere as well as the improvement of the atmospheric transfer model used in comprehensive test-ban verification.

32. On 12 February 2013, the Democratic People's Republic of Korea conducted its third nuclear test. The Preparatory

Commission carried out monitoring of the nuclear test explosion. The Beijing and Lanzhou radionuclide monitoring stations provided atmospheric particles monitoring data to the Preparatory Commission for this purpose continuously, over an extended period of time.

33. In the conferences on confidence-building-measures among the five nuclear-weapon States, China exchanged views with the four other nuclear-weapon States on verification technologies needed in the process of nuclear warhead dismantlement and authentication and the storage and disposal of nuclear components and nuclear material, with emphasis on technology to authenticate nuclear warheads and components, information barrier technology, monitoring technology used in the dismantling process and chain-of-custody technology during storage and transportation.

34. China supports and actively promotes the negotiations on an effective, internationally verifiable fissile material cut-off treaty. China has conducted research on a reasonable, effective and cost-effective nuclear verification system that can address the concerns of all member States as well as on the system's relationship to the safeguards of the International Atomic Energy Agency (IAEA).

Transparency and confidence-building measures

35. China's nuclear strategy and nuclear policy have been consistent, open and transparent. China holds the view that nuclear transparency should be guided by the important principle of "undiminished security for all", fully taking into consideration the security environment faced by all countries and be implemented by countries on a voluntary basis in line with their national situations. With this as a premise, China has made many efforts and taken active measures related to nuclear transparency.

36. China published three arms control white papers, in 1995, 2003 and 2005, respectively, entitled "China: Arms Control and Disarmament", "China's Non-Proliferation Policy and Measures", and "China's Endeavours for Arms Control, Disarmament and Non-Proliferation". From 1998 to 2010, it issued seven white papers on national defence. In all of these documents, China clearly explained its nuclear strategy, the role of nuclear weapons, its nuclear-weapon use policy, the development of its nuclear forces, the command and control of its nuclear forces and its nuclear-weapon alert status.

37. China has taken a series of confidence-building measures. China actively seeks to ensure that nuclear-weapon States do not target their nuclear weapons at each other. In September 1994, China and the Russian Federation issued a joint statement, declaring no-first-use of nuclear weapons against each other and that they would not target their strategic nuclear weapons at each other. In June 1998, the Heads of State of China and the United States of America declared that they would not target the strategic nuclear weapons under their respective control at each other. In May 2000, the five nuclear-weapon States, namely, China, France, the Russia Federation, the United Kingdom of Great Britain and Northern Ireland and the United States, declared in a joint statement that their nuclear weapons would not be targeted at any State. In 2009, the Heads of State of China and the United States reaffirmed their commitment not to target their nuclear weapons at each other. In the same year, China and the Russian Federation signed the Agreement on the Notification of Launch of Ballistic Missiles and Space Launch Vehicles, which is now being implemented by the two sides.

38. To enhance mutual trust, the Ministry of Defence of China received visits by the then United States Secretary of Defence Donald Rumsfeld, Chairman of House Armed Services Committee Ike Skelton, Secretary of Defence Robert Gates and Chairman of the Joint Chiefs of Staff Admiral Mike Mullen to the headquarters of the Second Artillery Force of the Chinese People's Liberation Army in October 2005, August 2007, January 2011 and July 2011, respectively. China also established direct hotlines between its Ministry of National Defence and its Russian and American counterparts in 2008. In addition, China and the United States have also maintained exchanges on nuclear policy within the framework of their bilateral strategic dialogue.

39. China actively participated in the six conferences of the five nuclear-weapon States, held since 2009 in London, Paris, Washington, Geneva, Beijing and London and has maintained dialogue and consultations with the other four nuclear-weapon States on confidence-building measures and the implementation of the Non-Proliferation Treaty. Of these conferences, the one in Beijing was successfully held on 14 and 15 April 2014. The five States discussed the enhancement of strategic mutual trust and coordination in implementing Treaty review outcomes and issued a joint statement at the end of the conference. China also hosted a public side event attended by delegates of the five States and representatives from academic institutions and media organizations to promote mutual understanding and trust.

40. China is leading the work of the working group of the five nuclear-weapon States on a glossary of key nuclear terms. It hosted three meetings of the working group's experts in Beijing in September 2012, September 2013 and September 2014 and made great efforts to promote the compilation of terms. Ultimately, in February 2015, the five nuclear-weapon States reached consensus on the glossary draft and agreed to submit the glossary in Chinese, English, French and Russian to the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. China will also host activities related to the five nuclear-weapon States on the sidelines of the Review Conference and provide a briefing on the glossary issue.

41. These measures are conducive to increasing mutual understanding and trust, strengthening consensus and reducing misunderstanding among the five nuclear-weapon States and, as such, help to maintain regional and global security.

Other related issues

42. China is of the view that maintaining global strategic balance and stability will lay a solid foundation for the international nuclear disarmament process. Therefore, the Government of China believes that the practice of seeking an absolute strategic advantage should be abandoned and does not approve of the development and deployment of missile defence systems that disrupt global and regional strategic balance and stability.

43. China actively promotes the multilateral process of preventing the weaponization of and an arms race in outer space. In February 2008, China and the Russian Federation jointly submitted to the Conference on Disarmament a draft treaty on the prevention of the placement of weapons in outer space, the threat or use of force against outer space objects (CD/1839), and called for discussions on the issue in the Conference. On 10 June 2014, China and the Russian Federation submitted a revised draft of the treaty to the Conference on Disarmament in an effort to push for the Conference to negotiate and conclude a relevant international legal instrument. China supports outer space transparency and confidence-building measures. As one of the sponsors of relevant General Assembly resolutions on the topic, China attended the 2012-2013 United Nations group of government experts meeting on outer space transparency and confidence-building measures and played an active part in drafting the report of the meeting. China has also participated in a constructive manner in the discussions on a code of conduct for outer space activities.

[Eds . . .]

Excerpts from Report submitted by France under actions 5, 20 and 21 of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

[NPT/CONF.2015/10]

[Eds . . .]

Section I: National disarmament measures

2. France is fully committed to disarmament in accordance with the objectives of the Treaty. Its approach is comprehensive, progressive and practical:

- (a) Comprehensive and progressive, because the goal of

nuclear disarmament cannot be considered separately from collective security. Nuclear disarmament is possible only if the strategic context is taken into account and should be viewed as part of a gradual process that will guarantee all parties undiminished security and prevent a new arms race.

(b) Practical, because action is what matters. In that regard, France has taken very significant unilateral measures and made ambitious proposals for the determined pursuit of nuclear disarmament at the international level.

I. National security policies, and nuclear-weapons doctrine and related activities

3. The French doctrine is presented publicly on a regular basis. Its basic tenets may be found, specifically, in the French President's public speeches, the most recent of which was delivered in Istres, France, on 19 February 2015, and the white papers on defence and national security, the latest of which was made public in 2013. These communications reaffirm the validity and principles of nuclear deterrence as understood by France, and help build confidence. Regular public statements such as these are necessary, even when there are no new developments. The reiteration of these principles is valuable, as it affords predictability and therefore improves stability.

4. In general, the role of nuclear weapons in France's doctrine of defence and national security is strictly limited to the defence of its vital interests, in extreme circumstances of self-defence.

5. In the light of the aforementioned latest white paper and the recent statement by the President of France, the fundamental principles of French nuclear deterrence are:

(a) **Political control of nuclear weapons.** France emphasizes the political conception of the use of nuclear weapons, for which the President of the Republic has the ultimate responsibility. Their control is therefore strictly political.

(b) **Nuclear weapons: designed to deter, not to be used.** In the French doctrine of deterrence, nuclear weapons are not battlefield weapons but a means of deterring a potential adversary from attacking vital national interests. For deterrence to work, the circumstances under which nuclear weapons would be used are not, nor should they be, precisely defined, so as not to enable the potential aggressor to calculate the risk inherent in such an attack.

(c) **Nuclear deterrence is strictly defensive.** France does not threaten any State, and its deterrence is not targeted. That was made clear in 1997 and has been reiterated since on many occasions. Potential adversaries must however be aware that the purpose of nuclear deterrence is to protect the country's vital interests against any State-led aggression, whatever its origin or its form.

(d) **Used only in extreme circumstances of self-defence.** French nuclear deterrence is governed by a threshold approach, regardless of the nature of the threat. Conversely, other doctrines advocate policies that depend on the nature of the threat — policies that seem reassuring for those who are concerned about the potential use of nuclear weapons. However, a deterrence threshold approach does not give nuclear weapons a greater role, provided the threshold is high. Such is clearly the case in French doctrine, whereby nuclear weapons may only conceivably be used in extreme circumstances of self-defence, a right enshrined in Article 51 of the Charter of the United Nations.

(e) **Application of the principle of strict sufficiency.** France adjusts the level and characteristics of its arsenal to the strategic context, at the minimum level needed to ensure its security. The threshold of sufficiency is determined by a national analysis of the strategic context.

(f) **Security assurances.** In his speech on 19 February 2015, the President of the Republic reaffirmed the security assurances given by France to all the non-nuclear-weapon States parties to the Treaty that comply with their international non-proliferation obligations. These security assurances are derived from:

(i) The French doctrine of deterrence, inasmuch as it

unambiguously and consistently sets out the strictly defensive role of deterrence. Hence, the French doctrine is in itself a security assurance for non-nuclear-weapon States.

(ii) The statement made on 6 April 1995, whereby France reaffirmed, to all non-nuclear-weapon States parties to the Treaty, the security assurances it had given in 1982. The Security Council took note of it in its resolution 984 (1995). France considers that commitment legally binding, as reiterated by the President of the Republic in his statement on 19 February 2015. It therefore considers itself fully bound by the commitment and means to apply it in good faith.

(iii) The signing of the protocols to the treaties establishing nuclear-weapon-free zones, which cover more than one hundred States.

6. These commitments do not affect the right to self-defence as enshrined in Article 51 of the Charter of the United Nations.

II. Nuclear weapons, arms control (including nuclear disarmament) and verification

7. Disarmament is of the utmost importance to France, as demonstrated by its actions and tangible achievements, which have required investment of considerable financial and human resources.

A. Status and reduction of arsenals and nuclear forces

1. Reducing the size of French deterrent forces

8. In keeping with the principle of strict sufficiency, France's arsenal is maintained at the lowest possible level in the light of the strategic context and the foreseeable development of the threat. French nuclear forces are currently divided into seaborne and airborne components:

(a) **Seaborne component:** four nuclear-powered ballistic missile submarines based at Île Longue and equipped with M51 intercontinental ballistic missiles providing continuous seaborne deterrence.

(b) **Airborne component:** airborne support is provided by the air force on French soil or from the aircraft carrier *Charles de Gaulle*, using Mirage 2000N and Rafale aircraft carrying improved medium-range air-to-surface missiles.

9. As stated by the President of the Republic on 19 February 2015, France has fewer than 300 nuclear warheads. It has no undeployed weapons. All of its weapons are deployed and operational.

10. That figure reflects a very significant decrease in the size of French forces, as a result of changes in the strategic context. France has cut its arsenal in half in the past decade.

11. France acquired three nuclear components during the Cold War. Since then, in view of the changing strategic context, France has reduced its nuclear arsenal as follows:

(a) **A one-third reduction in the seaborne component:** The number of nuclear-powered ballistic missile submarines in the seaborne component was cut from six to four. France has begun dismantling its M4 nuclear-powered ballistic missile submarines. The submarine *Le Redoutable* has been open to the public at the Cité de la Mer in Cherbourg since May 2002. A series of complex operations was of course carried out beforehand under optimum nuclear security conditions. The remaining nuclear-powered ballistic missile submarines will follow the normal cycle leading to their total elimination.

(b) **Major reductions in the airborne component:** These include the early decommissioning and dismantling of the AN52 nuclear bombs carried by Jaguar and Mirage III aircraft, announced in 1991; and the withdrawal of Mirage IV strategic aircraft from nuclear missions in 1996 (strategic missions were then taken over by the three M2000N and, later, the Rafale squadrons, which joined the strategic air forces at that time). In 2008, France announced its decision to reduce its airborne component by a third. That reduction was completed in 2013; as a result, France's total nuclear armament is less than 300 nuclear

warheads. All decommissioned weapons have been dismantled.

(c) **Elimination of the surface-to-surface component:** In 1991, France announced several decisions aimed at reducing its surface-to-surface component: early withdrawal of Pluton short-range missiles (completed in 1993); scaling down of the Hadès missile programme (intended to replace the Pluton missiles) from 120 to 30 units; and elimination of the S45 surface-to-surface missiles, which were to replace the S3D missiles at the Plateau d'Albion. In 1992, the Hadès missile programme, intended to replace the Pluton missiles, was terminated. In 1997, dismantling of the 30 Hadès missiles that had been produced was completed. Thus, the substrategic land component was eliminated. In 1996, the strategic surface-to-surface component in turn was abandoned, as France announced the final withdrawal and dismantling of the Plateau d'Albion surface-to-surface systems. Two years later, in 1998, the dismantling of all S3D missiles was completed. Thus, France is the only State that has had a surface-to-surface nuclear force and subsequently completely dismantled it.

12. In the interests of transparency, the President of the Republic announced, on 19 February 2015, that France had three sets of 16 submarine-borne missiles and 54 improved medium-range air-to-surface delivery systems.

2. Reduction of alert levels

13. France's alert levels have seen as significant a reduction as the size of its nuclear forces. It has twice scaled back its nuclear forces' permanent alert level, in 1992 and in 1996. These reductions were in both the response times of forces and the number of weapons systems on alert. Specifically:

(a) Since 1996, France has kept only one nuclear-powered ballistic missile submarine permanently at sea.

(b) Since the removal of the missiles at Plateau d'Albion, France no longer has capabilities on permanent high alert.

(c) In 1997, France also announced the detargeting of all its nuclear forces. It has consistently reaffirmed that since.

14. France's nuclear posture is not one of "launch on warning" or "launch under attack" or what some commentators call the "hair-trigger alert" posture. Strict procedures have been put in place to ensure that no weapons can be used without an order from the President of the Republic. Alert status and posture decisions are the responsibility of the President of the Republic.

B. Activities relating to the discontinuation of the production of fissile material for weapons, and efforts to promote a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices

1. Moratorium on the production of fissile material for weapons

15. France stopped producing fissile material in 1992 (plutonium) and 1996 (highly enriched uranium) to support its nuclear weapons programmes. It announced a moratorium on the production of such material in 1996.

2. Dismantling of the former fissile material production facilities for weapons

16. In 1996, France undertook the dismantling of its production units in Marcoule and Pierrelatte. France intended the decommissioning to be complete and irreversible. The decommissioning operations represent a considerable financial investment: a total of €6 billion, €2 billion of which has already been spent.

17. The Pierrelatte enrichment facility has now been fully decommissioned. The operations involved dismantling 4,000 diffusers, 1,330 tons of diffusion barriers, and 1,200 km of piping. Decommissioning of the Marcoule UP1 reprocessing facility began in 1997 and will continue until 2035.

18. Moreover, the first phase of clean-up and dismantling of the G1, G2 and G3 plutonium production reactors at Marcoule has been completed, and the second phase, slated to begin in 2020, will continue until 2035.

3. Commitment to concluding a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices

19. France sets a high priority on the initiation of negotiations at the Conference on Disarmament on a treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. Such negotiations are the next logical step, at the multilateral level, in creating the conditions for a world without nuclear weapons in keeping with the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons, and in the context of a realistic approach based on concrete, progressive measures.

20. France takes the view that a fissile material cut-off treaty should place a quantitative limit on arsenals by stopping the production of fissile material for the manufacture of nuclear weapons. Such a treaty would be the indispensable complement to the Comprehensive Nuclear-Test-Ban Treaty. It therefore seems essential that such a treaty cover all countries possessing nuclear weapons today.

21. Pending its entry into force, all States concerned should, as France has done, declare a moratorium on the production of fissile material for nuclear weapons.

22. France is a member of the group of governmental experts established by General Assembly resolution 67/53. It considers that the group's discussions can usefully contribute to the preparation of future negotiations on a legally binding international instrument. On 19 February 2015, the French President announced that France would soon submit a draft treaty to the disarmament community and called on the five nuclear-weapon States to begin negotiations on that instrument without further delay.

C. Activities to end nuclear testing and promotion of the Comprehensive Nuclear-Test-Ban Treaty

1. Complete cessation of nuclear tests

23. France ended all its nuclear tests in 1996. It signed, on 24 September 1996, and ratified, on 6 April 1998, the Comprehensive Nuclear-Test-Ban Treaty.

24. France is carrying out activities aimed at guaranteeing the safety and reliability of its nuclear weapons. These include a simulation programme and hydrodynamic experiments designed to model materials' performance under extreme physical conditions and, more broadly, the weapons' functioning. These activities rigorously respect France's obligations under the Comprehensive Nuclear-Test-Ban Treaty, which bans all nuclear explosions, whatever their yield, and ends the development of new and more advanced types of nuclear weapons. In other words, the simulation programme is designed only to ensure the safety and reliability of existing weapons and in no way to enable the development of new and more advanced types of weapons.

2. Complete and irreversible dismantling of the former Pacific Testing Centre

25. In 1996, at the same time as it ended nuclear testing, France decided to completely and irreversibly dismantle the sites of the Pacific Testing Centre, on the atolls of Mururoa and Fangataufa.

26. The sites were fully decommissioned in 1998; clean-up operations were then conducted to eliminate any radiological risk. A team of experts from the International Atomic Energy Agency (IAEA) conducted an independent, comprehensive and objective evaluation of the present and future radiological conditions of the atolls of Mururoa and Fangataufa and concluded, in its 1998 report *The Radiological Situation at the Atolls of Mururoa and Fangataufa*, that there was no risk. France maintains radiological and geomechanical monitoring of the atolls to this day.

3. Support for the Comprehensive Nuclear-Test-Ban Treaty

27. France actively supports efforts to extend accession to of the Comprehensive Nuclear-Test-Ban Treaty to the States listed in annex 2 to the Treaty and such other States as have not acceded to the Treaty. It has undertaken its own initiatives, particularly in

Francophone countries, and participates in the Treaty promotion efforts of the Group of Eminent Persons established in September 2013 by the Executive Secretary of the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO). It aligns itself with the European Union's support of CTBTO, as stipulated in the decision by the Council of the European Union regarding support for the activities of the Preparatory Commission for CTBTO.

28. France also provides technical support to CTBTO, in particular for the completion of the verification regime provided for under the Treaty. The following actions have been undertaken:

(a) Regarding the international monitoring system, France deploys and operates 17 stations in its territory and provides technical assistance for the operation and maintenance of 8 stations abroad. France also makes a significant contribution to the engineering work necessary to implement the international monitoring system, in particular as regards new technologies such as infrasound (sensors, station engineering, and calibration techniques) and the measurement of noble gases. France's National Data Centre supports the development of the CTBTO International Data Centre by providing software (infrasound data analysis, performance monitoring tools for the network of stations) and by seeking innovative solutions. In that way, France participates actively in the evaluation of the verification regime's effectiveness, maintains close relations with many national data centres and contributes to their development.

(b) Regarding the on-site inspections system, France assists directly with the system's development (inspectors, inspection techniques and the preparation of and participation in major exercises such as Integrated Field Exercise 2014 (IFE14)), and also contributes through research efforts.

III. Transparency and confidence-building measures

29. France is committed to transparency among the five nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons and vis-à-vis non-nuclear-weapon States. It contributes to transparency efforts unilaterally and on a voluntary basis through:

(a) Regular efforts at transparency regarding its deterrence doctrine and its basic tenets. France sees this as an important contribution to the stability and predictability of relations among nuclear-weapon States and between those States and non-nuclear-weapon States.

(b) Transparency regarding its nuclear forces. The following should be noted in particular:

(i) The announcement that France has fewer than 300 warheads (in total, and not just the number of operational strategic weapons deployed).

(ii) The announcement that France has no nuclear weapons in reserve.

(iii) The announcement (and reminders) of the detargeting of nuclear weapons.

(iv) Pre-launch notification of all space and ballistic missile launches under the International Code of Conduct against Ballistic Missile Proliferation: Between January 2010 and December 2014, France issued 44 pre-launch notifications, equal to the number of French space and missile launches conducted during that period. In addition, a statement is published each year, in keeping with the confidence-building and transparency measures laid down in the International Code of Conduct, outlining French policy on ballistic missiles and spacecraft. Lastly, for the first time in the history of the International Code of Conduct and in fulfilment of one of its provisions, France in 2011 hosted an inspection by international observers at the Guiana Space Centre in Kourou.

(c) Transparency regarding practical disarmament measures taken by France, in particular the dismantling of its nuclear testing facilities in the Pacific and the Pierrelatte and Marcoule facilities for the production of fissile materials for weapons. France organized visits to its former fissile material production facilities on 16 September 2008 by representatives of upwards of 40 States members of the Conference on Disarmament; on 16 March 2009

by non-governmental experts; and on 3 July 2009 by international journalists. Consistent with the same spirit of transparency, the President of the Republic indicated, in his speech on 19 February 2015, that France would soon propose a visit to additional sites from which all nuclear weapons have been removed.

(d) Participation in the efforts of the five nuclear-weapon States parties to the Treaty, led by China, to develop and finalize a glossary of nuclear terminology, comprising 228 terms defined and translated in the four working languages of those States. Issues of definition and nuclear terminology are indeed essential for deepening mutual understanding and facilitating dialogue among the five nuclear-weapon States as well as between those States and the non-nuclear-weapon States.

IV. Other relevant actions

30. Nuclear disarmament makes sense only so long as it does not lead to an arms race in other areas. It needs to be viewed as part of general and complete disarmament, in accordance with article VI of the Treaty. France therefore has also taken major initiatives in other areas of disarmament.

31. France is the depositary State of the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare; it is also the country in which the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction was opened for signature in 1993. France has worked towards the universalization of that Convention through national and European initiatives. At the operational level, France supports the efforts of the Organisation for the Prohibition of Chemical Weapons in tackling the exceptional challenge of dismantling the Syrian chemical arsenal.

32. In the framework of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, France has for some years been proposing a peer review mechanism. This is an innovative approach the purpose of which is to strengthen one of the main counter-proliferation instruments. In December 2013 in Paris, France conducted a pilot peer review exercise on the national implementation of the Convention.

33. A significant milestone in recent years in the area of conventional weapons was the adoption by the General Assembly, on 2 April 2013, of the Arms Trade Treaty, in the negotiation of which France played a significant role. France signed the Treaty on 3 June 2013; was among the first, alongside its European partners, to ratify it; and has actively worked towards its universalization ever since.

34. France is also a party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, which provides for the destruction of anti-personnel mine stockpiles and the clearance of mined areas, as well as to the 2008 Convention on Cluster Munitions, which contains similar provisions. It has complied with its obligations under the first of these Conventions in advance of the deadlines set therein, and scrupulously respects its obligations under the Convention on Cluster Munitions, having devoted nearly €20 million to the destruction of its stockpiles of cluster munitions.

35. France is also a party to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Convention on Certain Conventional Weapons).

36. During its chairmanship in 2013 and 2014 of the Meeting of the High Contracting Parties to the Convention on Certain Conventional Weapons, France obtained a mandate for the discussion of lethal autonomous weapons systems (so-called "killer robots"). Similar discussions were held during the Meeting of the High Contracting Parties in November 2014.

[Eds . . .]

Excerpts from National report on the implementation of actions 5, 20, and 21 of the

**action plan of the 2010 Review Conference
of the Parties to the Treaty on the Non-
Proliferation of Nuclear Weapons. Report
submitted by the United Kingdom of Great
Britain and Northern Ireland**

[NPT/CONF.2015/29]

[Eds...]

Reporting on national measures relating to disarmament

16. The United Kingdom considers the Treaty on the Non-Proliferation of Nuclear Weapons to be the cornerstone of global efforts to achieve a world free of nuclear weapons and we are committed to the step-by-step process agreed by consensus at the 2000 Review Conference and reaffirmed at the 2010 Review Conference.

National security policies, doctrine, and activities associated with nuclear weapons

Nuclear doctrine

17. The 2006 white paper “The Future of the United Kingdom’s Nuclear Deterrent”, as amended by the 2010 Strategic Defence and Security Review, provides our current policy on nuclear deterrence, our capability and force structure. It makes clear that we will maintain only the minimum credible nuclear deterrent, under full political control, in the form of continuous-at-sea patrols by Vanguard-class submarines carrying Trident ballistic missiles with the fewest warheads since the introduction of our fleet of ballistic missile submarines capability in the 1960s.

18. We believe we already have the smallest stockpile of nuclear warheads among the recognized nuclear-weapons States, and remain the only P5 nation to have reduced to a single deterrent system comprised of four fleet of ballistic missile submarines, since the withdrawal of our air component in the late 1990s.

19. The United Kingdom shares the concern regarding the humanitarian consequences which could result from the use of nuclear weapons. The United Kingdom works extremely hard to prevent the use of nuclear weapons; to prevent the proliferation of nuclear weapons; and to ensure our own nuclear weapons are safe and secure.

Trident Alternatives Review

20. In the 2010 Strategic Defence and Security Review, the Government confirmed its commitment to maintaining a continuous submarine-based deterrent and to beginning the work of replacing its existing submarines. As part of the Coalition Programme for Government, it was agreed that the Liberal Democrats would continue to make the case for alternatives. As a result, in 2011 the Prime Minister and Deputy Prime Minister jointly commissioned a focused review into alternative systems and postures.

21. The review was a neutral, factual review of options to examine whether there are:

- Credible alternatives to a submarine-based deterrent
- Credible submarine-based alternatives to the current proposal
- Alternative nuclear postures

22. The United Kingdom Government policy remains as set out in the Strategic Defence and Security Review. We will maintain a continuous deterrent and are proceeding with the programme to build a new fleet of ballistic missile submarines. Final decisions on the successor submarines will be taken in 2016 at the Main Gate point of the acquisition programme.

Operational policy

23. The United Kingdom 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. While we remain deliberately ambiguous about precisely when, how and at what scale we would contemplate their use, we have provided some parameters.

24. In the 2010 Strategic Defence and Security Review, the United Kingdom strengthened its negative security assurance to state that

the United Kingdom will not use or threaten to use nuclear weapons against non-nuclear-weapon States party to the Treaty on the Non-Proliferation of Nuclear Weapons. In giving this assurance, we emphasized the need for universal adherence to and compliance with the Treaty, and noted that this assurance would not apply to any State in material breach of those non-proliferation obligations. We also noted that while there is currently no direct threat to the United Kingdom 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.

25. In the interests of international security and stability, the United Kingdom has taken steps to lower the operational status of our deterrent system. United Kingdom nuclear weapons are not on high alert, nor are they on “launch on warning” status. The patrol submarine operates routinely at a “notice to fire” measured in days rather than minutes as it did throughout the Cold War. The missiles are no longer targeted at any country. On 15 February 1994, a Joint Declaration by the President of the Russian Federation [Boris Yeltsin] and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland [John Major] [declared that they would] “ensure the adoption of all necessary measures so that the strategic nuclear missiles under their respective commands will be de-targeted not later than 30 May 1994”. This position was considered and reaffirmed during the work in the 2006 White Paper. We believe that a nuclear attack on the United Kingdom’s vital interests is deterred by demonstrating our capability to respond under any circumstances, rather than just by the ability for a rapid response. There is no immediacy of launch in our normal operating posture.

26. The security and safety of our nuclear weapons is given the very highest priority and is entirely consistent with our obligations under non-proliferation agreements. Robust arrangements are in place for the political control of United Kingdom’s strategic nuclear deterrent. There are a number of technological and procedural safeguards built into the United Kingdom’s nuclear deterrent to prevent an unauthorized launch of its Trident missiles.

27. Finally, the United Kingdom has maintained a voluntary moratorium on nuclear-weapon test explosions since 1991.

Nuclear weapons, nuclear arms control (including nuclear disarmament) and verification

Stockpile size

28. The United Kingdom has achieved substantial reductions in its nuclear-weapon stockpile. In the late 1970s, when the United Kingdom’s stockpile was at its highest, the United Kingdom had more than 400 warheads in-service across five types. Following the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the United Kingdom announced in the 2010 Strategic Defence and Security Review that the number of deployed warheads on each submarine would be reduced from 48 to 40; the number of operational missiles in the Vanguard-class ballistic missile submarines would be reduced to no more than 8; and we would reduce the number of operationally available warheads from fewer than 160 to no more than 120.

29. On 20 January 2015, in a written statement delivered to Parliament, the Secretary of State for Defence (Michael Fallon) announced that the United Kingdom Government had now met their commitment to implement these changes across the United Kingdom ballistic missile submarine fleets. All Vanguard-class ballistic missile submarine fleets on continuous at-sea deterrent patrol now carry 40 nuclear warheads and no more than 8 operational missiles. We have therefore achieved our commitment to reduce the number of operationally available warheads to no more than 120 [All nuclear material no longer deemed necessary for military purposes has been placed under safeguards of international civil standards].

Verification

30. Developing and agreeing effective measures for verifying the dismantlement of nuclear warheads will be an important precondition for fulfilling the goals of article VI of the Treaty. The United Kingdom-Norway Initiative is an example of the world-leading research the United Kingdom is undertaking to address

some of the technical and procedural challenges posed by effective verification of warhead dismantlement. In 2007, representatives from several Norwegian laboratories, the United Kingdom Ministry of Defence, the United Kingdom Atomic Weapons Establishment Verification Research Training and Information Centre, a non-governmental organization, met to discuss potential cooperation on matters connected with technical verification of nuclear-arms reductions, with an agreement that a programme of work in this field should be progressed. This was the first time that a nuclear-weapon State, a non-nuclear weapon State, and an independent non-governmental organization have collaborated in this field of research. In 2012, the United Kingdom hosted a P5 expert-level meeting on verification to discuss lessons learned from the United Kingdom-Norway Initiative to date.

31. We are in our second decade of an active partnership with the United States of America in monitoring and verification research. Our joint technical cooperation programme allows us to apply policy, technology and programme expertise to develop and evaluate targeted approaches for transparent reductions and monitoring of nuclear warheads, fissile material and associated facilities for potential disarmament and non-proliferation initiatives. Technical experts conduct activities and share information to explore and address essential and difficult monitoring and verification challenges, working to integrate potential approaches for arms control monitoring and transparency.

32. The United Kingdom and China have conducted reciprocal technical exchange visits and will continue to explore collaborative exchanges into arms control and verification research. The United Kingdom has also offered the other P5 nations the opportunity to visit some aspects of the facilities available at the United Kingdom Atomic Weapons Establishment.

Transparency and confidence-building measures

33. Through the Strategic Defence and Security Review and other documents, the United Kingdom has voluntarily declared its maximum warhead stockpile numbers and operational warhead numbers.

34. We have also expressed our unconditional support for the 2010 action plan at numerous forums. In line with this support, the United Kingdom actively participates in regular working-level meetings of the P5 nuclear-weapon States that advance our collective dialogue on disarmament and review progress towards fulfilling the commitments made at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The United Kingdom held the first P5 Conference in 2009, and started the second cycle of Conferences in February 2015.

35. The United Kingdom actively promotes its work on the United Kingdom-Norway Initiative to non-nuclear-weapon States. This has included hosting a joint United Kingdom-Norway workshop for 12 non-nuclear-weapon States in December 2011 and side events at the 2010 Review Conference of the Parties to the Treaty and the 2012 and 2013 Preparatory Committees. Another side event was held at the 2014 Preparatory Committee.

Nuclear glossary

36. The P5 are, under China's leadership, developing a glossary of nuclear terms to aid understanding between States in discussing related matters. The United Kingdom has strongly supported the authoring of this glossary and looks forward to using this multilingual handbook in future work.

International agreements

37. The United Kingdom has signed a number of bilateral agreements as confidence-building measures with P5 partners. In addition to those mentioned previously, in 1977, the United Kingdom signed an agreement with the Union of Soviet Socialist Republics on the prevention of accidental nuclear war, and establishment of a direct communication link between the residence of the Prime Minister of the United Kingdom, and the Kremlin, in 1967.

38. At the France-United Kingdom Summit in November 2010, as part of the Defence and Security Cooperation Treaty, a subordinate treaty was declared, namely the Teutates Treaty. As part of the treaty, both the United Kingdom and France agreed to

build and jointly operate radiographic and hydrodynamic testing facilities, reaffirming their rights and obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, and their commitments under the Comprehensive Nuclear-Test-Ban Treaty. It was agreed that through the Treaty, the United Kingdom and France would cooperate and share information on safety and security of nuclear weapons; stockpile certification; and counter nuclear or radiological terrorism.

Non-civil nuclear material

39. The United Kingdom takes nuclear security most seriously and applies the same rigour to enforcing compliance to prevent the theft or sabotage of non-civil nuclear materials as it does to the civil nuclear industry. At defence sites, the Ministry of Defence Police and the Armed Forces performs an equivalent role to the Civil Nuclear Constabulary in the stringent enforcement of nuclear security standards. Non-civil site security is at least as robust as the protection of civil material, and is in line with guidance such as the International Atomic Energy Agency Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Revision 5). The United Kingdom works closely with international partners to ensure the application of common international security standards, for example through reciprocal peer reviews of security and best practice exchanges.

Other related issues

Comprehensive Nuclear-Test-Ban Treaty

40. The United Kingdom recognizes the Comprehensive Nuclear-Test-Ban Treaty as a key element of the global disarmament and non-proliferation architecture, and provides extensive technical and political support to the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization. The United Kingdom maintains the United Kingdom National Data Centre, Eskdalemuir Seismometer Array, a number of other International Monitoring Systems stations throughout United Kingdom territories and 1 of 16 global radionuclide laboratories that provide analytical support to the International Monitoring Systems. These facilities are backed up by enduring research in a number of areas, notably through the Atomic Weapons Establishment's Forensic Seismology Team. In addition, the United Kingdom was heavily involved in preparations for Integrated Field Exercise 2014, which evaluated the Comprehensive Nuclear-Test-Ban Treaty Organization's On-Site Inspection capability.

41. The United Kingdom is active in the Comprehensive Nuclear-Test-Ban Treaty Organization's Working Groups in Vienna and has provided over £100,000 in support over the past five years for the finance-focused Advisory Group. Our work ensures that the Comprehensive Nuclear-Test-Ban Treaty Organization has the necessary funding and working time to build and maintain an effective monitoring regime.

Treaty Banning the Production of Fissile Material for Nuclear Weapons and Other Nuclear Explosive Devices

42. Since the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the United Kingdom has upheld a moratorium on the production of fissile material for use in nuclear weapons or other nuclear explosive devices. Since then, all enrichment and reprocessing in the United Kingdom has been conducted under international safeguards. We are committed to the pursuit of an international treaty that would put an end to the future production of fissile material for such purposes. We made a commitment in the action plan of the 2010 Review Conference to begin negotiation within the Conference on Disarmament of a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices.

43. The United Kingdom supported the resolution in the First Committee of the General Assembly in 2012 to create a fissile material cut-off treaty Group of Government Experts. The Group, in which we are pleased to have a United Kingdom expert participating, complements existing efforts to find a positive way forward on the treaty in the Conference on Disarmament. We believe that the three sessions of the Group of Government Experts have made a strong and constructive contribution to the process and we look forward to the final report.

[Eds . . .]

Excerpts from Report submitted by the United States of America on Actions 5, 20 and 21 of the action plan of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

(NPT /CONF.2015/38)

[Eds . . .]

Having provided our initial report to the 2014 NPT Preparatory Committee, here we provide an update including actions in the past year for the 2015 NPT Review Conference.

Section I: Reporting on National Measures Relating to Disarmament

i. Nuclear Security Policies, Doctrine and Activities Associated with Nuclear Weapons

Nuclear Policy

- U.S. policy is to achieve the peace and security of a world without nuclear weapons, in line with our NPT commitments. We are committed to pursuing a transparent step-by-step approach to nuclear disarmament, building on negotiated agreements and cooperative activities, so that we can continue to move beyond Cold War nuclear postures.

- The United States completed a Nuclear Posture Review (NPR) in 2010 that lays out our strategy for reducing the number and role of nuclear weapons in our defense posture. The new strategy makes clear the following.

- The fundamental role of U.S. nuclear weapons remains to deter nuclear attack on the United States and its allies and partners.

- The United States would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners.

- It is a global interest that the nearly 70-year record of non-use of nuclear weapons be extended forever.

- U.S. policy is to maintain a credible deterrent with the lowest possible number of nuclear weapons, consistent with our current and future security requirements.

- Nuclear plans must be consistent with the fundamental principles of the Law of Armed Conflict, and will apply the principles of distinction and proportionality and will not intentionally target civilian populations or civilian objects.

- We are working to establish conditions in which the United States can safely adopt a policy of making deterrence of nuclear attack the sole purpose of U.S. nuclear weapons and continuing to strengthen conventional capabilities and missile defenses as part of our broader efforts to reduce the role of nuclear weapons.

- Underscoring the security benefits of adhering to and fully complying with the NPT, the United States strengthened 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.

- The United States has also made clear its readiness to provide negative security assurances within a legal framework through support for relevant Protocols to the existing five Nuclear-Weapon-Free Zone Treaties.

Changes to Nuclear Force Posture and Alert Posture

- The new U.S. nuclear strategy outlined in the NPR builds on the significant reductions in our nuclear force posture taken since the end of the Cold War and aims to further limit the potential for accidental launch by enhancing the safety, security, and surety of the U.S. arsenal, while also maximizing the decision time available to the President in the event of a crisis.

- Actions and practices affecting the posture of U.S. nuclear forces include the following:

- As of June 16, 2014, the United States completed the reconfiguration of all deployed intercontinental ballistic missiles (ICBMs) so that each missile only carries a single nuclear warhead (a process known as “de-MIRVing,” whereby all independently targetable re-entry vehicles but one are removed). Reducing the concentration of deployed warheads increases stability by lowering possible incentives for others to launch a nuclear first strike;

- Continuing the practice of “open-ocean targeting” of all deployed ICBMs and submarine-launched ballistic missiles (SLBMs), such that in the extremely unlikely event of an accidental launch, the missile’s payload would land in the open ocean;

- Continuing the practice of keeping all nuclear-capable bombers and dual-capable aircraft (DCA) off of day-to-day alert;

- Emphasizing the goal of maximized decision time for the President in the event of a crisis, including by making new investments in U.S. command and control systems; and,

- Directing the Defense Department to examine options to reduce the role of Launch Under Attack in U.S. nuclear planning, recognizing that the potential for a surprise, disarming nuclear attack is exceedingly remote.

Nuclear Weapons Surety

- The United States recognizes that nuclear weapon systems require extraordinarily special consideration because of their destructive potential. In that regard, the United States takes a variety of measures to ensure that nuclear weapons remain safe, secure, and under positive control — a concept we term “nuclear surety,” which is an overriding national priority. This involves significant science and engineering efforts that draw on the lessons of the past and are aimed at preventing an accidental or inadvertent detonation, as illustrated below.

- U.S. nuclear weapons incorporate safety design features that minimize the possibility of nuclear detonation due to accidents, errors, or acts of nature. Examples include the isolation of components essential to detonation from all forms of significant electrical energy, such as lightning or power surges, and fire-resistant pits.

- Another safety feature of certain U.S. nuclear weapons designs is the use of insensitive high explosive (IHE) as opposed to conventional high explosive. IHE is much less sensitive to shock or heat and highly resistant to accidental detonation.

- U.S. nuclear weapons apply additional measures to include the enhanced nuclear detonation safety concept to ensure that safety-critical components respond to abnormal environments in a predictably safe manner.

- Abnormal environments include conditions that could occur in credible accidental or unusual situations, including an aircraft accident, lightning strike, shipboard fire, or a bullet, missile, or fragmentation strike.

- The United States has made public the safety design requirements under different environmental conditions (e.g., drop testing and fire safety design).

- U.S. “use control” design features preclude or delay unauthorized nuclear detonation through electronic and mechanical features. Examples include permissive action links, command disablement to render warheads inoperable, and active protection systems that disable critical warhead components when tampering is detected.

- U.S. nuclear weapons employ environmental sensing devices, such as accelerometers, contained in the arming circuit of a weapon providing both safety and control. This prevents inadvertent functioning of the circuit until the weapon is launched or released and experiences environmental parameters specific to its particular delivery system.

- The stockpile is assessed annually to ensure that safety and use control devices and components meet

requirements and are performing effectively. Surety requirements are addressed during all phases of the nuclear weapon life cycle.

ii. Nuclear Weapons, Nuclear Arms Control (including Nuclear Disarmament) and Verification

Nuclear Weapons Reductions

- The United States continues a decades-long, step-by-step effort to reduce and eventually eliminate nuclear weapons. We have reduced our nuclear weapons stockpile by approximately 85 percent since its Cold War peak, or about an 82 percent reduction since 1970, when the NPT entered into force.

- A major step along this path is the U.S.-Russia New START Treaty, which when fully implemented by February 2018 will cap U.S. and Russian deployed strategic warheads at 1,550, the lowest levels of these weapons since the late 1950s.

- On April 8, 2014, the United States announced the future composition of the U.S. nuclear force structure in order to comply with the Treaty's limits by 2018. The updated strategic force structure will require reductions in all three legs of the U.S. nuclear Triad. **Specifically, 50 ICBMs will be removed from their silos, four launch tubes on each of the 14 strategic ballistic missile nuclear submarines (SSBN's) will be rendered incapable of launching an SLBM, and 30 B-52 heavy bombers will be converted verifiably to a conventional only role.** These actions will result in no more than 1,550 warheads deployed on:

- 400 deployed ICBMs;
- 240 deployed SLBMs on 14 SSBNs; and,
- 60 deployed nuclear-capable bombers.

- **As of March 1, 2015, the number of U.S. deployed strategic warheads under the New START Treaty was 1,597 on 785 deployed ICBMs, SLBMs, and heavy bombers.**

- As President Obama stated in Berlin in 2013, the United States is prepared to negotiate further nuclear reductions with Russia of up to one-third in the deployed strategic warhead levels established in the New START Treaty.

- The United States remains open to seeking negotiated reductions with Russia in all categories of nuclear weapons — strategic and non-strategic, deployed and non-deployed.

- These actions extend the legacy of U.S. leadership on nuclear arms control and disarmament, which includes many other signal achievements.

- *The 1987 Intermediate-Range Nuclear Forces Treaty* eliminated all U.S. and Soviet Union ground-launched missiles with a maximum range between 500 and 5,500 km and permanently prohibited the parties from possessing, producing, or flight-testing those missiles, and from possessing or producing launchers of such missiles. The Treaty is of unlimited duration.

- All U.S. ground-launched ballistic missiles (GLBMs) and U.S. ground-launched cruise missiles (GLCMs) were eliminated by 1991, to include 403 Pershing IA and IB and Pershing II GLBMs and 443 Tomahawk GLCMS — 846 total missiles.

- *The 1991 Strategic Arms Reduction Treaty (START)*, the most sweeping and complex arms control agreement negotiated in history, limited U.S. and Russian attributed strategic nuclear warheads to 6,000 on no more than 1,600 deployed ICBMs, SLBMs, and heavy bombers.

- Between September 1990 and July 2009, the United States under START reduced the number of deployed strategic launchers (ICBMs, SLBMs, their associated launchers, and deployed heavy bombers in its arsenal) from 2,246 to 1,188, a 47 percent reduction, and nuclear warheads attributed to these launchers from 10,563 to 5,916, a 44 percent reduction.

- *The 2002 Strategic Offensive Reductions Treaty (or*

Moscow Treaty) limited the United States and Russia to no more than 1,700 to 2,220 operationally deployed strategic nuclear warheads (ODSNW) by 2012.

- The U.S. aggregate number of ODSNW was 1,944 as of February 2011, when the Treaty was superseded by the New START Treaty.

- *National Measures:* In addition to treaty-based reductions, the United States has made dramatic and deep cuts to its Cold War arsenal, including through the 1991 and 1992 "Presidential Nuclear Initiatives (PNIs)," which eliminated approximately 3,000 U.S. nuclear weapons and resulted in an approximately 90 percent reduction in all U.S. tactical nuclear weapons. These national measures included the following:

- Elimination of all 450 Minuteman II ICBM silo launchers and all 50 Peacekeeper ICBM silo launchers, as well as 50 Minuteman III silo launchers;
- Removal of four SSBNs from strategic (nuclear) service and reducing the number of warheads on each of the remaining deployed submarines;
- Retiring all FB-111A bombers, eliminating all B-52G heavy bombers, and converting all B-1B heavy bombers to conventional-only capability;
- Withdrawal to the United States of all ground-launched tactical nuclear weapons with a range less than 300 miles;
- Elimination of all U.S. nuclear artillery shells and warheads for short-range ballistic missiles;
- Removal of tactical nuclear weapons from all naval combatant vessels;
- Removal of all nuclear command and control aircraft from constant airborne alert; and
- Retiring the AGM-129 Advanced Cruise Missile and the AGM-69 Short-Range Attack Missile (both air-to-ground missiles).

U.S. Nuclear Stockpile Transparency

- At the May 2010 NPT Review Conference, the United States released for the first time its nuclear stockpile totals, detailing annual stockpile levels from 1962 to 2009 and annual totals of nuclear weapons dismantled from 1994 to 2009.

- **Today, the United States has the smallest stockpile since 1956.**

- The United States has retired many thousands of nuclear warheads. Retired warheads have been removed from their delivery platform, are not functional, and are in the queue for dismantlement.

- **The United States declassified and reported its nuclear warhead stockpile in 2010 and 2014.**

- **In 2015, the United States again declassified its nuclear stockpile data through the end of fiscal year 2014. As of September 30, 2014, the total stockpile of active and inactive nuclear warheads was 4,717.**

- **An additional 299 warheads have been dismantled since September 30, 2013, with a total of 10,251 warheads dismantled between 1994 and 2014.**

- **In 2015, the United States reported that approximately 2,500 warheads are retired and awaiting dismantlement.**

- These actions have resulted in about an 85 percent reduction in total nuclear weapons in our stockpile since the height of the Cold War, or about 82 percent reduction since 1970 when the NPT entered into force.

- Since 1992, the United States has retired and dismantled 12 nuclear weapon types, including the most recent types: the W79, W62, W56, and the B53.

- The last W80-0 warhead for the Tomahawk Land Attack

Missile-Navy (TLAM-N) was retired from service and has been dismantled.

- **The United States announced in April 2015 that President Obama will seek funding to accelerate dismantlement of retired U.S. nuclear warheads by 20 percent.**

- It is U.S. policy not to develop new nuclear weapons. Life extension programs for remaining nuclear warheads will not support new military missions or provide for new military capabilities for nuclear weapons.

- **Stockpile Stewardship and Management Programs to replace aging infrastructure and extend the life of existing warheads can enable further nuclear reductions while maintaining a credible deterrent.**

- **These activities advance U.S. planning for implementation of the Comprehensive Nuclear-Test-Ban Treaty, which the United States has signed and intends to ratify.**

- **The “3+2” strategy consolidates nuclear weapon types from twelve to five, including consolidating from four variants of the B61 gravity bomb into one (B61-12), allowing the B83, the last megaton-class weapon in the U.S. arsenal, to be retired, and reducing the number of bombs by a factor of two.**

Fissile Material Reductions and Facility Consolidation

- In addition to information on the nuclear weapon stockpile, the United States has made public the total amounts of U.S. plutonium and highly enriched uranium (HEU) produced by the weapons program for military or non-military use.

- In 2009, the United States reported the plutonium inventory was 95.4 metric tons (MT). In 1994 and 2007, the United States declared 61.5 MT of plutonium as excess and removed from further use as fissile material for use in nuclear warheads.

- The U.S.-Russian Plutonium Management and Disposition Agreement (PMDA) requires the United States and Russia each to dispose of no less than 34 MT of weapon-grade plutonium each country has declared excess to defense needs. The United States remains committed to the PMDA and to an International Atomic Energy Agency (IAEA) role in verifying both sides' disposition programs under this agreement.

- **Implementation of the U.S.-Russia Plutonium Production Reactor Agreement is ongoing. Under this agreement all weapon-grade plutonium produced since 1995 by these now-shutdown reactors remains outside of military programs, and the reactors are under bilateral monitoring.**

- The total U.S. HEU inventory as of 2004 was 686.6 MT. In declarations in 1994 and 2005, the United States declared that a significant portion of that inventory totalling 374 MT of HEU would be removed from further use as fissile material in nuclear warheads.

- To date, the United States has down-blended a total of more than **146** metric tons of HEU from these declarations — enough material for more than **5,800** nuclear weapons. The total amount of down-blended HEU will continue to increase as the current down-blending effort for additional material progresses. **Down-blending removes this material from further use as fissile material in nuclear warheads.**

- 17.4 MT of this HEU was down-blended to low-enriched uranium (LEU) in facilities eligible for IAEA safeguards under the Voluntary Offer Agreement for use in the American Assured Fuel Supply, a U.S. swords-to-ploughshares initiative that provides back-up LEU fuel assurances to U.S. partners in the event of a disruption in supply.

- In total, **the United States has down-blended more than 50 MT of excess HEU to LEU under IAEA monitoring.** The cost for this monitoring was covered in full by the United States.

- Up to 160 MT of the excess HEU will be provided for use in naval ship power propulsion, postponing the need for production of

new HEU or construction of a new HEU enrichment facility for many decades.

- In the most important nuclear non-proliferation achievements of the post-Cold War period, the United States and Russia successfully completed the major non-proliferation, peaceful use, and disarmament goals of the 1993 United States-Russia HEU Purchase Agreement. Under this landmark Agreement, 500 metric tons of Russian weapons-origin HEU was converted to LEU and shipped to the United States where it was used for peaceful purposes as fuel in American nuclear power reactors.

- This Agreement eliminated approximately 20,000 nuclear warheads equivalent of Russian, weapons-origin HEU, with the resulting downblended LEU used to produce half of all nuclear energy generated annually in the United States for the ten year period from 2003-2013. **Approximately ten percent of all electricity produced in the United States during this period came directly from the nuclear fuel from the elimination of former Soviet nuclear warheads.**

- **The amount of nuclear material downblended under the HEU Purchase Agreement was equivalent to roughly three warheads worth of HEU per day for most of the last two decades.**

- During the 20-year Agreement, both countries exercised reciprocal transparency monitoring in their respective nuclear facilities to ensure that all HEU processed in Russia was of weapons-origin and that all LEU produced from that material was used for exclusively peaceful purposes in the United States.

- In parallel to reductions in the U.S. stockpile, the United States has consolidated the number of sites needed to maintain it. Today's current nuclear complex is smaller and geared to support not only our enduring nuclear weapons stockpile through science-based stewardship, but also our capability to address proliferation, terrorism, and other global threats.

- In 1980, the nuclear complex was made up of 14 sites. Today, it consists of eight, and its workforce has been reduced by two-thirds since the end of the Cold War.

- **From a high point of approximately 10,600 square kilometres in the early 1980s, the size of the complex has shrunk to approximately half its original size, 5,600 square km.**

- Key actions to reduce the complex include the following:

- Cessation of production of plutonium for weapons in 1987 and closure of all plutonium production reactors at the Hanford Site in Richland, Washington, and at the Savannah River Site in Aiken, South Carolina;

- Closure and decommissioning of the Hanford Site nuclear reprocessing plants;

- Cessation of production of HEU for weapons in 1964 and shutdown of the K-25 enrichment complex in Oak Ridge, Tennessee;

- Conversion of enrichment plants in Portsmouth, Ohio, and Paducah, Kentucky, to support civil nuclear fuel production only;

- Closure and decommissioning of the Feed Materials Production Center at Fernald, Ohio, the Rocky Flats plutonium pit production facility in Colorado, and the Mound and Pinellas plants for nuclear weapons components in Miamisburg, Ohio, and Pinellas, Florida;

- Removal of Category I/II Special Nuclear Materials (SNM), quantities large enough to construct nuclear devices, from Sandia National Laboratories, the Lawrence Livermore National Laboratory, and Technical Areas 3 and 18 at Los Alamos National Laboratory, as well as consolidation of Category I/II material into TA-55 at Los Alamos;

- Consolidation of HEU storage into the newly constructed HEU Materials Facility at Y-12 in Oak Ridge, Tennessee; and

- Consolidation of non-pit plutonium into the K-Area Materials

Storage (KAMS) facility at the Savannah River Site.

- The United States has not conducted a nuclear explosive test since 1992. The former Nevada Test Site has been re-named the Nevada National Security Site and today supports an expanded mission to include stockpile stewardship but also a range of activities supporting research and development of technologies to support non-proliferation goals.

- Looking forward, the new U.S. nuclear strategy anticipates shifting from retaining large numbers of non-deployed nuclear warheads towards a more responsive infrastructure over time. We are investing in a more modern physical infrastructure that would allow for further reductions in total nuclear forces.

Multilateral Arms Control

- The United States reaffirms its commitment to negotiate a treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices, also known as Fissile Material Cutoff Treaty (FMCT).

- As an interim step, the United States actively participated in the UN Group of Governmental Experts (GGE) that will make recommendations on possible aspects that could contribute to an FMCT. We are hopeful that this two-year GGE, which first convened in Geneva in March 2014, will serve to motivate and revitalize work on FMCT and progress within the Conference on Disarmament (CD).

- The Comprehensive Nuclear-Test-Ban Treaty (CTBT) is in the security interest of every nation, and the United States remains committed to ratifying the CTBT and bringing it into force.

- The United States makes the largest annual financial contribution to the CTBTO Preparatory Commission, paying more than 22 percent of the Commission's annual budget. With U.S. assistance, **as of December 31, 2014, the total number of certified International Monitoring System (IMS) stations and radionuclide laboratories completed was 281. This amounts to 83 percent of the total network.**

- The United States is helping to develop the on-site inspection (OSI) element of the CTBT's verification regime. Through significant U.S. voluntary contributions-in-kind of equipment, expertise, and research, the United States **played a major role in supporting** the largest ever on-site inspection Integrated Field Exercise conducted in Jordan in December 2014.

- Through 2015, the United States, along with the rest of the P5, convened a series of meetings of technical experts to discuss and identify areas for future P5 collaboration on CTBT-related issues.

Verification, Including Research and Development

- Effective verification is an essential condition for non-proliferation, arms control and achieving a world without nuclear weapons. Verification methods and technologies capable of detecting violations and monitoring compliance must be in place as states move step-by-step toward nuclear disarmament.

- Transparency through information sharing and confidence-building measures contribute to stability and security by enhancing predictability and building trust and confidence.

- Verification under the New START Treaty increases stability and predictability between the world's largest nuclear powers. The Treaty's robust and extensive verification provisions provide mutual confidence that both sides are living up to their obligations. The accurate and timely information shared between the United States and Russia on each side's respective nuclear forces diminishes the risks of misunderstanding and misperception. The Treaty's verification regime includes the following:

- 18 short-notice on-site inspections of both deployed and non-deployed nuclear ICBMs, SLBMs, and heavy bombers each year for each party that are more intrusive than those conducted under the previous START agreement, allowing each party to confirm the actual number of deployed warheads on ICBMs and SLBMs or nuclear armaments on heavy bombers;

- **Additional exhibitions and demonstrations of certain items subject to the Treaty;**

- National technical means to improve verification effectiveness; and,

- An extensive system of notifications to inform the other party when changes occur to the Treaty's database, such as movements, flight tests, and deployments of Treaty-accountable items. As of April 2015, the United States and Russia have exchanged over **8,300** such notifications through their respective Nuclear Risk Reduction Centers in Washington, D.C., and Moscow.

- To date, more than **150** on-site inspections have been conducted by the United States and Russia under the New START Treaty. Treaty on-site inspections and other verification measures enable each side to maintain confidence in the validity of data exchanged by the United States and Russia.

- Looking to the future and in keeping with our NPT commitments, the United States is supporting a range of research and development (R&D) activities, expanding our work on verification technologies needed for future agreements. We are making multi-million dollar investments each year to advance these capabilities.

- **The United States launched a new initiative — the International Partnership for Nuclear Disarmament Verification — to bring together nuclear-weapon and non-nuclear-weapon states to address future nuclear disarmament verification challenges. A kick-off meeting was held in Washington, D.C. on March 19-20, involving participants from 28 states, the European Union, and the Holy See.**

- **Goals of the International Partnership are to assess and potentially develop approaches addressing monitoring and verification challenges across the nuclear weapons lifecycle — including material production and control, warhead production, deployment, storage, dismantlement, and disposition. The Partnership will build on lessons learned from efforts such as the U.S.-UK Technical Cooperation Program and the UK-Norway Initiative. The U.S. Government will work with the Nuclear Threat Initiative through an official public-private partnership.**

- **Since 2000, the United States and United Kingdom have engaged in an extensive program of cooperation under the 1958 Mutual Defense Agreement to develop and evaluate methodologies and technologies required to verify future nuclear weapon reduction initiatives. This work includes:**

- **evaluating managed-access procedures at nuclear weapons facilities;**

- **developing procedures to confirm declared nuclear weapon attributes;**

- **examining the chain of custody for nuclear weapons and components;**

- **evaluating the monitored storage of nuclear weapons, components, and materials;**

- **developing procedures for the authentication of inspection equipment; and,**

- **enabling the testing of technology in operational environments.**

- Through our work with the UK and other partners, U.S. verification research initiatives develop capabilities to address major technical challenges, such as monitoring of warheads, including non-deployed warheads in storage, as well as capabilities to distinguish warheads by type.

- The United States is conducting a nuclear warhead modelling and measurement campaign to establish a comprehensive nuclear warhead and component signature set. The resulting data will support assessment of sensitive information that could be revealed as a result of future treaty verification

activities, and will further guide future R&D in the areas of radiation detection and information protection.

➤ The United States is conducting field demonstrations and evaluations of nuclear warhead lifecycle “end-to-end” monitoring capabilities, to include warhead storage and transportation monitoring demonstrations and evaluations at the Nevada National Security Site. Technologies are being developed and assessed to provide assurance to a potential monitoring party that nuclear warheads are accounted for and tracked throughout their lifecycle, including during long-term storage and dismantlement.

➤ In a major effort through 2018 with the Department of Energy’s National Laboratories, the United States will examine procedures and technology required for the monitored dismantlement of nuclear weapons, building on a three-year chain-of-custody project that culminated in demonstration experiments in January 2014, which:

➤ developed a representative environment for testing and evaluating technology research and development (R&D) of chain-of-custody technologies and carried out a series of technical evaluations; and,

➤ developed technologies to support accountability of warheads including evaluating the potential feasibility of a real-time system for counting items of inspection using radio-frequency identification (RFID) tags and tested its potential use in an inspection scenario.

• The United States is also pursuing R&D to enhance other future arms control treaties, including:

➤ technologies to support the CTBT, including completion of field experiments and demonstrations to further our understanding of underground nuclear event seismic signatures;

➤ activities evaluating CTBT-related technologies for effectiveness and intrusiveness, optimizing visual observation, seismic and acoustic sensing, multi-spectral imaging, and radionuclide transport and measurement; and,

➤ development of monitoring capabilities for defined fissile material production facilities and for possible inspections at sensitive U.S. sites.

iii. Transparency and Confidence-Building Measures

• In March 2015, the United States hosted a visit to the Los Alamos and Sandia National Laboratories for representatives from 11 NPT non-nuclear weapon States Parties and the UN Office of Disarmament Affairs. The visit included briefings, tours, and exchanges on U.S. stockpile stewardship and management activities, and the role played by the national laboratories in support of the President’s arms control and non-proliferation agenda.

The P5 Conference Process

[Eds . . .]

Other Confidence-Building Measures and Agreements

• The Direct Secure Communication System, also known as the “Hotline,” is an emergency and non-emergency secure communication system intended for use by the highest leadership of the United States and Russia (since 1963) and with China (since 1998). The system is maintained by each government to ensure that leaders are prepared to manage the full range of national security crises we face internationally.

• The U.S. Nuclear Risk Reduction Center (NRRC), located in the Department of State, provides the U.S. Government with 24-hour, seven-day-a-week, direct government-to-government communications in support of fourteen international, agreements, treaties, and arrangements on nuclear, conventional, chemical and cyber issues, with the four nuclear state successors to the Soviet Union, the over 50 participating States of the Organization for Security and Cooperation in Europe, and the Organization for the Prohibition of Chemical Weapons. The NRRC processes approximately 14,000 notifications annually, providing

translations for notifications in five languages, with the capacity to add additional countries and languages at need.

• The Accidents Measures Agreement (Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics) and the Agreement on Measures to Improve the USA-USSR Direct Communications Link (with Annex, Supplementing and Modifying the Memorandum of Understanding with Annex, of June 20, 1963) were signed and entered into force in 1971, inter alia, to provide for certain immediate or advance notification and to facilitate urgent communications via the “Hotline.”

• The Ballistic Missile Launch Notification Agreement (Agreement on Notifications of Launches of Intercontinental Ballistic Missiles and Submarine Launcher Ballistic Missiles) (BMLNA) was signed in 1988. Pursuant to this Agreement, the United States and Russia agreed to provide each other with notifications, no less than 24 hours in advance, of dates, launch areas, and impact sites for any test launch of an ICBM or SLBM. Notifications of launches under the New START Treaty are provided in accordance with the BMLNA.

• The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC) was adopted at a November 2002 conference by 93 countries in The Hague. Under the Code’s voluntary transparency and confidence-building measures, the United States politically commits to provide pre-launch notification of launches of ballistic missiles and space launch vehicles (the NRRC assists in the notification process), as well as submits annual declarations of our space and ballistic missile policies.

• The U.S.-Russia Presidential Declaration on Mutual Detargeting, issued in January 1994, announced the commitment of both sides to ensure that, by May 1994, the United States and Russia no longer had ICBMs and SLBMs targeting each other. In the highly unlikely event of an accidental launch of a U.S. nuclear weapon, the weapon would land in the open ocean.

iv. Other Related Issues

Examples of Resources Devoted to Disarmament Treaty Implementation, Inspections, and Dismantlement

• The United States expends considerable resources in fulfillment of its commitments under the many disarmament and arms control agreements and arrangements that it has implemented.

• The United States is committed to funding nuclear weapons dismantlement, and plans to dismantle all nuclear weapons retired prior to 2009 no later than the end of Fiscal Year 2022. This dismantlement plan is currently 10% ahead of schedule. The United States announced in April 2015 that President Obama will seek funding to accelerate dismantlement of retired U.S. nuclear warheads by 20 percent. The United States has spent over \$225 million on weapons dismantlement in the past five years.

• Transitioning the deployed nuclear force structure to meet the 2018 limits of the New START Treaty is expected to cost \$300 million from fiscal years 2014 to 2018.

➤ During calendar year 2014, the United States eliminated 52 ICBM silos for the Minuteman III and one for the Peacekeeper, completing the elimination of 103 ICBM silos to date under the New START Treaty. The cost of these eliminations alone was approximately \$20 million. The United States also hosted 18 inspections.

➤ In addition, the United States continued the conversion process to render inoperative some launchers of submarine-launched ballistic missiles on U.S. submarines. The cost of these conversions exceeded \$50 million in 2014.

• In 2014, the U.S. Air Force spent \$147.7 million on verification of foreign compliance with nuclear arms control and non-proliferation treaties.

• Since 2000, the United States has spent approximately

\$40 million on cooperative work with the United Kingdom to evaluate methodologies and technologies required to verify future nuclear weapon reductions; the United Kingdom contributed a commensurate sum.

- **Since 2011, the United States has spent \$60 million on the National Nuclear Security Administration's work with its National Laboratories to look at procedures and technologies required for the monitored dismantlement of nuclear weapons.**

- The United States continues to make substantial investments in R&D to support future nuclear arms control agreements and requirements. In 2014, the U.S. **National Nuclear Security Administration and the Defense Threat Reduction Agency funded over \$191 million for Research, Development, Test and Evaluation of arms control verification technology.**

- **The United States spent \$380 million on the surety of U.S. nuclear weapons from 2010-2015.**

- The United States makes the largest annual financial contribution to the CTBTO Preparatory Commission, paying more than 22 percent of the Commission's annual budget.

- From 1996 through 2014, the United States has contributed over **\$377 million** through its annual assessment.

- Since 2011, the United States has funded over \$23 million of contributions-in-kind projects to the Provisional Technical Secretariat (PTS) to accelerate the development of the verification regime and to improve its capabilities.

- The United States has contributed another \$25.5 million to rebuild the Crozet Island hydroacoustic station of the IMS.

- **In 2014, the U.S. National Nuclear Security Administration's enacted budget was \$567 million for the safe and secure storage and handling and disposition of surplus fissile material, including construction of disposition facilities.**

[Eds . . .]

Excerpts from National report submitted by the Russian Federation

[NPT/CONF.2015/48]

[Eds . . .]

Section I: Nuclear Disarmament

5. Russia acts responsibly with respect to its international obligations in the area of nuclear non-proliferation and arms control. Its strict observance of relevant international treaties and agreements is the core principle of Russian foreign policy reflected in fundamental documents such as the National Security Strategy, the Foreign Policy Concept, and the Military Doctrine of the Russian Federation.

6. The first step towards true nuclear disarmament was the conclusion of the USSR-US Treaty on The Elimination of Their Intermediate-Range and Shorter-Range Missiles (hereinafter referred to as the INF Treaty) on December 8, 1987. The Treaty made it possible to eliminate two classes of nuclear missile weapons. Under its provisions, 1,846 intermediate-range (1,000-5,500 km) and short-range (500-1,000 km) ground-launched ballistic and cruise missiles and 825 missile launchers were completely destroyed. An aggregate number of more than 3,000 nuclear warheads with a total yield of more than 500,000 metric tons were deactivated. The Treaty is still in force. It remains an important factor of maintaining international security and strategic stability. The Russian Federation remains committed to the Treaty and fully complies with its obligations.

7. The Treaty on the Reduction and Limitation of Strategic Offensive Arms (hereinafter referred to as the START I Treaty) which was signed on July 31, 1991, and entered into force on December 5, 1994, marked a new phase of coordinated and

verifiable reductions of Russian and US strategic offensive arms.

8. Under the START I Treaty, the Russian Federation was to reduce the number of its strategic weapon delivery vehicles to no more than 1,600, and the number of warheads attributed to these vehicles to no more than 6,000. These obligations were carried out in full and ahead of schedule. As of December 5, 2001, the verification date, the aggregate number of deployed strategic vehicles (intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers) was cut down to 1,136, and the aggregate number of warheads attributed to them was cut down to 5,518.

9. The Moscow Treaty between the Russian Federation and the United States on Offensive Reductions signed in 2002 was yet another Russian contribution to nuclear disarmament. Under its provisions, by December 31, 2012, Russia and the USA were to reduce the levels of their strategic nuclear warheads to 1,700-2,000, i.e. roughly to one third of the limit stipulated by the START I Treaty. These obligations were fulfilled as well.

10. The conclusion of the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (hereinafter referred to as the New START Treaty) on April 8, 2010, in Prague was another milestone in the nuclear disarmament process. The Treaty superseded both the previous START I Treaty that expired on December 4, 2009, and the 2002 Moscow Strategic Offensive Reductions Treaty. In accordance with the provisions of the New START Treaty, each Party shall reduce and limit its strategic offensive arms so that, seven years after entry into force of the Treaty and thereafter, the aggregate numbers do not exceed:

- 700 for deployed intercontinental ballistic missiles (ICBMs), deployed submarine-launched ballistic missiles (SLBMs), and deployed heavy bombers;

- 1550, for warheads on deployed ICBMs, SLBMs, and heavy bombers;

- 800, for deployed and non-deployed ICBM launchers, deployed and non-deployed SLBM launchers, and deployed and non-deployed heavy bombers.

11. As of March 1, 2015, the Russian Party possessed 515 deployed strategic offensive arms vehicles and 1582 warheads attributed to them under the START Treaty. As for deployed and non-deployed launchers for ICBMs and SLBMs and heavy bombers, their aggregate number on the date of verification was 890.

12. These figures as compared with data provided in our Report at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons concerning the implementation of Article VI, show a considerable and growing contribution of the Russian Federation to the fulfilment of its obligations in the area of nuclear disarmament. In the last five years, the number of deployed delivery vehicles has reduced from 800 to 515, and the number of warheads — from 3900 to 1882 units, i.e. it has been halved.

13. Russian nuclear weapons are under reliable control. The effectiveness of this control is enhanced through both organizational and technical measures. In particular, the total number of nuclear storage sites has been reduced fourfold since 1991. Russia has developed and implemented a set of measures to counter terrorist acts; nuclear and radiation hazardous facilities regularly undergo comprehensive checks for their security and readiness to prevent terrorist acts.

14. Alongside strategic nuclear weapons, the Russian Federation has reduced considerably, by a multiple factor, the quantity of its non-strategic nuclear weapons. Russia's non-strategic nuclear capability today is no more than 25% of the capability the USSR possessed in 1991. Furthermore, all Russia's non-strategic nuclear weapons have been transferred to the non-deployed category. Through the above-mentioned steps we have implemented an unprecedented set of measures for the de-alerting of such weapons. These weapons are located exclusively at centralized storage bases within the national territory where a top-level security

regime is assured, which rules out any possibility of theft, as well as accidental or unauthorized use of nuclear weapons.

15. The Russian Federation does not deploy its nuclear weapons beyond its national territory either directly or indirectly; it does not transfer control over its nuclear weapons to other states.

16. Through its nuclear arms reductions the Russian Federation has taken step by step measures to adapt its military doctrine in terms of declining reliance on the nuclear factor. Currently, all standard nuclear weapons are removed from use of Russia's combat army forces. Intercontinental ballistic missiles are on combat duty with zero missions, which means that they are not targeted.

17. The current version of the Military Doctrine of the Russian Federation approved by President Vladimir Putin on December 26, 2014, is of clearly defensive nature. According to the Doctrine, the use of nuclear weapons is strictly limited and is solely admitted in two exceptional cases: that of an attack against Russia or its allies involving the use of WMD and that of a threat to the existence of the state itself. Furthermore, the concept of "non-nuclear deterrence" was introduced into the text of the Doctrine which includes a set of military and military-technical measures aimed at preventing aggression against the Russian Federation through the use of non-nuclear means. These alterations were made due to the current military hazards and threats to Russia, since their list was updated taking into account the existing environment.

The Comprehensive Nuclear-Test-Ban Treaty (CTBT)

18. In 1990, the Union of Soviet Socialist Republics declared a moratorium on nuclear testing. The Russian Federation, the legal successor of the USSR, didn't carry out any nuclear weapons test explosions since its declaration of independence in 1991. We intend to pursue this course in the future. We hope that the other nuclear powers will take a similar approach.

19. The Russian Federation ratified the Comprehensive Nuclear-Test-Ban Treaty (CTBT) in 2000 and is pursuing a consistent policy aimed at ensuring the universalization and early entry into force of this Treaty as the most important international legal mechanism in the area of nuclear arms limitation and nuclear non-proliferation. We are convinced that a comprehensive and no threshold ban on any nuclear explosions is an effective means of restraining the qualitative improvement of nuclear weapons.

20. We undertake efforts to support the CTBT in multilateral formats and during bilateral meetings, calling on the States that have not joined the Treaty, first and foremost 8 remaining Annex 2 States, to sign and/or ratify it immediately and without any preconditions. Our country has been a consistent co-sponsor of the resolutions of the United Nations General Assembly in support of the Treaty. We attend the "Friends of the CTBT" meetings of Ministers for Foreign Affairs that take place biennially and the Conferences on Facilitating the Entry into Force of the Treaty convened by the United Nations Secretary-General. We participate actively in implementing the final declarations of the Conferences on Facilitating the Entry into Force of the Treaty, the latest of which was adopted in 2013.

21. Russia fully supports the gradual and balanced creation of the CTBT compliance verification mechanism. We are actively engaged in the work of the Preparatory Commission for the CTBTO of discussing relevant issues including the on-site inspection regime (OSI). Russian experts took an active part in the OSI integrated field exercise in Jordan in 2014, which was an important milestone towards establishing an inspection mechanism in the framework of the CTBT.

22. The Russian Federation is establishing the second largest segment of the International Monitoring System which includes 31 stations (6 basic and 13 auxiliary seismic stations, 4 infrasound stations, 8 radionuclide stations) and 1 radionuclide laboratory. 26 IMS stations (81 per cent) have been put into operation by now.

23. The Russian Federation is ready to continue down the path of verified and irreversible reduction of nuclear weapons in accordance with the obligations under Article VI of the NPT considering the strategic situation and taking into account the

evolution of factors that influence strategic stability.

24. Nuclear disarmament is impossible without taking into account current trends in the sphere of strategic defence weapons. The build-up of anti-missile capacities in Europe and in the world affects strategic stability. The ABM system in Europe and in the Asia-Pacific Region being established by a limited group of States can threaten the effectiveness of strategic deterrence carried out by other countries undermining the global stability. Being fully aware of the danger of such a scenario, the Russian Federation consistently urges for elaboration of guarantees of undirectedness of the European ABM systems against Russian forces of strategic deterrence, which should be legally binding and based on objective criteria.

25. Thoroughly considered collective actions based on the principle of equal and indivisible security for all States without exception are needed to maintain peace and stability. Other approaches can affect the strengthening of both European and global security. Apart from nuclear weapons, in the context of the general strategic situation in the world and general disarmament goals, advanced non-nuclear weapons systems that are under development, including long-range sea launched cruise missiles and other long-range high-precision systems, become important.

26. Prevention of space weaponization holds a special place in the set of disarmament challenges. The Russian Federation has consistently opposed the deployment of weapon of any type in space, and has undertaken political commitments not to be the first to do it.

27. Deployment of weapons in space would mean not only expansion of military competition, but also its qualitative spurt which can lead to unpredictable consequences for the whole process of arms control, strategic stability and international security in general. It is necessary to prevent the deployment of weapons in space which is one of the important conditions of nuclear disarmament.

28. We should find a solution that would help strengthen international security and stability. The draft Russian-Chinese Treaty on the Prevention of the Deployment of Weapons in Outer Space is an effective and realistic way to achieve this objective.

29. In general, we think that it is important to focus on reducing the growing conflict potential, addressing urgent problems in strengthening international security and stability, and establishing favourable conditions for further steps towards nuclear disarmament.

Fissile material for nuclear weapon purposes

30. The Russian Federation stopped the production of fissile material for nuclear weapon purposes more than two decades ago. Our country hasn't produced the weapon-grade uranium since 1989. Since 1997, in accordance with the Agreement Between the Government of the Russian Federation and the Government of the United States of America Concerning Cooperation Regarding Plutonium Production Reactors, of September 23, 1997, we have been working on shutting down 13 reactors that had produced weapon-grade uranium. The last of them was closed in 2010. Currently, we are dismantling 9 reactors. The remaining ones are being prepared for dismantlement.

31. In 2013, we finished implementing the Agreement between the Government of the Russian Federation and the Government of the United States of America Concerning the Disposition of Highly-Enriched Uranium Extracted from Nuclear Weapons (the HEU-LEU Agreement known as the Megatons to Megawatts Program), under which we had converted 500 tons of warhead grade uranium, the equivalent of 20,000 nuclear warheads.

32. In 2014-2015, the Russian Federation actively participated in the work of the Group of Governmental Experts established under the Resolution 67/53 of the UN General Assembly; the report of the Group was circulated for further consideration. We note the substantial contributions made by the Group to substantive analysis of this issue which has never been analysed in such a detailed and comprehensive manner. The Group's work revealed significant differences in approaches to different aspects of a

possible treaty. We firmly believe that negotiations on such an agreement should be held exclusively in the framework of the comprehensive and balanced programme of work of the

Conference on Disarmaments and on the basis of the “Shannon Mandate”, a document [CD/1299](#) of 1995.

[Eds . . .]

G – Open Ended Working Group on Nuclear Disarmament & Nuclear Ban Process

General Assembly Resolution. Taking forward multilateral nuclear disarmament negotiations [A/RES/67/56, 4 January 2013]

The General Assembly,

[Eds...]

1. Decides to establish an 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;
2. Also decides that the working group shall convene in Geneva in 2013 for up to 15 working days, within available timeframes, with the contribution of international organizations and civil society, in accordance with established practice, and shall hold its organizational session as soon as possible;
3. Further decides that the working group shall submit a report on its work, reflecting discussions held and all proposals made, to the General Assembly at its sixty-eighth session, which will assess its work, taking into account developments in other relevant forums;
4. Requests the Secretary-General to provide, within available resources, the support necessary to convene the working group and also to transmit the report of the working group to the Conference on Disarmament and the Disarmament Commission;
5. Decides to include in the provisional agenda of its sixty-eighth session an item entitled "Taking forward multilateral nuclear disarmament negotiations".

Report of 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 [A/68/514, 9 Oct 2013]

[Eds...]

II. Introduction

1. In its resolution 67/56, entitled "Taking forward multilateral nuclear disarmament negotiations", the General Assembly expressed its deep concern about the catastrophic humanitarian consequences of any use of nuclear weapons. By paragraphs 1 and 2 of the resolution, the Assembly decided to establish an 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 and that the working group should convene in Geneva in 2013 for up to 15 working days, within available timeframes, with the contribution of international organizations and civil society, in accordance with established practice.
2. By paragraph 3 of that same resolution, the General Assembly further decided that the working Group should submit a report on its work, reflecting discussions held and all proposals made, to the General Assembly at its sixty-eighth session, which will assess its work, taking into account developments in other relevant forums.

[Eds...]

III. Proceedings of the Working Group

A. General

10. In accordance with the mandate contained in General Assembly resolution 67/56 and the agenda for the session, the Working Group addressed, in an open, constructive and transparent manner, various issues related to nuclear disarmament, including the status and role of nuclear weapons in the current security context, the elements and approaches to take forward multilateral nuclear disarmament negotiations, possible ways to achieve and maintain a world free of nuclear weapons and the complete elimination of nuclear weapons.

11. During the meetings of the Working Group, participants expressed their points of view on a range of issues, including the current status of and future prospects for nuclear disarmament and multilateral nuclear disarmament negotiations, existing commitments and initiatives, elements to consider in and possible approaches to multilateral nuclear disarmament negotiations and the roles and responsibilities of all actors, among other issues to be addressed for the achievement and maintenance of a world without nuclear weapons.

12. As mandated by the General Assembly, the Working Group conducted its work in a deliberative and inclusive manner and, without prejudice to the eventual outcome and national positions, allowed for frank and constructive discussion on ways to take forward multilateral nuclear disarmament negotiations.

B. Taking stock of existing unilateral, bilateral and multilateral nuclear disarmament commitments and proposals, and aspects, perspectives and challenges that pertain to nuclear disarmament and multilateral nuclear disarmament negotiations

13. In order to take stock of existing unilateral, bilateral and multilateral nuclear disarmament commitments and proposals, and of aspects, perspectives and challenges that pertain to nuclear disarmament and multilateral nuclear disarmament negotiations, the Working Group held the following informal thematic discussions:

(a) The discussion on the theme "Multilateral treaty-based obligations and commitments" was moderated by Peter Woolcott (Australia). Statements were made by the following panellists: Theresa Hitchens, United Nations Institute for Disarmament Research (UNIDIR); Beatrice Fihn, Reaching Critical Will; and Ward Wilson, James Martin Centre for Non-Proliferation Studies;

(b) The discussion on the theme "Towards a world free of nuclear weapons" was moderated by Paul Wilson (Australia). Statements were made by the following panellists: Gaukhar Mukhatzhanova, James Martin Centre for Non-Proliferation Studies; and Gioconda Ubeda, Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

(c) The discussion on the theme "Other initiatives and proposals" was moderated by Elissa Golberg (Canada). Statements were made by the following panellists: Jarmo Sareva, Office for Disarmament Affairs; and Thomas Nash, Article 36;

(d) The discussion on the theme "Lessons learned: transparency, confidence-building and verification" was moderated by Mark Verstedden (Netherlands). Statements were made by the following panellists: Anders Persbo, Verification Research, Training and Information Centre; Pavel Podvig, UNIDIR; and Jean Pascal Zanders, European Union Institute for Security Studies;

(e) The discussion on the theme "Perspectives on the necessary framework to achieve and maintain a

nuclear-weapon-free world” was moderated by Anthony Andanje (Kenya). A statement was made by the panellist Rebecca Johnson, Acronym Institute for Disarmament Diplomacy;

(f) The discussion on the theme “A conversation on international law relevant to the use of nuclear weapons” was moderated by Dell Higgie (New Zealand). Statements were made by the following panellists: Andrew Clapham, Geneva Academy of International Humanitarian Law and Human Rights; and Louise Doswald-Beck;

(g) The discussion on the theme “Approaching nuclear disarmament from different angles” was moderated by Urs Schmid (Switzerland). Statements were made by the following panellists: Patricia Lewis, Chatham House; John Borrie, UNIDIR; and Neil Buhne, United Nations Development Programme;

(h) The discussion on the theme “Roles and responsibilities for nuclear disarmament” was moderated by Antonio Jose Vallim Guerreiro (Brazil). A statement was made by the panellist Tarik Rauf;

(i) The discussion on the theme “The role of parliamentarians in advancing nuclear disarmament” was moderated by Ulises Canchola Gutierrez (Mexico). Statements were made by the following panellists: Martin Chungong, Inter-Parliamentary Union (IPU); Saber Chowdhury, IPU; Sue Miller, Parliamentarians for Nuclear Non-Proliferation and Disarmament; and Alyn Ware, Basel Peace Office;

(j) The discussion on the theme “Nuclear disarmament education” was moderated by Jyri Jarviaho (Finland). Statements were made by the following panellists: William Potter, Monterey Institute of International Studies; Kerstin Vignard, UNIDIR; Hiro Yamamoto (Japan); and Christian Ciobanu, Nuclear Age Peace Foundation and Ban All Nukes generation.

C. General exchange of views

14. At its meetings on 14 and 15 May, the Working Group held a general exchange of views. Statements were made by the representatives of Algeria, Austria, Belarus, Brazil (on behalf of the New Agenda Coalition¹), Belgium, Canada, Colombia, Cuba, Egypt, Germany, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Madagascar, Mexico, the Netherlands, New Zealand, Norway, South Africa, Sweden, Switzerland and Turkey. Statements were also made by Mayors for Peace and the Women’s International League for Peace and Freedom (on behalf of the International Campaign to Abolish Nuclear Weapons).

15. At the meeting on 27 June, the High Representative for Disarmament Affairs made a statement.

D. Developing proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

16. At the meetings on 27 June and 19 and 20 August, working papers containing proposals were introduced by Austria, Cuba, Egypt (on behalf of the New Agenda Coalition), Iran (Islamic Republic of), Japan (on behalf of Australia, Belgium, Canada, Denmark, Finland, Germany, Italy, Netherlands, Poland, Portugal, Slovakia and Sweden), Malaysia (on behalf of Costa Rica and Malaysia), Mexico and, jointly, by Ireland and Switzerland. A list of ideas, elements and proposals raised during the meetings of the Working Group was also compiled and introduced by the Chair. Papers containing proposals were also submitted by Reaching Critical Will, the Basel Peace Office, Mayors for Peace, the Nuclear Age Peace Foundation and the United Nations Youth Association of Romania.

17. In addressing the proposals submitted for consideration in accordance with its mandate, the Working Group focused on the following topics:

(a) Approaches on how to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by the Chair);

(b) Elements to be considered in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Mohamed Hatem El-Atawy (Egypt));

(c) Reviewing the role of nuclear weapons in the security context of the twenty-first century in order to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Kelly Anderson (Canada));

(d) The role of international law in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Roland Sturm (Austria));

(e) The role of States and other actors in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Laurent Masmejean (Switzerland));

(f) Other practical actions that could contribute to taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons (moderated by Alexander Ben-Acquaah (Ghana)).

IV. Discussions and proposals

18. During the meetings of the Working Group, participants engaged in interactive, open and constructive discussions on substantive aspects of multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. They recognized the absence of concrete outcomes of multilateral nuclear disarmament negotiations within the United Nations framework for more than a decade and emphasized the importance and urgency of making substantive progress on priority disarmament and non-proliferation issues. Throughout the discussions, as well as in working papers presented to the Working Group, State representatives, international organizations and civil society presented a breadth of views and proposals. They are reflected in the following paragraphs without prejudice to national positions, or priority, or attempting to be comprehensive or exhaustive. The details of the discussions held and proposals made during the meetings of the Working Group can be found in the statements, working papers and other conference documents.

A. Approaches on how to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

19. In addressing ways to take forward multilateral nuclear disarmament negotiations, the Working Group discussed the current status, perspectives and challenges to nuclear disarmament.

20. Participants affirmed that the universal objective of taking forward multilateral nuclear disarmament negotiations remained the achievement and maintenance of a world without nuclear weapons. Several approaches towards this goal were discussed, including an action plan for a nuclear-weapons free and non-violent world to attain the goal of nuclear disarmament in a universal, time bound, non-discriminatory phased and verifiable manner; the step-

by-step approach of mutually reinforcing and progressive steps leading to the full and complete elimination of nuclear weapons; the comprehensive approach for a phased programme for the complete elimination of nuclear weapons within a specified framework of time, including a nuclear weapons convention, to prohibit the possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use of such weapons, and to provide for their destruction; a legally binding framework committing all States to a world without nuclear weapons comprising mutually reinforcing components, implemented in an unconditional manner and backed by clearly defined timelines and benchmarks; and the adoption of a “building blocks” approach for the development of a set of mutually reinforcing unilateral, bilateral, plurilateral and multilateral elements not implying conditionality and without prejudice to a timeframe.

21. The Working Group emphasized, however, that regardless of the approach that the international community would decide to follow, in order to move forward on nuclear disarmament and, ultimately, eliminate the risk of the catastrophic humanitarian consequences arising from the use of nuclear weapons, the international community should focus on common grounds, not on differences.

B. Elements to be considered in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

22. The Working Group discussed the relationship between the elements needed to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. While recognizing the interrelationship between the method and the elements, delegations suggested that there were elements that needed to be addressed regardless of the method employed. It was also proposed that the method would determine the elements.

23. The multilateral nature of negotiations for achieving and maintaining a world without nuclear weapons was discussed, as were unilateral, bilateral and plurilateral initiatives.

24. Discussion was also conducted on how to group the elements needed for the establishment and the elements needed for the maintenance of a world without nuclear weapons. Several alternatives were explored in grouping elements that varied in terms of the stage of achieving and maintaining a world without nuclear weapons (end-state or interim measures), the timeframe of their development (short-, medium- or long-term elements) and their nature (political confidence- building measures or legally binding instruments).

25. The Working Group discussed the need for the full, effective and non-discriminatory implementation of existing disarmament and non-proliferation obligations and commitments, including the Treaty on the Non-Proliferation of Nuclear Weapons and the outcomes of the review conferences of the parties to the Treaty. In this context, the Group also discussed the realization of the unequivocal undertaking by the nuclear-weapon States to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, which is what all States parties to the Treaty are committed to under article VI of that Treaty.

26. The Working Group discussed the mutually reinforcing nature of nuclear disarmament and non-proliferation, in all its aspects. The Group also discussed the affirmation of vertical and horizontal non-proliferation commitments.

27. During discussions and statements, and in

working papers, participants considered the importance of pursuing elements to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons, in totality and without preconditions or hierarchy. While stressing the need to apply the principles of transparency, verifiability and irreversibility to the goal of achieving and maintaining a world without nuclear weapons, the following elements, which include political measures and legal instruments that could be established and implemented, were put forward:

(a) Affirming the unequivocal commitment to the goal of complete elimination of nuclear weapons and the need for an agreed framework to this end;

(b) Maintaining or declaring a moratorium on the production of fissile material for nuclear weapons or other explosive devices, and converting installations for peaceful purposes and under international verification;

(c) Maintaining or declaring a moratorium on nuclear weapons tests, the development of new types of nuclear weapons and the upgrading of current nuclear- weapon systems;

(d) Reducing the role of nuclear weapons in the military and security doctrines, postures and strategies of nations and alliances, with a view towards their complete elimination;

(e) Maintaining or declaring no-first-use of nuclear weapons;

(f) Removing nuclear weapons from territories of non-nuclear-weapon States;

(g) Designating fissile material no longer required for military purposes and the development of legally binding verification and arrangements, within the context of the International Atomic Energy Agency, to ensure the irreversible removal of such fissile material;

(h) Enhancing the role of nuclear-weapon-free zones by removing the conditionalities and reservations that have been imposed by nuclear-weapon States and broadening their reach by establishing new zones where they do not already exist, particularly in the Middle East, as well as national legislation prohibiting nuclear weapons;

(i) Increasing transparency and providing a clear baseline against which to measure progress in nuclear disarmament, including a complete inventory of nuclear stockpiles, nuclear warheads, delivery systems and fissile material for nuclear weapons. In this context, participants discussed the importance of submitting regular reports, using a uniform format;

(j) Enhancing measures towards the security of nuclear weapons and to reduce the operational readiness of nuclear-weapons systems, including through the development of legal instruments and other measures, to minimize the possibility of nuclear detonations, whether intentional, accidental or as a result of miscalculation;

(k) Implementing measures to reduce nuclear danger;

(l) Developing verification tools, capabilities and mechanisms to be utilized towards the establishment and maintenance of a world without nuclear weapons;

(m) Universalizing the Treaty on the Non-

Proliferation of Nuclear Weapons.

28. The Working Group also discussed measures consisting of legally binding instruments towards achieving a world without nuclear weapons, to be implemented in an interim phase. These variably included:

(a) A clear, legally binding universal and non-discriminatory multilateral commitment, on the part of all States, to the goal of nuclear disarmament, with clearly defined benchmarks and timelines;

(b) Progressive, uninterrupted and irreversible reduction in nuclear arsenals, anywhere and of any type, with clear benchmarks and timelines accompanied by an international verification regime and the placement of all nuclear facilities under such a

regime;

(c) A multilateral, legally binding instrument dealing with all aspects of testing of nuclear weapons and the entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

(d) A multilateral, legally binding instrument dealing with fissile material that includes the following options:

(i) A treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;

(ii) A treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and dealing with existing stocks of such material and the dismantlement or conversion, for peaceful uses, of facilities and related equipment for the production of fissile material for use in nuclear weapons or other nuclear explosive devices;

(e) The provision of legally binding negative security assurances against the use or threat of use of nuclear weapons to non-nuclear-weapon States;

(f) Bilateral or plurilateral legal arrangements between nuclear-weapon States;

(g) A legally binding instrument on the no-first-use of nuclear weapons.

29. The Working Group identified the following elements as necessary for maintaining a world without nuclear weapons once that has been achieved:

(a) Complete elimination of nuclear weapons and nuclear weapons material and its verification;

(b) Prohibition of the use or threat of use of nuclear weapons;

(c) Prohibition of the possession, stockpiling, development or transfer of nuclear weapons;

(d) Prohibition of the production or use of already existing fissile material for nuclear weapons and placing all such fissile material under international safeguards;

(e) Prohibition of nuclear-weapons tests in all their forms, including both supercritical and subcritical tests.

C. Reviewing the role of nuclear weapons in the security context of the twenty-first century in order to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

30. The Working Group discussed the importance of examining the role of nuclear weapons in the security context of the twenty-first century.

31. In addressing the role of nuclear weapons, participants considered broader and more multidimensional definitions of collective security that take into account, inter alia, humanitarian issues and developmental goals. The humanitarian impact of nuclear weapons was put forward as a cross-cutting issue that affects all elements of the disarmament agenda. Participants also spoke about the need to examine the nature of security in the twenty-first century and questioned whether nuclear weapons met those needs. Devaluing nuclear weapons and questioning the effect of deterrence postures were discussed.

32. Participants discussed the need to take into account the security perceptions of States possessing nuclear weapons, engage in dialogue and build trust and confidence among those States. Proposals were made with regard to reducing the salience of nuclear weapons in the existing security doctrine. The need for engagement between non-nuclear-weapon States and States possessing nuclear weapons was also raised.

33. Proposals covered a range of activities from unilateral reductions in tactical, strategic and non-deployed nuclear warheads to the full elimination of

such weapons through a multilateral negotiated process. Participants also made proposals on preventing the modernization of existing nuclear arsenals and the development of new weapons.

D. The role of international law in taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

34. The Working Group considered the contribution of international law to taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons and gaps in the existing international legal framework.

35. The Working Group discussed options to fill the legal gaps in achieving the objective of a world without nuclear weapons, including in the current international legal framework, through a multilateral legal instrument, or several instruments, that would complement existing ones. Participants discussed whether such an instrument or instruments should be universal and prohibit the development (including the modernization) of nuclear weapons, the testing in all its forms of nuclear weapons, the production of nuclear weapons, the production or use of existing fissile material for nuclear weapons, the possession and stockpiling of nuclear weapons, the transfer of nuclear weapons and the use and threat of use of nuclear weapons. In this context, the option of a treaty banning nuclear weapons was discussed.

36. Taking into account past efforts of unilateral and bilateral nuclear arms control and disarmament measures, delegations discussed a number of concrete multilateral nuclear disarmament measures to be undertaken through legally binding instruments and within a defined timeframe. They also discussed the verification regime for nuclear disarmament established through legally binding instruments.

37. In order to take forward multilateral nuclear disarmament negotiations for achieving and, in particular, maintaining a world without nuclear weapons, delegations discussed the extension of the application of the safeguards regime to all States.

38. The Working Group considered the supportive nature of other legal norms, both existing and proposed ones, for global nuclear disarmament efforts. In addition, it addressed the legality and legitimacy of nuclear weapons. In this context, the stigmatization of nuclear weapons and its legal implications were discussed.

39. The Working Group discussed the evolution of international law since the 1996 advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons, including in the areas of international humanitarian law, human rights law and environmental law, and the potential implications for taking forward multilateral nuclear disarmament negotiations. The Group also discussed the evolution of international criminal law as it related to the use or threat of use of nuclear weapons and the idea of undertaking a study of the evolution of international law relevant to the achievement of a world without nuclear weapons, including in the areas of international humanitarian law, human rights law, environmental law and in the legal realm of the International Criminal Court.

E. The role of States and other actors in taking forward multilateral nuclear disarmament for the achievement and maintenance of a world without nuclear weapons

40. The Working Group addressed the role of States and other actors in taking forward nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons. It addressed in particular whether States had the same or different

roles to play.

41. The Working Group noted that achieving a world without nuclear weapons was a shared responsibility of all States, notably in the light of the catastrophic humanitarian consequences of nuclear weapons. It also noted that while that responsibility was shared and collective, States had differentiated roles and functions.

42. The Working Group shared the view that non-nuclear-weapon States had a role in promoting global nuclear disarmament. It considered that nuclear-weapon States, in particular those with the largest nuclear arsenals, bore a special responsibility in the tasks of achieving nuclear disarmament, including implementing effective measures relating to nuclear disarmament.

43. The Working Group discussed the role of parliamentarians, pertinent international organizations, in particular the United Nations and associated bodies, civil society and academia in taking forward multilateral nuclear disarmament negotiations. In addressing nuclear weapons as a humanitarian and human security issue, the Group considered that States should build partnerships with a wide range of actors.

44. In discussing proposals, the Working Group explored the role of non-nuclear-weapon States in challenging the status and the value attached to nuclear weapons. The role of non-nuclear-weapon States under extended nuclear deterrence guarantees in reducing the salience of nuclear weapons in security doctrines was also discussed. The Group also discussed the role of nuclear-weapon-free zones in challenging the value and legitimacy of nuclear weapons and the potential for greater cooperation among the nuclear-weapon-free zones for promoting nuclear disarmament.

F. Other practical actions that could contribute to taking forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons

45. The Working Group discussed the need to continue to address nuclear disarmament in various forums, including the General Assembly, the Conference on Disarmament, the process for reviewing the Treaty on the Non-Proliferation of Nuclear Weapons and in high-level meetings and summits.

46. The Working Group discussed the role of education for promoting progress towards nuclear disarmament. Participants highlighted the contribution that education could make in increasing understanding about different dimensions of nuclear disarmament, including the humanitarian, economic and environmental consequences of nuclear weapons.

47. The Working Group considered the need to continue to implement the recommendations contained in the report of the Secretary-General on the United Nations study on disarmament and non-proliferation education (A/57/124), including with regard to reporting on a biennial basis on relevant efforts. Participants discussed making greater use of new communications and information technology to disseminate educational materials and raise awareness among the general public, in particularly among young people.

48. Participants discussed the reallocation of funding from nuclear-weapon programmes to other areas, inter alia, economic development, nuclear disarmament and disarmament and non-proliferation education. In addressing the issue of divestment of nuclear weapons, the Working Group discussed the role of the public and private sectors.

49. The Working Group discussed the impact of anti-ballistic missile defence systems and the prevention of an arms race in outer space on nuclear disarmament.

50. The Working Group discussed the need for further work to be done on all the issues related to taking

forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons addressed during the meetings of the Working Group.

V. Adoption of the report

51. At its meetings on 22 and 28 to 30 August, the Working Group considered agenda item 6, entitled "Report to the General Assembly at its sixty-eighth session".

52. At its final meeting, on 30 August, the Working Group adopted its report as contained in A/AC.281/L.1/Rev.1 and A/AC.281/L.2, as orally amended.

General Assembly Resolution. Taking forward multilateral nuclear disarmament negotiations

[A/RES/68/46, 10 Dec 2013]

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”.

Report of the Secretary-General Taking forward multilateral nuclear disarmament negotiations Addendum

[A/69/154, 17 July 2014]

I. Introduction

1. On 5 December 2013, the General Assembly adopted resolution [68/46](#), entitled “Taking forward multilateral nuclear disarmament negotiations”. By operative paragraphs 6 to 8 of the resolution, the General Assembly:

(a) Called 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 were addressed, taking into account the report of 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 and the proposals contained therein ([A/68/514](#));

(b) Encouraged Member States, international organizations and civil society to take into account the report of the Open-ended Working Group and the proposals contained therein in the discussions in other forums in which humanitarian, health, human rights, environmental and development affairs were addressed;

(c) Requested 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 had already taken to that end, and to submit a report on that subject to the General Assembly at its sixty-ninth session.

2. Pursuant to the above request, on 20 February 2014, a note verbale was sent to Member States inviting them to provide information on the subject. The replies received are contained in section II below. Any additional replies received will be issued as addenda to the present report.

[Eds...]

General Assembly Resolution. Taking forward multilateral nuclear disarmament negotiations

[A/RES/70/33, 11 December 2015]

The General Assembly,

[Eds...]

1. *Reiterates* that the universal objective of taking forward multilateral nuclear disarmament negotiations remains the achievement and maintenance of a world without nuclear weapons, and emphasizes the importance

of addressing issues related to nuclear weapons in a comprehensive, inclusive, interactive and constructive manner, for the advancement of multilateral nuclear disarmament negotiations;

2. *Reaffirms* the urgency of securing substantive progress in multilateral nuclear disarmament negotiations, and to this end decides to convene an open-ended working group to substantively address concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons;

3. *Decides* that the open-ended working group shall also substantively address recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to (a) Transparency measures related to the risks associated with existing nuclear weapons; (b) measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations; and (c) additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation;

4. *Encourages* all Member States to participate in the open-ended working group;

5. *Decides* that the open-ended working group shall convene in Geneva, in 2016, as a subsidiary body of the General Assembly and under its rules of procedure, for up to 15 working days, within available time frames, with the participation and contribution of international organizations and civil society representatives, in accordance with established practice, and shall hold its organizational session as soon as possible;

6. *Calls upon* States participating in the open-ended working group to make their best endeavours to reach general agreement;

7. *Decides* that the open-ended working group shall submit a report on its substantive work and agreed recommendations to the General Assembly at its seventy-first session, which will assess progress made, taking into account developments in other relevant forums;

8. *Requests* the Secretary-General to provide, within available resources, the support necessary to convene the open-ended working group and to transmit the report of the working group to the Conference on Disarmament and the Disarmament Commission and to the international conference foreseen in paragraph 6 of resolution 68/32;

9. *Decides* to include in the provisional agenda of its seventy-first session, under the item entitled “General and complete disarmament”, the sub-item entitled “Taking forward multilateral nuclear disarmament negotiations”.

Report of the Open-ended Working Group taking forward multilateral nuclear disarmament negotiations

[A/71/371, 1 September 2016]

[Eds...]

I. Introduction

1. In its resolution 70/33, entitled “Taking forward multilateral nuclear disarmament negotiations”, the General Assembly reiterated that the universal objective of taking forward multilateral nuclear disarmament negotiations remains the achievement and maintenance of a world without nuclear weapons, and emphasized the importance of addressing issues related to nuclear weapons in a comprehensive,

inclusive, interactive and constructive manner, for the advancement of multilateral nuclear disarmament negotiations.

2. By paragraphs 2 and 3 of that same resolution, the General Assembly decided to convene an open-ended working group to substantively address concrete effective legal measures, legal provisions and norms that would need to be concluded to attain and maintain a world without nuclear weapons, and to also substantively address recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to: (a) transparency measures related to the risks associated with existing nuclear weapons; (b) measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations; and (c) additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation.

3. By paragraph 7 of the same resolution, the General Assembly also decided that the open-ended working group should submit a report on its substantive work and agreed recommendations to the General Assembly at its seventy-first session, which would assess progress made, taking into account developments in other relevant forums. The present report is submitted pursuant to that request.

II. Organizational matters

A. Opening and duration of the session

4. Pursuant to the provisions of paragraph 5 of General Assembly resolution 70/33, the Open-ended Working Group held an organizational meeting on 28 January 2016 at which the Chair was nominated and a provisional agenda circulated. The Working Group held a total of 30 substantive meetings, from 22 to 26 February, from 2 to 4 and from 9 to 13 May and on 5, 16, 17 and 19 August 2016. A number of informal meetings were also held.

5. The Office for Disarmament Affairs provided substantive support to the Working Group.

6. The first plenary meeting was opened by the Acting Director of the Geneva branch of the Office for Disarmament Affairs, who oversaw the election of the Chair of the Working Group.

B. Officers

7. At its first plenary meeting, on 22 February 2016, the Working Group elected by acclamation Thani Thongphakdi (Thailand) as its Chair.

C. Adoption of the agenda and participation

8. At the same meeting, the Working Group adopted its agenda (A/AC.286/1), which read as follows:

1. Opening of the session.
2. Election of the Chairperson.
3. Adoption of the agenda.
4. Organization of work.
5. Taking forward multilateral nuclear disarmament negotiations:
 - (a) Concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons;
 - (b) Recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to:
 - (i) Transparency measures related to the risks

associated with existing nuclear weapons;

- (ii) Measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations;
- (iii) Additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation.

6. Report to the General Assembly at its seventy-first session.

7. Any other business.

9. At the same meeting, the Working Group decided on the modalities for the broad participation of representatives of international organizations, civil society and academia in its work in accordance to the provisions of paragraph 5 of General Assembly resolution 70/33.

D. Documentation

10. The Working Group had before it the following:

- (a) Provisional agenda, submitted by the Chair - designate (A/AC.286/1);
- (b) Synthesis paper, submitted by the Chair (A/AC.286/2).

11. The Working Group also had before it a number of working papers submitted by the Chair, Member States, international organizations, institutions and non-governmental organizations, a list of which appears in annex III to the present report.

III. Proceedings of the Open-ended Working Group

A. General

12. Pursuant to its mandate, as contained in General Assembly resolution 70/33, the Working Group addressed, in an open, inclusive and transparent manner, various issues related to nuclear disarmament, including: possible pathways to nuclear disarmament; what would constitute effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons; and other measures that could contribute to taking forward multilateral nuclear disarmament negotiations. Deliberations were carried out without prejudice to the eventual outcome or to national positions, which allowed for a frank, constructive and participatory discussion on the different topics under its mandate.

13. The Working Group recalled that the General Assembly had encouraged all Member States to participate in the Working Group, and in this connection, the Group regretted that the nuclear-weapon States and other States possessing nuclear weapons had not participated in its work.

14. The Working Group welcomed the participation and contributions of international organizations and civil society.

15. The Working Group heard addresses by: Kofi Annan, former Secretary - General of the United Nations; Michael Møller, Director-General of the United Nations Office at Geneva, Secretary-General of the Conference on Disarmament and Personal Representative of the Secretary-General to the Conference on Disarmament; Kim Won-soo, Under-Secretary-General and High Representative for Disarmament Affairs; and Setsuko Thurlow, a nuclear bomb survivor.

B. Deliberations of the Open-ended Working Group

16. In order to take stock of the current status of multilateral nuclear disarmament, the Open-ended Working Group held a thematic discussion, with the participation of Elayne Whyte Gomez, Permanent Representative of Costa Rica to the United Nations Office at Geneva, on the results

achieved by the Working Group to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons in 2013 (see A/68/514), and Tim Caughley, Resident Senior Fellow, United Nations Institute for Disarmament Research (UNIDIR), on developments in the field of nuclear disarmament since 2013.

17. The deliberations of the Working Group during its meetings from 22 to 26 February 2016 were structured around the work of the following two panels:

(a) **Panel I:** on substantively addressing concrete effective legal measures, legal provisions and norms that would need to be concluded to attain and maintain a world without nuclear weapons, with Gro Nystuen, International Law and Policy Institute, Rebecca Johnson, Acronym Institute for Disarmament Diplomacy, Kathleen Lawand, International Committee of the Red Cross (ICRC), and Louis Maresca, ICRC, taking part as panellists;

(b) **Panel II:** on substantively addressing recommendations on other measures that could contribute to taking forward multilateral nuclear disarmament negotiations: (i) transparency measures related to the risks associated with existing nuclear weapons; (ii) measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations; (iii) additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation; and (iv) other measures, with Tariq Rauf, Stockholm International Peace Research Institute, Beyza Unal, Chatham House, Pavel Podvig, UNIDIR, and John Borrie, UNIDIR, taking part as panellists.

18. The deliberations of the Working Group during its meetings from 2 to 4 and from 9 to 13 May 2016 were structured around six panels, as follows:

(a) **Panel I:** on measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations, with Patricia Lewis, Chatham House, taking part as a panellist;

(b) **Panel II:** on transparency measures related to the risks associated with existing nuclear weapons, with Piet de Klerk, International Partnership for Nuclear Disarmament Verification, taking part as a panellist;

(c) **Panel III:** on additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation, with Ira Helfand, International Physicians for the Prevention of Nuclear War, and Sara Sekkenes, United Nations Development Programme, taking part as panellists;

(d) **Panel IV:** on essential elements that would comprise effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons, with Stuart Casey - Maslen, University of Pretoria, taking part as a panellist;

(e) **Panel V:** on possible pathways to take forward multilateral nuclear disarmament negotiations, with Nick Ritchie, University of York, taking part as a panellist;

(f) **Panel VI:** on other measures, including reviewing the role of nuclear weapons in the security and other contexts of the twenty-first century, with James E. Cartwright, Global Zero Commission on Nuclear Risk Reduction, and Paul Ingram, British American Security Information Council, taking part as panellists.

IV. Substantive discussions

A. General exchange of views

19. The Open-ended Working Group reaffirmed the

resolve to achieve and maintain a world without nuclear weapons, which remains the universal objective of taking forward multilateral nuclear disarmament negotiations. The Working Group emphasized the importance of addressing issues related to nuclear weapons in a comprehensive, inclusive, interactive and constructive manner for the purpose of the advancement of multilateral nuclear disarmament negotiations. In this regard, the Working Group recalled the unequivocal undertaking by the nuclear - weapon States at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to bring about the total elimination of their nuclear weapons.

20. The work of the Working Group was underpinned by deep concern about the threat to humanity posed by the existence of nuclear weapons and the catastrophic humanitarian consequences of any nuclear weapon detonation. The risk of these catastrophic humanitarian consequences will remain as long as nuclear weapons exist. The increased awareness of and well-documented presentations on the humanitarian impact of nuclear weapons compel urgent and necessary action by all States, leading to a world without nuclear weapons. The Working Group also reaffirmed the need for all States to comply at all times with applicable international law, including international humanitarian law.

21. Against these considerations and the growing awareness of the humanitarian impact of nuclear weapons, it was noted with concern that progress in multilateral nuclear disarmament has been slow. Concern was also raised regarding the serious challenges faced by the existing United Nations disarmament machinery, including the Conference on Disarmament, which has not been able to carry out negotiations pursuant to an agreed programme of work in two decades, and the United Nations Disarmament Commission, which has not produced a substantive outcome since 1999, as well as the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, at which the parties had failed to reach an agreement on a substantive final document.

22. The Working Group discussed the current status of the international nuclear disarmament and non-proliferation regime with a view to identifying areas where additional legal measures, provisions and norms need to be elaborated or concluded in order to attain and maintain a world without nuclear weapons.

23. The Working Group recalled that article VI of the Treaty on the Non-Proliferation of Nuclear Weapons established an obligation on each of the States parties to, inter alia, pursue negotiations in good faith on effective measures relating to nuclear disarmament. In addition, the Working Group, while recalling the decisions and the resolution adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, reaffirmed the need for the full implementation of paragraphs 3 and 4 (c) of decision 2, entitled "Principles and objectives for nuclear non - proliferation and disarmament", the practical steps for achieving nuclear disarmament agreed upon by consensus in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as the conclusions and recommendations for follow-on actions agreed upon at the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

24. The Working Group noted that the text of the Treaty on the Non -Proliferation of Nuclear Weapons does not provide specific guidance with respect to specific effective measures that should be pursued in fulfilment of its article VI. The Working Group noted that the development of effective legal measures has been required for the implementation of the nuclear disarmament obligation contained in article VI.

25. Many States expressed the view that there is a legal gap in the current international framework for the prohibition and elimination of nuclear weapons. They further noted that other legal measures that may be required to attain and maintain a world without nuclear weapons, such as general prohibitions against the possession, use, development, production, stockpiling and transfer of such weapons, as well as measures for their elimination, have yet to be considered in detail and must be negotiated with urgency.

26. On the other hand, a number of States did not consider that there was any legal gap in the current international framework for nuclear disarmament. They expressed the view that the Treaty on the Non-Proliferation of Nuclear Weapons and the outcomes of its review conferences provide an essential framework for the pursuit of nuclear disarmament.

27. A number of States stressed that the international security environment, the current geopolitical situation and the role of nuclear weapons in existing security doctrines should be taken into account in the pursuit of any effective measures for nuclear disarmament. They argued that approaches that did not take these factors into account would not succeed in bringing about the participation of nuclear-armed States and other States that rely on nuclear weapons in their security doctrines. They noted the importance of confidence-building measures as a means for creating conditions to facilitate further major reductions in nuclear arsenals, including efforts to reduce levels of hostility and tensions between States, particularly between those possessing nuclear weapons.

28. On the other hand, many States stressed that collective security should take priority over national interest with respect to the question of nuclear weapons. They argued that there is no contradiction between national security and collective security. In this regard, they noted that from the humanitarian perspective, the consequences of nuclear weapons on human populations and the risks and threat posed by the continued existence of nuclear weapons had been examined in the context of the three Conferences on the Humanitarian Impact of Nuclear Weapons (held in Oslo; Nayarit, Mexico; and Vienna). They also expressed the view that, in light of their transboundary and potentially global impact, the risk posed by nuclear weapons was too high and that the existence of nuclear weapons within a State does not increase but rather lowers the protection and security of its population.

29. The Working Group considered that the best chance for reaching a world without nuclear weapons would be through the involvement of all States that possess nuclear weapons.

30. A number of States noted the steps taken by nuclear-weapon States to reduce the overall number of nuclear weapons, to reduce the role of nuclear weapons in security doctrines and to extend the scope of their negative security assurances.

31. It was however noted by many States that such steps had resulted in only a partial reduction in the role of nuclear weapons while still leaving in tact a capacity to hold entire societies at risk. Concerns were expressed regarding continued efforts by nuclear-weapon States towards the qualitative improvement and modernization of their nuclear arsenals, as well as their continued reliance on nuclear weapons. Concern was also expressed regarding the perceived weakening of norms relating to the use or threat of use of nuclear weapons.

32. Many States therefore emphasized the need to shift from a focus on reducing the role of nuclear weapons to stigmatizing nuclear weapons, including by changing international and public attitudes regarding policies and practices that are premised on the acceptance of such weapons. This shift would be consistent with the humanitarian pledge issued at the Vienna Conference on

the Humanitarian Impact of Nuclear Weapons in December 2014 for the prohibition and elimination of nuclear weapons, in which subscribing States committed to the stigmatization, prohibition and elimination of nuclear weapons in the light of their unacceptable humanitarian consequences, environmental impact and other associated risks.

B. Concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons

33. The Working Group affirmed that the development of any effective legal measures for nuclear disarmament can only be aimed at strengthening the nuclear disarmament and non-proliferation regime and at implementing article VI of the Treaty on the Non-Proliferation of Nuclear Weapons and that such measures should complement and strengthen the Treaty. In addressing concrete effective legal measures, legal provisions and norms that would need to be concluded to attain and maintain a world without nuclear weapons, many possible approaches were considered.

34. A majority of States¹ expressed support for the commencement of negotiations in the General Assembly in 2017, open to all States, international organizations and civil society, on a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, which would establish general prohibitions and obligations as well as a political commitment to achieve and maintain a nuclear-weapon-free world. Representatives of civil society supported this view.

35. Possible elements of such an instrument could include: (a) prohibitions on the acquisition, possession, stockpiling, development, testing and production of nuclear weapons; (b) prohibitions on participating in any use of nuclear weapons, including through participating in nuclear war planning, participating in the targeting of nuclear weapons and training personnel to take control of nuclear weapons; (c) prohibitions on permitting nuclear weapons in national territory, including on permitting vessels with nuclear weapons in ports and territorial seas, permitting aircraft with nuclear weapons from entering national airspace, permitting nuclear weapons from being transited through national territory, permitting nuclear weapons from being stationed or deployed on national territory; (d) prohibitions on financing nuclear weapon activities or on providing special fissionable material to any states that do not apply International Atomic Energy Agency (IAEA) comprehensive safeguards; (e) prohibitions on assisting, encouraging or inducing, directly or indirectly, any activity prohibited by the treaty; and (f) recognition of the rights of victims of the use and testing of nuclear weapons and a commitment to provide assistance to victims and to environmental remediation. It was noted that the elements and provisions to be included in such an instrument would be subject to its negotiation.

36. A legally binding instrument prohibiting nuclear weapons would be an interim or partial step towards nuclear disarmament as it would not include measures for elimination and would instead leave measures for the irreversible, verifiable and transparent destruction of nuclear weapons as a matter for future negotiations. It would also contribute to the progressive stigmatization of nuclear weapons. States supporting such an instrument considered it to be the most viable option for immediate action as it would not need universal support for the commencement of negotiations or for its entry into force. It was suggested, pursuant to the decision of the General Assembly, in its resolution 68/32, to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in achieving the objective of the total elimination of nuclear weapons, in particular on the elements of a comprehensive convention on nuclear weapons.

37. Many States supported a comprehensive nuclear weapons convention, which would set out general

obligations, prohibitions and practical arrangements for time - bound, irreversible and verifiable nuclear disarmament. These States considered that the process for negotiating such a convention and bringing negotiations to a conclusion should include a phased programme for the complete elimination of nuclear weapons within a specified time frame. Such a convention would constitute a non-discriminatory and internationally verifiable legal arrangement that would give States assurances that nuclear weapons had been destroyed and that no new weapons were being produced. It was noted that it would be technically difficult to negotiate detailed provisions for the verified elimination of nuclear weapons without the involvement of States possessing nuclear weapons. While many States supported the immediate commencement of negotiations on a comprehensive nuclear weapons convention, it was noted that such a convention could only be effective with the participation of the States possessing nuclear weapons. Many of these States also supported the negotiation of a legally binding instrument to prohibit nuclear weapons. It was also suggested, in this context, that the above - mentioned United Nations high-level international conference to convene no later than 2018, pursuant to resolution 68/32, should review progress on those negotiations.

38. Some States described, as a possible option, a framework agreement, which would comprise either a set of mutually reinforcing instruments dealing progressively with various aspects of the nuclear disarmament process, or a chapeau agreement followed by subsidiary agreements or protocols that would lead gradually to a nuclear-weapon-free world. Such an approach would provide for flexibility, leave room for confidence-building measures and allow for a smooth transition towards nuclear disarmament, simultaneously taking into account the concerns of all States. It would not necessarily include a specific time frame for accomplishing the elimination of nuclear weapons. It was proposed that a first subsidiary agreement or protocol that could be negotiated might be a prohibition on the use or threat of use of nuclear weapons.

39. Some States discussed a hybrid approach, which would include the immediate negotiation of a treaty prohibiting nuclear weapons. Such a treaty would be complemented by protocols relating to national declarations, national implementation, verification and phases of destruction, assistance and technical cooperation and a non-discriminatory verification regime to be implemented following the complete elimination of nuclear weapons. Proponents of this approach considered that it would provide a framework for the progressive inclusion of all States initially resistant to joining, thus reflecting the inclusiveness of the framework approach, while providing for the same level of comprehensiveness and effectiveness as the nuclear weapons convention.

40. A number of States expressed support for a “progressive approach”, focusing on the importance of the existing global regime, in particular the Treaty on the Non-Proliferation of Nuclear Weapons, which already contains treaty -level commitments on the goal of eliminating all nuclear weapons. Within the framework of the Treaty, both non-nuclear-weapon States and nuclear-weapon States needed to work together on the building blocks of the non-proliferation architecture, consisting of parallel and simultaneous effective legal and non -legal measures which can be of a multilateral, plurilateral, bilateral or unilateral nature, and which are mutually reinforcing. An important landmark would be a “minimization point”, at which the number of weapons would be reduced to a very low amount and an internationally reliable verification regime with effective verification techniques and methods would be established. These States considered that when “global zero” comes within reach, additional legal measures would then be needed to achieve and maintain a world without nuclear weapons. At that point, it would be necessary to consider how a non-discriminatory and internationally

verifiable nuclear disarmament framework, such as a multilateral nuclear weapons convention or a plurilateral arrangement among those with nuclear weapons, would be drawn up as the final building block. They considered that significant work remained ahead before this point could be attained. The view was expressed that many measures proposed under the progressive approach reflected existing commitments that enjoyed consensus.

41. States supporting the progressive approach supported the following as effective legal measures: (a) achieving the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty; (b) negotiating a verifiable and non-discriminatory treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices; (c) commencing negotiations on a post - New Strategic Arms Reduction Treaty (START) between the United States of America and the Russian Federation; (d) achieving universal adherence to the International Convention for the Suppression of Acts of Nuclear Terrorism; (e) promoting full implementation of the 2005 amendment to the Convention on the Physical Protection of Nuclear Material; (f) providing support for the practical implementation of Security Council resolution 1540 (2004); (g) strengthening nuclear-weapon-free zones and creating new nuclear-weapon-free zones and weapons-of-mass-destruction-free zones; and (h) supporting and strengthening the IAEA safeguards system. A full list of the legal and non-legal measures proposed under the progressive approach appears in annex I to the present report.

42. Another approach discussed was the idea of an additional protocol to the Treaty on the Non-Proliferation of Nuclear Weapons, which could be negotiated as a separate instrument. Such an approach would keep nuclear disarmament as an integral part of the Treaty.

43. The Working Group also discussed criteria for evaluating the feasibility and effectiveness of the various approaches for nuclear disarmament. Under each approach, some States suggested that criteria could include scope and content, required membership, normative value, political viability, maturity and potential to contribute to achieving and maintaining a world without nuclear weapons. Some States also expressed the view that the only criterion that should be considered was scope of the adopted approach. It was further noted by some States that the various approaches were partially overlapping, not necessarily mutually exclusive and could make different contributions to nuclear disarmament.

44. While different approaches would entail different types of legal instruments or sets of instruments, many elements were suggested that could form part of such legal instruments. In this regard, many States suggested that these could include core elements, linked directly to the prohibition of nuclear weapons, other elements associated with the elimination of nuclear weapons, including those related to fissile material, and verification, as well as elements linked to other objectives such as victim assistance, some of which have already been mentioned above. Without prejudice to any future elaboration of effective legal measures, a list of suggested elements appears in annex II to the present report.

45. It was noted that many of these elements coincide with obligations undertaken by some States pursuant to their existing treaty-based commitments, including through the Treaty on the Non-Proliferation of Nuclear Weapons and the various nuclear-weapon-free zone treaties. Certain provisions were considered to be analogous with basic obligations contained within the Biological Weapons Convention and the Chemical Weapons Convention. Some measures could only be pursued and implemented with the engagement and cooperation of the States possessing nuclear weapons. Many States considered that the pursuit of many other measures and provisions could benefit both disarmament and non-proliferation objectives, even if

pursued exclusively by non-nuclear-weapon States.

46. It was noted that there is more than one way in which nuclear disarmament can be achieved. Various possible elements and provisions could be pursued under each of the various approaches and many could be pursued across more than one. It was noted that possible elements and provisions vary in their connection to the process of disarmament and in their potential impact on efforts to achieve and maintain a world without nuclear weapons. It was also noted that certain measures vary in their applicability to all States, nuclear-armed States, non-nuclear-armed States and other States that continue to maintain a role for nuclear weapons in their security doctrines.

C. Other measures that could contribute to taking forward multilateral nuclear disarmament negotiations

47. The Working Group considered other measures that could contribute to taking forward multilateral disarmament negotiations. Transparency, risk reduction and awareness-raising are important to the achievement of the verifiability and irreversibility of nuclear disarmament.

Transparency measures related to the risks associated with existing nuclear weapons

48. The Working Group underscored the principle of transparency, along with the principles of irreversibility and verifiability, which it deemed crucial to the process of nuclear disarmament. Without transparency, nuclear disarmament cannot be credibly verified, nor would States have adequate confidence that nuclear disarmament measures have been accomplished in an irreversible manner. Increased transparency also alleviates mistrust among States and builds confidence and trust at regional and international levels.

49. The Working Group stressed the importance of ensuring access to information reported by the States possessing nuclear weapons to the public and to neighbouring and other States. In this connection, many States supported the establishment of a reporting mechanism within the framework of the United Nations with a view to enhancing accountability and facilitating nuclear disarmament.

50. With respect to the public disclosure of information related to nuclear weapon programmes and activities, the need to protect sensitive information from malicious use by terrorists, criminals and non-State actors was underscored.

51. Various transparency measures were suggested by different States related to the risks associated with existing nuclear weapons, including that States possessing nuclear weapons should provide standardized information at regular intervals on, inter alia:

(a) The number, type (strategic or non-strategic) and status (deployed or non-deployed, and the alert status) of nuclear warheads within their territories as well as those deployed in the territories of other countries;

(b) The number and the type of delivery vehicles;

(c) The measures taken to reduce the role and significance of nuclear weapons in military and security concepts, doctrines and policies;

(d) The measures taken to reduce the risk of unintended, unauthorized or accidental use of nuclear weapons;

(e) The measures taken to de-alert or reduce the operational readiness of nuclear weapon systems;

(f) The number and type of weapons and delivery systems dismantled and reduced as part of nuclear disarmament efforts;

(g) The amount of fissile material produced for military purposes: the Working Group considered that baseline information on these issues would also contribute to verification and nuclear disarmament negotiations;

(h) Information about plans, expenditures and number of facilities related to the modernization of nuclear weapons.

52. The above standardized information should be provided to the Secretary - General, who should make such information available to Member States and to the public.

53. Many States also suggested that other States that maintain a role for nuclear weapons in their military and security concepts, doctrines and policies be encouraged to also provide standardized information at regular intervals on, inter alia:

(a) The number, type (strategic or non-strategic) and status (deployed or non-deployed, and the alert status) of nuclear warheads within their territories;

(b) The number and the type of delivery vehicles within their territories;

(c) The measures taken to reduce the role and significance of nuclear weapons in military and security concepts, doctrines and policies.

Measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations

54. The Working Group considered that the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations would persist for as long as nuclear weapons exist. The only way to eliminate this risk is by achieving the complete elimination of nuclear weapons.

55. The Working Group discussed a number of factors that could contribute to the current and growing risk of a nuclear weapon detonation. These factors include: increasing tensions involving nuclear-armed and other States at the international and regional levels; the vulnerability of nuclear-weapon command and control systems and early warning networks to cyber attacks and attacks by non-State actors; and the growing automation of weapon systems. At the same time, it was acknowledged that the precise nature of the risks was difficult to assess given the lack of transparency in nuclear weapon programmes.

56. Many States expressed particular concern that the maintenance of nuclear weapons at high alert levels could significantly multiply the risks and the threat posed by nuclear weapons and negatively affect the process of nuclear disarmament. In this regard, they considered that measures to reduce the operational status of nuclear weapons systems would increase human and international security and represent an interim step towards nuclear disarmament as well as an effective measure to mitigate some of the risks associated with nuclear weapons.

57. While the Working Group expressed support for the implementation of measures to reduce risks and increase safety, pending the total elimination of nuclear weapons, it was emphasized that this does not imply support for any possession or use of nuclear weapons.

58. Various measures were suggested by different States to reduce the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations, pending the total elimination of nuclear weapons, including that States possessing nuclear weapons and other relevant States should undertake further practical measures to:

(a) Reduce the number of deployed strategic nuclear weapons;

(b) Reduce the number of non-strategic and non-deployed nuclear weapons;

(c) Reduce nuclear weapons designated as surplus stockpiles;

(d) Rapidly moving towards an overall reduction of the global stockpile of any type of nuclear weapons;

(e) Reduce risks associated with nuclear weapon delivery vehicles, in particular nuclear-armed cruise missiles, including actions to limit, prevent deployment of and lead to a ban on all nuclear-armed cruise missiles;

(f) Commit to reduce, or at least freeze, the number of nuclear weapons in holding pending the commencement and conclusion of plurilateral negotiations on nuclear weapons reductions;

(g) Reduce the role of nuclear weapons in security doctrines and the value assigned to the role of nuclear weapons in military training schools;

(h) Develop and implement nuclear weapons policies that reduce and eliminate any dependence on early launch or launch-on-warning postures and refrain from increasing the alert levels of their nuclear forces;

(i) Conclude agreements to eliminate launch-on-warning from their operational settings and carry out a phased stand-down of high-alert strategic forces;

(j) Begin developing a long-term formal agreement to lower the alert level for the use of nuclear weapons, with all agreed steps to be measurable and carried out within an agreed time frame;

(k) Increase the safety and security of nuclear weapon stockpiles;

(l) Ensure the protection of nuclear-weapon command and control systems from cyber threats;

(m) Pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, refrain from the development and use of new nuclear weapon technologies and any action that would undermine the object and purpose of the Treaty and maintain all existing moratoriums on nuclear-weapon-test explosions;

(n) Pending negotiations and the entry into force of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, maintain and declare moratoriums on the production of fissile material for nuclear weapons purposes;

(o) Dismantle or convert for peaceful uses facilities for the production of fissile material for use in nuclear weapons or other nuclear explosive devices;

(p) Respect fully their commitments with regard to security assurances, extend such assurances if they have not yet done so and withdraw reservations and interpretative statements on the protocols to the treaties establishing nuclear-weapon-free zones;

(q) Be more transparent regarding accidents involving nuclear weapons and on the steps taken in response to these accidents.

Additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation

59. The Working Group emphasized the importance of promoting disarmament and non-proliferation education, including on the humanitarian consequences of the use of nuclear weapons in all States, especially in States that possess nuclear weapons. The Working Group recalled that the overall objective of disarmament and non-proliferation education and training is to impart knowledge and skills to individuals in order to empower them to make their contributions, as national and world citizens, to the achievement of concrete disarmament and non-proliferation

measures and the ultimate goal of general and complete disarmament under effective international control.

60. The Working Group recognized the respective roles that Member States, the United Nations system, international organizations and civil society, including non-governmental organizations, academia, parliamentarians, the mass media and individuals, can play in enhancing public awareness about the threat of nuclear weapons, its impact on, inter alia, health and gender, sustainable development, climate change and environment, the protection of cultural heritage and human rights.

61. The Working Group also stressed the importance of engaging young people, including through the promotion of special youth communicators and student peace ambassadors, in order to pass on knowledge to future generations.

62. Many States considered that raising public awareness on the humanitarian impact of nuclear weapons is important in conveying the facts regarding the risks of a nuclear weapon detonation to a broader audience and in creating thereby an informed citizenry.

63. Various measures were suggested by different States, including measures that all States could take to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation:

(a) Disarmament and non-proliferation education:

(i) Promote disarmament and non-proliferation education, including on the humanitarian consequences of nuclear weapons in all States, especially in States that possess nuclear weapons;

(ii) Promote education and training on peace, disarmament, non-proliferation and international law, including international humanitarian law, as part of school and university curricula, with the objective of fostering critical thinking skills among youth;

(iii) Include information on the atomic bombings of Hiroshima and Nagasaki, as well as on the consequences of nuclear testing, including in the South Pacific and elsewhere, in history textbooks;

(iv) Encourage the employment of simulation and role-playing techniques, which can promote mutual understanding of security concerns and threat perceptions;

(v) Encourage training in the use of open-source tools and technologies, such as geospatial imaging, 3D modelling and big data analysis as a means of promoting societal verification;

(vi) Identify national disarmament and non-proliferation education focal points as a means of facilitating reporting on the implementation of the recommendations of the United Nations study on disarmament and non-proliferation education (A/57/124);

(vii) Support the establishment of youth peace ambassadors to share messages in national and international forums in favour of peace and a world without nuclear weapons;

(b) Understanding of the humanitarian consequences of nuclear weapons:

(i) Promote efforts to raise awareness at the grass-roots level about the consequences of the use of nuclear weapons across national borders and generations, including on interconnected issues such as sustainable development, the environment, climate change, the protection of cultural heritage, human rights, humanitarian action, children's rights, public

health and gender;

(ii) Ensure greater emphasis on the unique impact of nuclear weapons on the health of women and girls;

(iii) Support the designation of atomic bomb survivors as special messengers for a world without nuclear weapons;

(iv) Support efforts to raise awareness of the legacy of nuclear testing around the world, including through the commemoration of 29 August as the International Day against Nuclear Tests, translating the stories of nuclear test victims and encouraging visits to former nuclear test sites;

(v) Support the translation of the testimonies of atomic bomb survivors into multiple languages;

(vi) Encourage world leaders, decision-makers, diplomats and academics to visit Hiroshima and Nagasaki in order to experience first-hand the impact of nuclear weapons and to interact with survivors;

(vii) Consider convening additional international conferences on the humanitarian impact of nuclear weapons;

(viii) Support additional research and studies about risks and the long-term consequences associated with nuclear weapons;

(ix) Conduct outreach through all forms of media, including conventional media, such as television, radio and printed materials, as well as social media;

(x) Integrate nuclear disarmament with policymaking, including at the highest levels of global governance, in all other areas which have a global impact such as sustainable development, climate change, food security, cyber terrorism, human rights or gender considerations;

(xi) Make use of the International Day for the Total Elimination of Nuclear Weapons on 26 September as a means to enhance public awareness about the threat of nuclear weapons, including the humanitarian consequences of any nuclear weapon detonation.

Other measures that could contribute to taking forward multilateral nuclear disarmament negotiations

64. The Working Group also considered further measures that could contribute to taking forward multilateral nuclear disarmament negotiations. These included the need for the prompt and effective implementation in good faith of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, paragraphs 3 and 4 (c) of the decision adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons entitled "Principles and objectives for nuclear non-proliferation and disarmament", the practical steps for achieving nuclear disarmament agreed by consensus in the Final Document of the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, as well as the conclusions and recommendations for follow-on actions agreed by the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, particularly on the part of the nuclear-weapon States, including through concrete benchmarks and timelines.

65. Further to the implementation of past commitments, the following measures were also suggested by different States to contribute to taking forward multilateral nuclear disarmament negotiations:

(a) Return immediately to substantive work in the Conference on Disarmament through the adoption of a comprehensive and balanced programme of work, including negotiations on the four core items of its agenda, including

nuclear disarmament, a treaty banning the production of fissile materials for nuclear weapons or other nuclear explosive devices on the basis of the report submitted to the Conference in 1995 (CD/1299), the prevention of an arms race in outer space and effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. A view was expressed that, if the Conference does not commence negotiations on a treaty banning the production of fissile materials, States may consider commencing negotiations outside the Conference. The view was also expressed that the Conference should resume discussions on its membership;

(b) Facilitate further major reductions in nuclear arsenals, including efforts to reduce levels of hostility and tension between States — particularly between those possessing nuclear weapons: confidence-building measures play an important role in this regard;

(c) Support efforts to further develop human and technical capacity in order to improve the capability to detect nuclear explosions, in accordance with the resolution establishing the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBT/MSS/RES/1);

(d) Strengthen nuclear-weapon-free zones and establish new ones, including, as a priority, in the Middle East, including through the implementation of the resolution adopted at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons on the Middle East;

(e) Cease all efforts to upgrade and modernize existing nuclear weapons in ways that result in new military capabilities or enable new military missions;

(f) Support measures to minimize the use of highly enriched uranium on a voluntary basis and to use low enriched uranium where technically and economically feasible;

(g) Assess the international legal obligations under international humanitarian law, international human rights law and international environmental law in the context of the use or threat of use of nuclear weapons;

(h) Assess further the ethical dimensions of nuclear weapons in debates and conferences.

V. Conclusions and agreed recommendations

66. The Open-ended Working Group recommended that additional efforts can and should be pursued to elaborate concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons. The Working Group reaffirmed the importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the commitments made therein and further considered that the pursuit of any such measures, provisions and norms should complement and strengthen the nuclear disarmament and non-proliferation regime, including the three pillars of the Treaty.

67. The Working Group recommended, with widespread support, the convening, by the General Assembly, of a conference in 2017, open to all States, with the participation and contribution of international organizations and civil society, to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, as outlined in paragraph 34 above. The Working Group recognized that other States⁴ did not agree with the above recommendation and that they had recommended that any process to take forward multilateral nuclear disarmament negotiations must address national, international and collective security concerns and supported the pursuit of practical steps, consisting of parallel and simultaneous effective legal and non-legal measures to take forward multilateral nuclear disarmament negotiations, as outlined in paragraphs 40 and 41, for which there was no agreement.

The Working Group further recognized the views expressed with regard to other approaches.

68. The Working Group also recommended that States should consider implementing, as appropriate, the various measures suggested in the present report that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to: transparency measures related to the risks associated with existing nuclear weapons; measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations; additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation; as well as other measures that could contribute to taking forward multilateral nuclear disarmament negotiations.

VI. Adoption of the report

69. At its meetings held on 16, 17 and 19 August 2016, the Working Group considered item 6, entitled "Report to the General Assembly at its seventy-first session".

70. Following a request for a vote on the draft report as contained in A/AC.286/CRP.3, oral amendments were proposed to paragraph 67, by replacing the words "recognized that there was a recommendation which received" in the first sentence with the words "recommended with", as well as the deletion of the word "also" in the beginning of the second sentence after the words "The Working Group". The Working Group decided to adopt the proposed oral amendments by a non-recorded vote with 62 in favour, 27 against and 8 abstentions.

71. At its final meeting, on 19 August, the Working Group adopted its report as contained in documents A/AC.286/L.1, A/AC.286/CRP.2 and A/AC.286/CRP.3, as orally amended, by a non-recorded vote, with 68 in favour, 22 against and 13 abstentions. Statements were made in an explanation of vote.

Annex I

Measures proposed under the progressive approach

1. Effective measures proposed under the progressive approach included:

(a) Achieving the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty;

(b) Negotiating a verifiable and non-discriminatory treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices;

(c) Commencing negotiations on a post-New Strategic Arms Reduction Treaty (START) between the United States of America and the Russian Federation;

(d) Achieving universal adherence to the International Convention for the Suppression of Acts of Nuclear Terrorism;

(e) Promoting full implementation of the 2005 amendment to the Convention on the Physical Protection of Nuclear Material;

(f) Providing support for the practical implementation of Security Council resolution 1540 (2004);

(g) Strengthening nuclear-weapon-free zones and creating new nuclear-weapon-free zones and weapons-of-mass-destruction-free zones;

(h) Supporting and strengthening the International Atomic Energy Agency (IAEA) safeguards system;

(i) Promoting the implementation of the Hague Code of Conduct and contributing to its universal adoption;

(j) Helping to create conditions that would facilitate

further major reductions in nuclear arsenals, including confidence-building measures and efforts to reduce levels of hostility and tension between States — particularly among those possessing nuclear weapons.

2. States possessing nuclear weapons, while taking into account relevant security considerations, should also take the following practical concrete measures:

(a) Increasing transparency measures in relation to their nuclear arsenals and fissile material holdings;

(b) Dismantling or converting for peaceful uses facilities for the production of fissile material for use in nuclear weapons or other nuclear explosive devices;

(c) Pending negotiations and the entry into force of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive nuclear devices, maintaining and declaring moratoriums on the production of fissile material for nuclear weapons purposes;

(d) Designating fissile material no longer required for military purposes and the development of legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of such fissile material;

(e) Reducing the risk of accidental or unauthorized use of nuclear weapons through further practical measures to reduce the operational status of nuclear weapons systems in ways that promote international stability and security;

(f) Reducing the number of deployed strategic nuclear weapons;

(g) Reducing the number of non-strategic and non-deployed nuclear weapons;

(h) Reducing, or at least freezing, the number of nuclear weapons in holding pending the commencement and conclusion of plurilateral negotiations on nuclear weapons reductions;

(i) Continuing to respect fully their commitments with regard to security assurances or to extend such assurances if they have not yet done so;

(j) Pending the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, maintaining and declaring moratoriums on nuclear weapons tests, as well as restraining from the use of new nuclear weapons technologies and from any action that would defeat the object and purpose of that Treaty.

3. States should further commit to the following additional measures:

(a) Reducing the role of nuclear weapons in security doctrines;

(b) Promoting disarmament and non-proliferation education and awareness-raising, including on the humanitarian consequences of the use of nuclear weapons, as appropriate;

(c) Continuing work on developing verification capabilities, including through the International Partnership for Nuclear Disarmament Verification;

(d) An immediate return to substantive work in the Conference on Disarmament.

Annex II

Suggested elements for effective legal measures that could be included in an international legal instrument

Element	Details
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1.	General obligations and prohibitions	Prohibitions on the development, testing, including subcritical experiments and supercomputer simulations, production, acquisition, possession, stockpiling, transfer, use and threat of use of nuclear weapons, as well as on the production of weapons -usable fissile material	being stationed or deployed on national territory
2.	Definition of nuclear weapons	The definition of 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 is 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	Prohibition of the production of any fissionable material which can be used directly to make a nuclear weapon, including separated plutonium and highly enriched uranium: low enriched uranium would be permitted for peaceful purposes Placement of all existing fissile material under international safeguards Dismantlement or conversion for peaceful use of facilities for the production of fissile material for use in nuclear weapons or other nuclear explosive devices Designation of fissile material which is no longer required for military purposes
3.	Prohibitions relating to the use or threat of use of nuclear weapons	Prohibitions on participating in any use or threat of use of nuclear weapons Prohibition on participating in nuclear war planning Prohibition on participating in the targeting of nuclear weapons Prohibition on training personnel to take control of and use another State's nuclear weapons	Development of legally binding verification arrangements, within the context of IAEA
4.	Prohibition on development and production	Adoption of measures to prevent the use of new technologies for upgrading existing nuclear-weapon systems, including the prohibition of nuclear-weapon research and development Cessation by the nuclear-weapon States of the development and qualitative improvement of nuclear weapons and their means of delivery and related infrastructure Prohibition on the development of nuclear weapons and delivery systems could preclude nuclear research and research on the testing of nuclear weapons, including subcritical and other means of testing Prohibition from participating financially or otherwise in the production of nuclear weapons Addressing issues related to dual-use technology, without prejudice to the inalienable rights of all States to the peaceful use of nuclear energy	Prohibitions on financing nuclear weapon activities, including any support to private entities involved in nuclear weapon activities, except those activities necessary for the implementation of the treaty and in meeting stockpile elimination obligations or on providing special fissionable material to any States that do not apply IAEA comprehensive safeguards Prohibitions on assisting, encouraging or inducing, directly or indirectly, any activity prohibited by the treaty
5.	Deployment	Prohibitions on accepting any stationing, installation or deployment of nuclear weapons	Recognition of the rights of victims of the use and testing of nuclear weapons and a commitment to provide assistance to victims and to environmental remediation
6.	Visitation, transit, overflight, stationing and deployment	Prohibitions on permitting nuclear weapons in national territory, including on permitting vessels with nuclear weapons in ports and territorial seas, permitting aircraft with nuclear weapons from entering national airspace, permitting nuclear weapons from being transited through national territory and permitting nuclear weapons from	Declarations of the existence in their arsenals and stockpiles of all nuclear weapons, nuclear material, nuclear facilities and nuclear weapon delivery vehicles they possess or control and their locations
7.	Nuclear material		A specific sequence of phases for the elimination of nuclear weapons were identified: (a) taking nuclear weapons off alert; (b) removing weapons from deployment; (c) removing nuclear warheads from their delivery vehicles; (d) removing and disfiguring the "pits"; and (e) placing the fissile material under international control Obligations to eliminate nuclear arsenals within an agreed time frame and in a specified manner could be included
8.	Financing and supply of fissile materials		Verification arrangements, including routine and challenge inspections, as well as measures for the use of on-site sensors, satellite photography, radionuclide sampling and other remote sensors, information
9.	Assistance, encouragement and inducement in prohibited acts		
10.	Victims and the environment		
11.	Declarations		
12.	Phases for elimination		
13.	Verification		

- sharing with other organizations and citizen reporting
- Establishment of an international monitoring system and making information available through a registry
14. Rights and obligations of individuals Rights and obligations for individuals, including national legislation to criminalize support for activities proscribed under the convention and protections for individuals reporting such activities, including the right of asylum
15. Compliance and secretariat Establishment of an international agency responsible for verification and ensuring compliance, comprising a conference of States parties, an executive council and a technical secretariat, or giving IAEA an active role in verifying nuclear disarmament
- The secretariat shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set out in the instrument
16. Dispute settlement Dispute settlement, including provisions for consultation, cooperation, fact-finding and other measures to clarify and resolve implementation issues, including the possibility of referring a dispute to the International Court of Justice and, if required, referring a situation to the Security Council
- Provision of a series of graduated responses for non-compliance and, if required, sanctions or recourse to the General Assembly and the Security Council for action
17. National implementation measures Requirement for States parties to adopt necessary legislative measures to implement their obligations under the convention and to establish a national authority responsible for national implementation
18. Optional protocol concerning energy assistance Nothing should affect the inalienable right of all the parties to any instrument to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with their relevant international obligations: an optional protocol establishing a programme of energy assistance could be included
19. Cooperation and assistance to meet the obligations of the treaty Provision of a framework for international cooperation and technical assistance to work towards meeting obligations
20. Relation with other international agreements Possibility of adding functions and activities of existing nuclear non-proliferation and disarmament regimes and verification and compliance

- arrangements, as well as establishing additional complementary arrangements
21. Military cooperation Requirement not to participate in any act prohibited and in doctrines based on nuclear deterrence, and ensuring that participation in an alliance with a nuclear-armed State is compatible with the commitments and policies under the instruments

[Eds...]

General Assembly Resolution. 'Taking forward multilateral nuclear disarmament negotiations'

[A/RES/71/258, 11 January 2017]

The General Assembly,

[Eds...]

1. *Notes with satisfaction* that the Open-ended Working Group taking forward multilateral nuclear disarmament negotiations, established by the General Assembly by its resolution [70/33](#), which met in Geneva during 2016, engaged in structured and substantive discussions in a comprehensive, inclusive, interactive and constructive manner;
2. *Welcomes* the report of the Working Group established by the General Assembly by its resolution [70/33](#);
3. *Recognizes* the value of the participation and contribution of international organizations and civil society to taking forward multilateral nuclear disarmament negotiations, as demonstrated during the work of the Working Group;
4. *Reiterates* that the universal objective of taking forward multilateral nuclear disarmament negotiations remains the achievement and maintenance of a world without nuclear weapons, and emphasizes the importance of addressing issues related to nuclear weapons in a comprehensive, inclusive, interactive and constructive manner, for the advancement of multilateral nuclear disarmament negotiations;
5. *Reaffirms* the urgency of securing substantive progress in multilateral nuclear disarmament negotiations;
6. *Recommends* that additional efforts can and should be pursued to elaborate concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons, reaffirms the importance of the Treaty on the Non-Proliferation of Nuclear Weapons⁴ and the commitments made therein, and considers that the pursuit of any such measures, provisions and norms should complement and strengthen the nuclear disarmament and non-proliferation regime, including the three pillars of the Treaty;
7. *Also recommends* that States consider implementing, as appropriate, the various measures suggested in the report of the Working Group that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to transparency measures related to the risks associated with existing nuclear weapons, measures to reduce and eliminate the risk of accidental, mistaken, unauthorized or intentional nuclear weapon detonations, additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation, and other measures

that could contribute to taking forward multilateral nuclear disarmament negotiations;

8. *Decides* to convene in 2017 a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination;

9. *Encourages* all Member States to participate in the conference;

10. *Decides* that the conference shall convene in New York, under the rules of procedure of the General Assembly unless otherwise agreed by the conference, from 27 to 31 March and from 15 June to 7 July 2017, with the participation and contribution of international organizations and civil society representatives;

11. *Also decides* that the conference will hold a one-day organizational session in New York as soon as possible;

12. *Calls upon* States participating in the conference to make their best endeavours to conclude as soon as possible a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination;

13. *Decides* that the conference shall submit a report on its progress to the General Assembly at its seventy-second session, which will assess the progress made in the negotiations and decide the way forward;

14. *Requests* the Secretary-General to provide the support necessary to convene the conference and to transmit the report of the conference to the Conference on Disarmament and the Disarmament Commission and to the United Nations high-level international conference on nuclear disarmament foreseen in paragraph 6 of resolution 68/32;

15. *Decides* to include in the provisional agenda of its seventy-second session, under the item entitled "General and complete disarmament", the sub-item entitled "Taking forward multilateral nuclear disarmament negotiations".

United Nations Conference to Negotiate Ban on Nuclear Weapons Holds First Organizational Meeting, Adopts Agenda for 2017 Substantive Session: UN Meeting Coverage
[DC/3685, 16 February 2017]

Holding its first organizational meeting, delegates decided that the substantive session of the United Nations Conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination, would be held in New York from 27 to 31 March, and from 15 June to 7 July.

"This rapid pace is quite unprecedented and reflects the urgency that Member States attach to the need to realize progress in the area of nuclear disarmament," said newly elected Conference President Elayne Whyte Gómez (Costa Rica). She asked delegates to be flexible given the length of the substantive session, adding that she was committed to leading inclusive, constructive discussions to shape a binding convention on nuclear weapons. Indeed, the Conference was the result of a long struggle at the United Nations to establish a nuclear-weapon-free world, she said, emphasizing that that resolution 71/258 demonstrated the Organization's commitment to that goal.

She appealed to delegates to commence work with a spirit of dialogue and flexibility in taking forward the mandate of that resolution to achieve, as soon as possible, a legally binding instrument, which would serve to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons.

Presiding over the Conference President's election was Thomas Markram, its Secretary-General.

Taking up its draft rules of procedure, the Conference considered a number of oral revisions. Before holding informal consultations on the rules as a whole, it adopted a decision, as orally revised, on the participation of non-governmental organizations in the substantive session, whereby those groups wishing to participate should request to do so with the Conference President. Delegates also took note of the draft timetable for the substantive session in March.

During the meeting, speakers, including India's representative, emphasized the overarching need to rid the world of nuclear weapons. Thailand's representative, speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said nuclear weapons remained a threat as long as they were in existence. Complete elimination was the only guarantee of their non-use, he added, reiterating that the Conference should be open to all States, as well as civil society. Summing up a general view, Guatemala's representative said "we have never been as close to negotiating such an instrument as we are now".

Also speaking today were representatives of Iran, Netherlands, Egypt, Switzerland, Ecuador, Liechtenstein, Mexico, Syria, Ireland, Austria, New Zealand, Brazil, Chile, Argentina, Malaysia, Antigua and Barbuda, Colombia, South Africa, Nigeria, Morocco, Venezuela, Algeria, Nicaragua and Bangladesh, as well as the State of Palestine.

The Conference will reconvene on Monday, 27 March, to begin its substantive session.

Outcome of the first substantive session of the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination: UN Press Release

[New York, 31 March 2017]

The first substantive session of the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination was held from 27 to 31 March 2017 in New York, under the Presidency of Ambassador Elayne Whyte Gómez (Costa Rica).

At its opening meeting, the Conference heard addresses by the Acting President of the General Assembly and the High Representative for Disarmament Affairs. The Conference also heard a message by H.H. Pope Francis, viewed a video message by the President of the International Committee of the Red Cross and witnessed the testimony of a survivor of the atomic bombing of Hiroshima.

More than 100 States participated in the first substantive session of the Conference and several of the major regions and sub-regions delivered joint statements. More than 220 representatives from civil society organizations and academia also registered to participate in the Conference. Their contributions deeply enriched and helped to inform the deliberations. The President of the Conference also received a petition in support of this Conference by a group of 3,000 leading scientists, including more than two-dozen Nobel Laureates.

The first substantive session was devoted to a general exchange of views, enabling the States participating in the Conference to hold a robust and constructive discussion on all matters pertaining to the legally binding instrument. Specific topics addressed included: principles and objectives and preambular elements; core prohibitions: effective legal measures, legal provisions and norms; and institutional arrangements.

The Conference also held two informal meeting featuring panels by experts from the International Committee of the Red Cross, academic institutions and non-governmental organizations. These panel discussions fostered a productive and in-depth interactive dialogue among the

participants in the Conference. The discussions at the first session were thus held in a constructive atmosphere and in a collaborative spirit. Due the common sense of purpose that prevailed during the session, and a number of common elements and aspirations for the legally binding instrument began to emerge.

The Conference will reconvene on 15 June 2017 in New York, when it will take up its main substantive item, which provided for negotiations, pursuant to paragraph 8 of General Assembly resolution 71/258 of 23 December 2016, on a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination.

H – 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.

Third Conference on the Humanitarian Impact of Nuclear Weapons: Chair's Summary

[Vienna, Austria, 8-9 December 2014]

The Vienna Conference on the Humanitarian Impact of Nuclear Weapons took place from 8 to 9 December 2014. It addressed the humanitarian consequences of any use of nuclear weapons, including effects on human health, the environment, agriculture and food security, migration and the economy, as well as the risks and likelihood of the authorized or unauthorized use of nuclear weapons, international response capabilities and the applicable normative framework.

Delegations representing 158 States, the United Nations, the International Committee of the Red Cross, the Red Cross and Red Crescent movement, civil society organisations and academia participated in the Conference.

The UN Secretary General and Pope Francis conveyed messages to the Conference. The President of the ICRC addressed the participants. Hibakusha, the survivors of the nuclear explosions in Hiroshima and Nagasaki, and victims of the effects of nuclear testing also participated in the Conference and gave their testimonies and experiences. Their presence and contributions exemplified the unspeakable suffering caused to ordinary civilians by nuclear weapons.

The Vienna Conference built upon the fact-based discussions at the first and second Conferences on the Humanitarian Impact of Nuclear Weapons, held respectively in Oslo and Nayarit, and contributed to a deeper understanding of the consequences and the actual risks posed by nuclear weapons. Moreover, these further discussions underlined the extreme challenges for humanitarian response in the event of nuclear weapon explosions in populated areas. Furthermore, it presented a "bird's eye view" on international norms and the humanitarian impact of nuclear weapons. Key conclusions from the substantive sessions included the following:

- The impact of a nuclear weapon detonation, irrespective of the cause, would not be constrained by national borders and could have regional and even global

consequences, causing destruction, death and displacement as well as profound and long-term damage to the environment, climate, human health and well-being, socioeconomic development, social order and could even threaten the survival of humankind.

- The scope, scale and interrelationship of the humanitarian consequences caused by nuclear weapon detonation are catastrophic and more complex than commonly understood. These consequences can be large scale and potentially irreversible.
- The use and testing of nuclear weapons have demonstrated their devastating immediate, mid- and long-term effects. Nuclear testing in several parts of the world has left a legacy of serious health and environmental consequences. Radioactive contamination from these tests disproportionately affects women and children. It contaminated food supplies and continues to be measurable in the atmosphere to this day.
- As long as nuclear weapons exist, there remains the possibility of a nuclear weapon explosion. Even if the probability is considered low, given the catastrophic consequences of a nuclear weapon detonation, the risk is unacceptable. The risks of accidental, mistaken, unauthorized or intentional use of nuclear weapons are evident due to the vulnerability of nuclear command and control networks to human error and cyberattacks, the maintaining of nuclear arsenals on high levels of alert, forward deployment and their modernization. These risks increase over time. The dangers of access to nuclear weapons and related materials by non-state actors, particularly terrorist groups, persist.
- There are many circumstances in which nuclear weapons could be used in view of international conflicts and tensions, and against the background of the current security doctrines of States possessing nuclear weapons. As nuclear deterrence entails preparing for nuclear war, the risk of nuclear weapon use is real. Opportunities to reduce risk must be taken now, such as de-alerting and reducing the role of nuclear weapons in security doctrines. Limiting the role of nuclear weapons to deterrence does not remove the possibility of their use. Nor does it address the risks stemming from accidental use. The only assurance against the risk of a nuclear weapon detonation is the total elimination of nuclear weapons.
- No state or international body could address in an adequate manner the immediate humanitarian emergency or long-term consequences caused by a nuclear weapon detonation in a populated area, nor provide adequate assistance to those affected. Such capacity is unlikely ever to exist. Coordinated preparedness may nevertheless be useful in mitigating the effects including of a terrorist event involving the explosion of an improvised nuclear device. The imperative of prevention as the only guarantee against the humanitarian consequences of nuclear weapons use was highlighted.
- Looking at nuclear weapons from a number of different legal angles, it is clear that there is no comprehensive legal norm universally prohibiting possession, transfer, production and use. International environmental law remains applicable in armed conflict and can pertain to nuclear weapons, although it does not specifically regulate these arms. Likewise, international health regulations would cover effects of nuclear weapons. The new evidence that has emerged in the last two years about the humanitarian impact of nuclear weapons casts further doubt on whether these weapons could ever be used in conformity with IHL. As was the case with torture, which defeats humanity and is now unacceptable to all, the suffering caused by nuclear weapons use is not only a legal matter, it necessitates moral appraisal.
- The catastrophic consequences of a nuclear weapon detonation event and the risks associated with the mere existence of these weapons raise profound ethical and moral

questions on a level transcending legal discussions and interpretations.

General views and policy responses

States, international organisations, UN entities, the Red Cross and Red Crescent movement and civil society representatives recalled their deep concern at the catastrophic humanitarian consequences of any use of nuclear weapons. They welcomed the convening of the Vienna Conference on the Humanitarian Impact of Nuclear Weapons. Participants appreciated the testimonials of survivors of nuclear weapons use and testing, including for educating and raising awareness among youth. Many delegates expressed concern about the limited progress in nuclear disarmament and stressed the view that humanitarian considerations should no longer be ignored but be at the core of all nuclear disarmament deliberations. They welcomed the broad participation, including by several nuclear weapons possessor states. They also considered that the discussions would contribute to the implementation of the 2010 NPT Review Conference Action Plan and earlier undertakings and the achievement of a meaningful outcome to the 2015 NPT Review Conference that takes nuclear disarmament efforts forward. Moreover, they reiterated the importance of the entry into force of the Comprehensive Nuclear-Test-Ban Treaty as a key element of the international nuclear disarmament and non-proliferation regime.

Many delegations expressed their concern that military doctrines in several States continued to set forth rationales and operational planning for the use of nuclear weapons.

Many delegations noted that the discourse on the humanitarian impact of nuclear weapons has revealed that nuclear weapons pose an unacceptable risk, that this risk is higher than commonly understood and that it continues to increase over time. Protection of civilians is a fundamental duty of States and requires particular care on their part. Many delegations affirmed that in the interest of the very survival of humanity nuclear weapons must never be used again, under any circumstances.

Many delegations considered that the existence and possible use of nuclear weapons and the resulting unacceptable consequences raise profound moral and ethical issues.

In light of sustainable development challenges, concern was expressed about the diversion of funds for nuclear weapons.

Many delegations considered that the growing understanding of the risk posed by nuclear weapons, including the likelihood and devastating humanitarian consequences of their use, underscores the urgent need for all States to pursue effective measures for the achievement of nuclear disarmament.

States expressed various views regarding the ways and means of advancing the nuclear disarmament agenda. A range of legally binding collective approaches to achieving progress toward a world without nuclear weapons was discussed. Many delegations reaffirmed that the total elimination of nuclear weapons is the most effective way to prevent their use.

Many delegations expressed appreciation for the important contribution of civil society and researchers in all aspects of advancing nuclear disarmament and non-proliferation and the achievement of a world without nuclear weapons. The necessity of a multilateral and inclusive approach in pursuing this objective was highlighted by many delegations.

The majority of delegations underscored that the final elimination of nuclear weapons should be pursued within an agreed legal framework, including a nuclear weapons convention.

A number of delegations argued that a step-by-step approach was the most effective and practical way to achieve nuclear disarmament, referring in particular to the entry into force of the CTBT and a Treaty banning the production of fissile material for nuclear weapons. These delegations also noted that the global security environment needs to be taken into consideration in discussions about nuclear weapons and nuclear disarmament. In this connection, they promoted various unilateral, bilateral, plurilateral and multilateral, building blocks that should and can be taken in the near- to mid-term in support of a world without nuclear weapons.

Many delegations stressed the need for security for all and

underscored that the only way to guarantee this security is through the total elimination of nuclear weapons and their prohibition. They expressed support for the negotiation of a new legal instrument prohibiting nuclear weapons constituting an effective measure towards nuclear disarmament, as required also by the NPT.

It was recognized that the obligation to pursue effective measures for nuclear disarmament, as expressed in article VI of the NPT, resides with each State Party, and that there are practical steps that States can take now to pursue such measures in good faith.

A number of delegations considered that the inability to make progress on any particular step was no reason not to pursue negotiations in good faith on other effective measures to achieve and maintain a nuclear-weapon-free world. Such steps have been taken very effectively in regional contexts in the past, as evidenced by nuclear weapon free zones.

Participants at the Vienna Conference were conscious that 2015 marks the 70th anniversary of the use of nuclear weapons in Hiroshima and Nagasaki and that calls for nuclear disarmament in this connection have been palpable and poignant. They considered that it is critical to sustain partnerships among States, the Red Cross Movement, international organisations, Parliamentarians and civil society with a view to translating the widespread concerns about the risks and consequences associated with nuclear weapons into concerted steps to achieve a world without these armaments.

The overwhelming majority of NPT States Parties expects that the forthcoming 2015 NPT Review Conference should take stock of all relevant developments, including the outcomes of the Conferences on the Humanitarian Impact of Nuclear Weapons, and determine the next steps for the achievement and maintenance of a nuclear-weapon-free world.

Austrian Pledge in Third Conference on the Humanitarian Impact of Nuclear Weapons

[Vienna, Austria, 8-9 February 2014]

Having hosted and chaired the Vienna Conference on the Humanitarian Impact of Nuclear Weapons from 8-9 December 2014 and in light of the important facts and findings that have been presented at the international conferences in Oslo, Nayarit and Vienna, Austria, solely in her national capacity, and without binding any other participant, wants to go beyond the summary just read out. After careful consideration of the evidence, Austria has come to the following inescapable conclusions and makes the subsequent pledge to take them forward with interested parties in available fora, including in the context of the NPT and its upcoming 2015 Review Conference:

Mindful of the unacceptable harm that victims of nuclear weapons explosions and nuclear testing have experienced and recognising that the rights and needs of victims have not yet been adequately addressed,

Understanding that the immediate, mid- and long-term consequences of a nuclear weapon explosion are significantly graver than it was understood in the past and will not be constrained by national borders but have regional or even global effects, potentially threatening the survival of humanity,

Recognizing the complexity of and interrelationship between these consequences on health, environment, infrastructure, food security, climate, development, social cohesion and the global economy that are systemic and potentially irreversible,

Aware that the risk of a nuclear weapon explosion is significantly greater than previously assumed and is indeed increasing with increased proliferation, the lowering of the technical threshold for nuclear weapon capability, the ongoing modernisation of nuclear weapon arsenals in nuclear weapon possessing states, and the role that is attributed to nuclear weapons in the nuclear doctrines of possessor states,

Cognisant of the fact that the risk of nuclear weapons use with their unacceptable consequences can only be avoided when all nuclear weapons have been eliminated,

Emphasizing that the consequences of a nuclear weapon explosion and the risks associated with nuclear weapons concern

the security of all humanity and that all states share the responsibility to prevent any use of nuclear weapons,

Emphasizing that the scope of consequences of a nuclear weapon explosion and risks associated raise profound moral and ethical questions that go beyond debates about the legality of nuclear weapons,

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

Affirming that it is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances,

Reiterating the crucial role that international organisations, relevant UN entities, the Red Cross and Red Crescent Movement, elected representatives, academia and civil society play for advancing the shared objective of a nuclear weapon free world,

Austria regards it as her responsibility and consequently pledges to present the facts-based discussions, findings and compelling evidence of the Vienna Conference, which builds upon the previous conferences in Oslo and Nayarit, to all relevant fora, in particular the NPT Review Conference 2015 and in the UN framework, as they should be at the centre of all deliberations, obligations and commitments with regard to nuclear disarmament,

Austria pledges to follow the imperative of human security for all and to promote the protection of civilians against risks stemming from nuclear weapons,

Austria calls on all states parties to the NPT to renew their commitment to the urgent and full implementation of existing obligations under Article VI, and to this end, to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons and Austria pledges to cooperate with all stakeholders to achieve this goal,

Austria calls on all nuclear weapons possessor states to take concrete interim measures to reduce the risk of nuclear weapon detonations, including reducing the operational status of nuclear weapons and moving nuclear weapons away from deployment into storage, diminishing the role of nuclear weapons in military doctrines and rapid reductions of all types of nuclear weapons,

Austria pledges to cooperate with all relevant stakeholders, States, international organisations, the International Red Cross and Red Crescent Movements, parliamentarians and civil society, in efforts to stigmatise, prohibit and eliminate nuclear weapons in light of their unacceptable humanitarian consequences and associated risks.

US intervention at the Vienna Conference on the Humanitarian Impact of Nuclear Weapons

[Vienna, Austria, 8-9 December 2014]

The United States recognizes the environmental and other impacts of nuclear testing. We recognize from our own history that traces of radioactive and cancer causing particles found their way into our children. It is why we pursued the Limited Test Ban Treaty fifty years ago, and is why we support a Comprehensive Test Ban Treaty, which would not only ban nuclear explosive testing in all environments, but is a key step toward a world without nuclear weapons, a vision outlined by President Obama in Prague in 2009 and reaffirmed in Berlin last year.

More generally, we have come to Vienna to listen, and to acknowledge the sincere and shared concerns over the humanitarian impact of nuclear weapons. It is precisely our understanding of the consequences of nuclear weapons use that drives our efforts to reduce and eventually eliminate nuclear weapons, and to extend forever the nearly 70 year record of non-use of nuclear weapons.

We acknowledge that nations have different ideas on how to reach disarmament goals. In this regard, I note the United States does not support efforts to move to a nuclear weapons convention, a ban, or a fixed timetable for elimination of all nuclear weapons.

Rather, achieving lasting disarmament will take sustained effort and commitment. It will require conducive security conditions and continued commitment by all parties to the NPT. This incremental approach has borne fruit, achieving major reductions in the number of nuclear weapons and fissile material stocks. This includes an 85 percent reduction in the U.S. stockpile of nuclear weapons since the high point in 1967.

We believe that a practical, stepwise approach to the pursuit of nuclear disarmament is the most effective means to reduce nuclear dangers and advance the NPT. We will not stand still. We will not give up on negotiation of an FMCT. We value nuclear transparency and the ongoing engagement among the five NPT nuclear weapon states. And we remain committed to bringing into force the CTBT and the protocols to nuclear weapon free zone treaties we have signed. We continue to implement the New START Treaty with Russia, and the President has made clear our interest in negotiating further reductions of all types of nuclear weapons when conditions permit.

And we seek to build capacity for further steps. As Under Secretary Gottemoeller announced in Prague last week, we will form a group of interested states to examine issues of nuclear disarmament verification.

This project embraces the idea of shared responsibility to work toward nuclear disarmament. Even in the face of current obstacles, the United States is conscious of our own obligations and responsibilities. We are meeting them; we do not shrug them off and we will never relent in this pursuit.

Statement by Austria. Joint Statement on the Humanitarian Consequences of Nuclear Weapons to 2015 NPT Review Conference

[28 April 2015]

I am taking the floor on behalf of Afghanistan, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cabo Verde, Cambodia, Cameroon, Central African Republic, Chad, Chile, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, DR Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, Former Yugoslav Republic of Macedonia, Gabon, Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea Bissau, Guyana, Haiti, Holy See, Honduras, Iceland, Indonesia, Iran, Iraq, Ireland, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao PDR, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Federated States of Micronesia, Republic of Moldova, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Niue, Norway, Oman, Palau, State of Palestine, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, South Africa, South Sudan, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Tanzania, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Arab Emirates, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe, and my own country, Austria.

Our countries are deeply concerned about the catastrophic humanitarian consequences of nuclear weapons. Past experience from the use and testing of nuclear weapons has amply demonstrated the unacceptable humanitarian consequences caused by the immense, uncontrollable destructive capability and indiscriminate nature of these weapons. The fact-based discussion that took place at the Conferences on the Humanitarian Impact of Nuclear Weapons, convened

respectively by Norway in March 2013, Mexico in February 2014 and Austria in December 2014, has allowed us to deepen our collective understanding of those

consequences. A key message from experts and international organisations was that no State or international body could address the immediate humanitarian emergency caused by a nuclear weapon detonation or provide adequate assistance to victims.

The broad participation at those Conferences, with attendance most recently in Vienna by 158 States, the ICRC, a number of UN humanitarian organisations and civil society, reflected the recognition that the catastrophic humanitarian consequences of nuclear weapons are a fundamental and global concern. We firmly believe that it is in the interests of all States to engage in discussions on the humanitarian consequences of nuclear weapons, which aim to further broaden and deepen understanding of this matter, and we welcome civil society's ongoing engagement.

This work is essential, because the catastrophic consequences of nuclear weapons affect not only governments, but each and every citizen of our interconnected world. They have deep implications for human survival; for our environment; for socio-economic development; for our economies; and for the health of future generations. For these reasons, we firmly believe that awareness of the catastrophic consequences of nuclear weapons must underpin all approaches and efforts towards nuclear disarmament, including in the work of the 2015 Review Conference of the Nuclear Non-Proliferation Treaty (NPT).

This is not, of course, a new idea. The appalling humanitarian consequences of nuclear weapons became evident from the moment of their first use, and from that moment have motivated humanity's aspirations for a world free from this threat, which have also inspired this statement. The humanitarian consequences of nuclear weapons have been reflected in numerous UN resolutions, including the first resolution passed by the General Assembly in 1946, and in multilateral instruments including the NPT. The world's most eminent nuclear physicists observed as early as 1955 that nuclear weapons threaten the continued existence of mankind and that a war with these weapons could quite possibly put an end to the human race. The First Special Session of the General Assembly devoted to Disarmament (SSOD-1) stressed in 1978 that "nuclear weapons pose the greatest danger to mankind and to the survival of civilisation." These expressions of profound concern remain as compelling as ever. In spite of this, the humanitarian consequences of nuclear weapons have not been at the core of nuclear disarmament and nuclear non-proliferation deliberations for many years.

We are therefore encouraged that the humanitarian focus is now well 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". That deep concern informed the 26 November 2011 resolution of the Council of Delegates of the Red Cross and Red Crescent Movement, and the decision in 2012 of the General Assembly to establish an open-ended working group to develop proposals to take forward multilateral nuclear disarmament negotiations. It underlies the Special Declaration of the 3rd Summit of the Community of Latin American and Caribbean States' in January 2015 on the urgent need for a nuclear weapons free world. In September 2013, at the High-Level Meeting on Nuclear Disarmament, numerous leaders from around the world again evoked that deep concern as they called for progress to be made on nuclear disarmament. More than three quarters of all countries supported the Joint Statement on the Humanitarian Consequences of Nuclear Weapons delivered at the 2014 First Committee of the UN General Assembly. Today's statement again demonstrates the growing political support for the humanitarian focus.

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 the threat of these weapons of mass destruction.

The only way to guarantee that nuclear weapons will never be used again is through their total elimination. All States share the responsibility 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.

We welcome the renewed resolve of the international community, together with the ICRC and international humanitarian organisations, to address the catastrophic humanitarian consequences of nuclear weapons. By raising awareness about this issue, 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 do just that, and in doing so to rid our world of the threat posed by nuclear weapons.

Statement of Australia. Statement on the Humanitarian Consequences of Nuclear Weapons to 2015 NPT Review Conference

[30 April 2015]

I take the floor on behalf of Australia, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Estonia, Finland, Georgia, Germany, Greece, Hungary, Iceland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Turkey.

The renewed global focus on the humanitarian impact of nuclear weapons has reenergised concerns about the horrific consequences for humanity that would result from a nuclear weapon detonation or a terrorist attack involving fissile material. It is our concern about the continuing nuclear risks to

humanity, and a desire for a peaceful future for successive generations, which underpins our long-standing advocacy for effective progress on nuclear disarmament and non-proliferation, particularly through the Treaty

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on the Non-Proliferation of Nuclear Weapons (NPT) and its universal application. We stress the significance of spreading awareness of the humanitarian impact of nuclear weapons across borders and generations. In order to foster further momentum for achieving a world free of nuclear weapons, we need this generation – especially in nuclear-armed States – to fully comprehend

why we must resolutely strive for a world without nuclear weapons. It is in this context that we welcome the statement delivered by Austria on behalf of a large number of countries on the humanitarian consequences of nuclear weapons. It is in the interests of the very survival of humanity that nuclear war must never occur.

We acknowledge that there have been significant reductions in the number of nuclear weapons worldwide since the end of the Cold War. However, more than 16,000 nuclear warheads still exist, many on high alert status. It is also regrettable that some states possessing nuclear weapons continue to produce new nuclear weapons.

It is therefore crucial that all States more resolutely and urgently fulfil their disarmament commitments and work to ensure these weapons are not used and do not proliferate. At the same time, eliminating nuclear weapons is only possible through substantive and constructive engagement with those states which possess nuclear weapons. To create the conditions that would facilitate further major reductions in nuclear arsenals and eventually eliminate them requires the global community to cooperate to address the important security and humanitarian

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dimensions of nuclear weapons. It will also require effort to further reduce levels of hostility and tension between States – particularly between those possessing nuclear weapons – and to pursue confidence-building measures (CBMs) such as enhanced transparency of existing nuclear arsenals and a reduced role for nuclear weapons in military doctrines. We note with disappointment the current increased tensions between nuclear weapon states and encourage them to continue to nevertheless seek to further CBMs and nuclear arsenal reductions.

We must simultaneously advance non-proliferation and disarmament as mutually reinforcing processes and create a more peaceful world. Practical contributions we can make would be to unblock the world's key disarmament negotiating forum, the Conference on Disarmament; begin negotiations for a Fissile Material Cut-off Treaty; and bring into force the Comprehensive Nuclear Test Ban Treaty as part of a series of steps aimed at achieving the total elimination of nuclear weapons. Nuclear Weapon States must make efforts to achieve further cuts in their nuclear arsenals as soon as possible, de-alert nuclear warheads and reduce the role and significance of nuclear weapons in their defence doctrines. They should also commit to cease production of any new nuclear weapons. The International Atomic Energy Agency's powers of inspection, verification and reporting on global proliferation risks must also be strengthened. In this context, we welcome initiatives to develop a better understanding of the complexities of international nuclear disarmament verification. The Treaty on the Non-Proliferation of Nuclear Weapons is the cornerstone for progress towards total nuclear disarmament.

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As agreed in Article VI of the NPT a multilateral framework or treaty on general and complete disarmament under strict and effective international control will have to be negotiated to underpin a world without nuclear weapons. But we have to accept that the hard practical work necessary to

bring us closer to a world free of nuclear weapons must still be done. We need to work methodically and with realism if we are going to attain the necessary confidence and transparency to bring about nuclear disarmament.

There are no short cuts.

We look forward to working constructively together to ensure an outcome at this Review Conference which strengthens the NPT and the commitment of all states parties across the three pillars.

I – 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 Dimitrovgrad and the BN-600 at Zarechnyy in the Russian Federation; and any other nuclear reactors agreed by the Parties in writing.

Article IV

1. Each Party shall take all reasonable steps, including completion of necessary technical and other preparatory activities and feasibility studies, to complete construction and modification and to begin operation of disposition facilities necessary to dispose of no less than two (2) metric tons per year of its disposition plutonium in accordance with Article III of this Agreement, if the assistance specified in the multilateral agreement referred to in paragraph 8 of Article IX of this Agreement for this disposition rate is being provided for achievement of milestones in the Russian Federation specified in the Annex on Schedules and Milestones, which is an integral part of this Agreement.

2. Each Party shall seek to begin operation of facilities referenced in paragraph 1 of this Article not later than December 31, 2007.

3. Pending conclusion of the multilateral agreement referred to in paragraph 8 of Article IX of this Agreement for the disposition rate specified in paragraph 1 of this Article, the Parties shall proceed with research, development, demonstrations, design and licensing activities under this Agreement, on the condition that assistance for such activities is being provided pursuant to paragraph 1 of Article IX of this Agreement.

4. Each Party shall notify the other Party whenever it reaches a milestone set forth in the Annex on Schedules and Milestones or, if not reached at the specified time, the reasons for that delay. If a Party does not reach a milestone at the specified time, it shall make every effort to minimize the delay. In these circumstances, the Parties shall establish in writing a revised mutually-agreed schedule of work for achieving the milestone.

5. Once facilities specified in paragraph 1 of this Article are constructed or modified and begin operations, each Party shall proceed to dispose of disposition plutonium to achieve a disposition rate of no less than two (2) metric tons per year at the earliest possible date.

6. If, prior to December 31, 2007, a Party begins to dispose of disposition plutonium, such plutonium may count toward meeting the thirty-four (34) metric ton obligation set forth in paragraph 1 of Article II of this Agreement if:

- a) the criteria specified in the Annex on Technical Specifications are met; and
- b) monitoring and inspection measures agreed in writing by the Parties are applied to such disposition activities.

Article V

1. Promptly upon entry into force of this Agreement, the Parties shall undertake to develop a detailed action plan, including efforts with other countries as appropriate, to at least double the disposition rate specified in paragraphs 1 and 5 of Article IV of this Agreement at the earliest practicable date. The Parties shall seek to complete this detailed action plan within one year after entry into force of this Agreement. The development of the action plan and the development of arrangements provided for in paragraph 7 of Article IX of this Agreement will, for the Government of the United States of America and the Government of the Russian Federation, proceed in the channels that have negotiated this Agreement.

2. In developing the action plan pursuant to paragraph 1 of this Article, consideration may be given to:

- a) expanding the capability of existing nuclear reactors to utilize mixed uranium-plutonium fuel or using such fuel in additional nuclear reactors, including nuclear reactors outside the Russian Federation, and using such fuel or other plutonium fuel in advanced nuclear reactors within the Russian Federation, if they prove practical in light of available resources within the time frame of this Agreement;
- b) consistent with the expansion of capabilities mentioned in subparagraph (a) of this paragraph, increasing the capacity of conversion or conversion/blending facilities, fuel fabrication facilities and/or immobilization facilities, or constructing additional facilities; and
- c) any other approaches as the Parties may agree.

3. Each Party shall proceed at the earliest possible date to dispose of disposition plutonium at the disposition rate specified in the action plan referred to in paragraph 1 of this Article if the assistance specified in the provisions supplementing the multilateral

agreement referred to in paragraph 8 of Article IX of this Agreement for this rate in the Russian Federation is being provided.

Article VI

1. Disposition plutonium and blend stock, once received at any disposition facility, shall not be:

- a) used for the manufacture of nuclear weapons or any other nuclear explosive device, for research, development, design or testing related to such devices, or for any other military purpose; or
- b) exported to a third country, including for disposition, except by agreement in writing of the Parties to this Agreement and subject to international safeguards and other applicable international agreements or arrangements, including INFCIRC/274/Rev. 1, The Convention on the Physical Protection of Nuclear Material.

2. Neither Party shall separate plutonium contained in spent plutonium fuel until such time as that Party has fulfilled the obligation set forth in paragraph 1 of Article II of this Agreement.

3. Neither Party shall separate disposition plutonium contained in immobilized forms.

4. Disposition facilities shall be utilized only in ways consistent with the terms and conditions of this Agreement.

5. Disposition plutonium and blend stock shall be the only plutonium received at or processed by disposition facilities that are conversion or conversion/blending facilities, or fuel fabrication facilities.

Article VII

1. Each Party shall have the right to conduct and the obligation to receive and facilitate monitoring and inspection activities in accordance with this Article and the Annex on Monitoring and Inspections, which is an integral part of this Agreement, in order to confirm that the terms and conditions of this Agreement with respect to disposition plutonium, blend stock, spent plutonium fuel and immobilized forms, and disposition facilities are being met.

2. Disposition plutonium and blend stock shall become subject to monitoring and inspection under this Agreement, in accordance with the Annex on Monitoring and Inspections and procedures developed pursuant to that Annex, either (a) after receipt but before processing at a conversion or conversion/blending facility, or (b) upon receipt at a fuel fabrication or an immobilization facility, whichever (a) or (b) occurs first for any given disposition plutonium or blend stock.

3. Each Party shall begin consultations with the International Atomic Energy Agency (IAEA) at an early date and undertake all other necessary steps to conclude appropriate agreements with the IAEA to allow it to implement verification measures beginning not later in the disposition process than: (a) when disposition plutonium or disposition plutonium mixed with blend stock is placed into the post-processing storage location of a conversion or conversion/blending facility; or (b) when disposition plutonium is received at a fuel fabrication or an immobilization facility, whichever (a) or (b) occurs first for any given disposition plutonium.

4. If agreed in writing by the Parties, the exercise of each Party's right set forth in paragraph 1 of this Article may be suspended in whole or in part by the application of equivalent IAEA verification measures under the agreements referred to in paragraph 3 of this Article. The Parties shall, to the extent practicable, avoid duplication of effort of monitoring and inspection activities implemented under this Agreement and appropriate agreements with the IAEA.

Article VIII

1. Each Party shall be responsible within the territory of the United States of America and the Russian Federation, respectively, for:

- a) ensuring safety and ecological soundness of disposition plutonium activities under the terms of this Agreement; and
- b) effectively controlling and accounting for disposition plutonium, blend stock, spent plutonium fuel and immobilized forms, as well as providing effective physical protection of such material and facilities containing such material taking into account the recommendations published in the IAEA document INFCIRC/225/Rev. 4, The Physical Protection of Nuclear

Material, or a subsequent revision accepted by the Parties.

Article IX

1. The Government of the United States of America shall make available up to two hundred (200) million United States dollars in assistance for the activities to be undertaken in the Russian Federation pursuant to this Agreement and such other amounts as may be agreed in writing by the Parties for these purposes in the future, subject to the availability of appropriated funds and the fulfillment of United States legal and administrative requirements. Assistance provided by the Government of the United States of America shall be for such activities as the research, design, development, licensing, construction and/or modification of facilities (including modification of nuclear reactors), and technological processes, systems and associated infrastructure for such activities. This assistance will be in addition to any other assistance that may be provided by the Government of the United States of America under the Scientific and Technical Cooperation Agreement.

2. Assistance provided by the Government of the United States of America may include research and development, scientific and technical experimentation, design for facility construction or modification, general and specialized equipment, replacement and spare parts, installation services, licensing and certification costs, initial operations and testing, aspects of facility operations, and other assistance directly related to the management and disposition of plutonium in accordance with the provisions of this Agreement.

3. Equipment, supplies, materials, services, and other assistance provided or acquired by the Government of the United States of America, its contractors, subcontractors, and their personnel, for the implementation of this Agreement in the Russian Federation, are considered free technical assistance.

4. Assistance provided by the Government of the United States of America for activities to be undertaken in the Russian Federation pursuant to this Agreement shall be provided in accordance with the terms and conditions set forth in this Agreement, including the Annex on Assistance, which is an integral part of this Agreement.

5. The activities of each Party under this Agreement shall be subject to the availability of appropriated funds.

6. Activities to be undertaken in the Russian Federation pursuant to this Agreement may be supported by contributions by the Government of the Russian Federation and by assistance provided by the Government of the United States of America and, as may be specified in the multilateral agreement referred to in paragraph 8 of this Article, by other countries or groups of countries (including equipment, supplies, materials, services, and other assistance provided by them). Activities may also be supported from other sources, including non-government and private sector funds, under terms and conditions agreed in writing by the Parties.

7. The Parties shall seek to develop near-term and long-term international financial or other arrangements for the support of activities to be undertaken in the Russian Federation pursuant to this Agreement sufficient, in combination with contributions by the Government of the Russian Federation and assistance provided by the Government of the United States of America, to achieve and maintain:

- a) the two (2) metric ton per year disposition rate specified in paragraphs 1 and 5 of Article IV of this Agreement; and
- b) the disposition rate resulting from the action plan developed pursuant to paragraph 1 of Article V of this Agreement.

8. For the disposition rate referred to in paragraph 7(a) of this Article, the Parties shall cooperate with a view toward concluding within one (1) year after entry into force of this Agreement a multilateral agreement that documents the assistance arrangements necessary for that rate. For the disposition rate resulting from the action plan developed pursuant to paragraph 1 of Article V of this Agreement, the Parties shall cooperate with a view to supplementing such multilateral agreement with provisions recording assistance arrangements necessary for that rate.

9. As part of the multilateral agreement referred to in paragraph 8 of this Article, the Parties shall seek to provide for:

- a) notifications, explanations and immediate consultations in the

event that a recorded assistance commitment is not fulfilled; and
b) those consultations to include consideration of resumption of assistance, measures to mitigate any consequences of such non-fulfillment, including costs associated with nuclear safety, physical protection and facility conservation, and other measures as deemed appropriate by the participants in the consultations.

10. If conclusion of the multilateral agreement referred to in paragraph 8 of this Article for assistance arrangements necessary for the disposition rate set forth in paragraph 7(a) of this Article is not completed within eighteen (18) months after entry into force of this Agreement for any reason, the Parties shall consult on whether to adjust the schedules for their respective programs, including any necessary adjustments to the milestones set forth in the Annex on Schedules and Milestones, and any other steps, or whether to terminate the Agreement in accordance with Article XIII of this Agreement.

11. Pending conclusion of the multilateral agreement referred to in paragraph 8 of this Article and conclusion of necessary arrangements with the Government of the Russian Federation for the disposition rate set forth in paragraph 7(a) of this Article, neither Party shall be obligated to construct, modify or operate facilities to dispose of disposition plutonium pursuant to this Agreement. Notwithstanding this, each Party shall proceed under this Agreement with activities in accordance with paragraph 3 of Article IV of this Agreement necessary for construction, modification or operation of disposition facilities.

12. If one or more parties to the multilateral agreement referred to in paragraph 8 of this Article decide to terminate implementation of their assistance commitments recorded in that agreement, and as a result the Government of the Russian Federation is unable to fulfill its obligations with respect to the achievement of a milestone set forth in the Annex on Schedules and Milestones or of the annual disposition rate specified in paragraphs 1 and 5 of Article IV or paragraph 3 of Article V of this Agreement, whichever is applicable, the Government of the Russian Federation shall have the right, consistent with the requirements of paragraphs 13 and 15 of this Article, to suspend those implementation activities under this Agreement that are affected by such termination.

13. If the Government of the Russian Federation intends to exercise its right pursuant to paragraph 12 of this Article, it shall notify the Government of the United States of America through diplomatic channels at least fourteen (14) days prior to any such suspension of implementation activities and identify what activities are to be suspended, and the Parties shall immediately start consultations. In the event implementation of the recorded assistance commitments referred to in paragraph 12 of this Article is not resumed within one hundred and eighty (180) days after the start of consultations, the Parties will consider whether to resume implementation of or to terminate the Agreement in accordance with Article XIII of this Agreement.

14. In the event the Government of the Russian Federation suspends any implementation activities pursuant to paragraph 12 of this Article, the Government of the United States of America shall have the right to suspend proportionately its implementation activities under this Agreement.

15. During the consultations referred to in paragraph 13 of this Article, unless otherwise agreed by the Parties in writing, neither Party shall take any action that:

- a) could break the continuity in the other Party's knowledge of disposition plutonium or disposition facilities, that had become subject to monitoring and inspection under this Agreement, in a manner that would prevent that Party from confirming that such disposition plutonium or disposition facilities are not being used in ways inconsistent with the Agreement; or
- b) would be inconsistent with the terms and conditions for assistance that had been provided under this Agreement.

Article X

1. Under this Agreement, no United States classified information or Russian Federation state secret information shall be exchanged, except as may be agreed in writing by the Parties for purposes of exchanging information pursuant to this Agreement related to the quantities and locations of disposition plutonium and blend stock at disposition facilities.

2. The information transmitted under this Agreement or developed as a result of its implementation and considered by the United States of America as “sensitive” or by the Russian Federation as “konfidentsial'naya” must be clearly designated and marked as such.

3. “Konfidentsial'naya” or “sensitive” information shall be handled in accordance with the laws of the state of the Party receiving the information, and this information shall not be disclosed and shall not be transmitted to a third party not participating in the implementation of this Agreement without the written consent of the Party that had transmitted such information.

a) According to the laws and regulations of the Russian Federation, such information shall be treated as “limited-distribution official information.” Such information shall be protected in accordance with the laws and regulations of the Russian Federation.

b) According to the laws and regulations of the United States of America, such information shall be treated as “foreign government information,” provided in confidence. Such information shall be protected in accordance with the laws and regulations of the United States of America.

4. Information transmitted under this Agreement shall be used solely in conformance with this Agreement.

5. The Parties shall minimize the number of persons having access to information that is designated “konfidentsial'naya” or “sensitive” information in accordance with paragraph 2 of this Article.

6. The Parties shall ensure effective protection and allocation of rights to intellectual property, transferred or created under this Agreement, as set forth in this Agreement, including the Annex on Intellectual Property, which is an integral part of this Agreement.

Article XI

1. The Parties shall designate Executive Agents for implementation of this Agreement. The Executive Agent for the United States of America shall be the U.S. Department of Energy. The Executive Agent for the Russian Federation shall be the Ministry of the Russian Federation for Atomic Energy.

2. With the exception of the notification referred to in paragraph 1 of Article XIII of this Agreement, notifications between the Parties that are provided for by this Agreement shall be transmitted between the Executive Agents unless otherwise specified.

3. The Executive Agents may enter into implementing agreements and arrangements as necessary and appropriate to carry out the provisions of this Agreement. When appropriate, the Executive Agents may utilize other agencies or entities to assist in the implementation of this Agreement, such as government agencies, academies, universities, science and research centers, institutes and institutions, and private sector firms.

Article XII

1. The Parties shall establish a Joint Consultative Commission for this Agreement to:

- a) consider and resolve questions regarding the interpretation or application of this Agreement;
- b) consider additional measures as may be necessary to improve the viability and effectiveness of this Agreement; and
- c) consider and resolve such other matters as the Parties may agree are within the scope of this Agreement.

2. The Joint Consultative Commission shall meet within twenty-one (21) days of a request of either Party or its Executive Agent.

3. Each Party shall designate its Co-Chairman to the Joint Consultative Commission. Each Party shall notify the other Party of its designated Co-Chairman in writing within thirty (30) days after entry into force of this Agreement. Decisions of the Joint Consultative Commission shall be made on the basis of consensus.

Article XIII

1. This Agreement shall be applied provisionally from the date of signature and shall enter into force on the date of the last written notification that the Parties have fulfilled the national procedures required for its entry into force.

2. This Agreement may only be amended by written agreement of the Parties, except that the Annex on Schedules and Milestones may be updated as specified in Section II of that Annex.

3. Except as provided in paragraph 4 of this Article, this Agreement shall terminate on the date the Parties exchange notes confirming that thirty-four (34) metric tons of disposition plutonium have been disposed by each Party in accordance with this Agreement, unless terminated earlier by written agreement of the Parties.

4. If additional quantities of weapon-grade plutonium are brought under this Agreement pursuant to paragraph 5 of Article II of this Agreement, this Agreement shall terminate on the date the Parties exchange notes confirming that thirty-four (34) metric tons of disposition plutonium and all such additional quantities of weapon-grade plutonium have been disposed in accordance with this Agreement, unless terminated earlier by written agreement of the Parties.

5. Notwithstanding termination of this Agreement in accordance with paragraph 3 or 4 of this Article:

a) neither Party shall use plutonium, once it is received at any disposition facility, for the manufacture of nuclear weapons or any other nuclear explosive device, for research, development, design or testing related to such devices, or for any other military purpose;

b) neither Party shall export to a third country plutonium, once it is received at any disposition facility, except by agreement in writing of the Government of the United States of America and the Government of the Russian Federation and subject to international safeguards and other applicable international agreements or arrangements, including INFCIRC/274/Rev. 1, The Convention on the Physical Protection of Nuclear Material;

c) neither Party shall (i) use any plutonium separated from spent plutonium fuel for the manufacture of nuclear weapons or any other nuclear explosive device, for research, development, design or testing related to such devices, or for any other military purpose, or (ii) export spent plutonium fuel, immobilized forms, or any plutonium separated from spent plutonium fuel to a third country, except by agreement in writing of the Government of the United States of America and the Government of the Russian Federation and subject to international safeguards and other applicable international agreements or arrangements, including INFCIRC/274/Rev. 1, The Convention on the Physical Protection of Nuclear Material;

d) each Party shall continue to effectively control and account for spent plutonium fuel and immobilized forms, as well as to provide effective physical protection of such material taking into account the recommendations published in the IAEA document INFCIRC/225/Rev. 4, The Physical Protection of Nuclear Material, or subsequent revisions accepted by the Parties;

e) the obligations set forth in paragraph 3 of Article VI of this Agreement, Article X of this Agreement, paragraphs 6 and 7 of this Article, paragraphs 5, 6, and 7 of the General Assistance Section of the Annex on Assistance, and the Liability Section of the Annex on Assistance shall remain in force unless otherwise agreed in writing by the Government of the United States of America and the Government of the Russian Federation;

f) the Parties shall consult concerning implementation of existing contracts and projects between the Parties and settlement of any outstanding costs between the Parties; and

g) for any activities under this Agreement and any importation or exportation by the Government of the United States of America, its personnel, contractors and contractors' personnel of equipment, supplies, materials or services that had been required to implement this Agreement, no retroactive taxes shall be imposed in the Russian Federation.

6. At an appropriate early date, but in any event not fewer than five (5) years prior to termination of this Agreement, the Parties shall begin consultations to determine what international monitoring measures shall be applied, after termination, to spent plutonium fuel, immobilized forms, and disposition facilities that are conversion or conversion/blending facilities or fuel fabrication facilities, as well as to any reprocessing of spent plutonium fuel. In the event the Parties do not reach agreement on such monitoring measures prior to the termination of this Agreement, each Party shall:

a) make such fuel and forms available for inspection by the

other Party under established procedures, if the other Party has a question or concern regarding changes in their location or condition; and

b) unless it can be demonstrated that such facilities have been decommissioned and can no longer be operated, make such facilities available for inspection by the other Party under established procedures, if the other Party has a question or concern regarding the use of such facilities.

7. No spent plutonium fuel shall be reprocessed by either Party after termination of this Agreement unless such reprocessing is subject to monitoring agreed by the Parties pursuant to paragraph 6 of this Article.

8. Nothing in this Agreement shall alter the rights and obligations of the Parties under the Scientific and Technical Cooperation Agreement.

DONE at _____ and _____, the ____ and ____ days of _____, 2000, in duplicate in the English and Russian languages, both texts being equally authentic.

For The Government of the United States Of America: For The Government of the Russian Federation:

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.

Decree by the President of the Russian Federation on the suspension of the Plutonium Management and Disposition Agreement

[3 October 2016]

[Editorial note: Translation by the Center for Energy and Security Studies (CENESS)]

Decree by the President of the Russian Federation

On the suspension by the Russian Federation of the Agreement between the Government of the Russian Federation and the Government of the United States Concerning the Management and Disposition of Plutonium Designated as No Longer Required for Defense Purposes and Related Cooperation, as well as the suspension of Protocols to that Agreement

In view of the radical change of circumstances and the emergence of a threat to strategic stability as a result of unfriendly actions by the United States of America with regard to the Russian Federation, as well as the inability of the United States of America to ensure the fulfillment of its obligations on the disposition of surplus weapons-grade plutonium in accordance to international agreements, and based on the need to take urgent measures to protect Russian national security, I hereby decree:

1. In accordance with Paragraph 4, Article 37 of the July 15, 1995 Federal Law No 101-FZ "On International Treaties Signed by the Russian Federation", to suspend the Agreement between the Government of the Russian Federation and the Government of the United States concerning the management and disposition of plutonium designated as no longer required for defense purposes and related cooperation, signed on August 29, 2000 in Moscow and on September 1, 2000 in Washington, as well as the Protocol to the Agreement between the Government of the Russian Federation and the Government of the United States concerning the management and disposition of plutonium designated as no longer required for defense purposes and related cooperation, signed in Washington on September 15, 2006, as well as the Protocol to the Agreement between the Government of the Russian Federation and the Government of the United States concerning the management and disposition of plutonium designated as no longer required for defense purposes and related cooperation, signed in Washington on April 13, 2010. The suspension shall come into effect in 120 days from the receipt of the notification on the suspension of the aforesaid Agreement and Protocols.

2. The Ministry of Foreign Affairs of the Russian Federation is hereby instructed to send to the United States a notification on the suspension of the Agreement and of the Protocols listed in Item 1 of this Decree.

3. I hereby decree to establish that the plutonium that falls under the scope of the Agreement named in Item 1 of this Decree is not being used for the purpose of making nuclear weapons or other nuclear explosive devices, for any research, development, design or testing related to such devices, or for any other military purposes.

4. This decree shall come into effect on the day of its signature.

President of the Russian Federation V. Putin.

Moscow, The Kremlin October 3, 2016 No 511

2016 Report on Adherence to and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments. US State Department Report

[11 April 2016]

[Eds . . .]

PART II: COMPLIANCE BY RUSSIA OR OTHER SUCCESSOR STATES OF THE SOVIET UNION WITH TREATIES AND AGREEMENTS THE UNITED STATES CONCLUDED BILATERALLY WITH THE SOVIET UNION OR ITS SUCCESSOR STATES

INTERMEDIATE-RANGE NUCLEAR FORCES (INF) TREATY

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 (INF Treaty) was signed by President Reagan and Soviet General Secretary Gorbachev on December 8, 1987, and entered into force on June 1, 1988.

FINDING

The United States has determined that in 2015, the Russian Federation (Russia) continued to be in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

The INF Treaty is of unlimited duration and bans the possession, production, and flight-testing of intermediate- and shorter-range missile systems. The Treaty required the complete elimination of all the approximately 800 U.S. and approximately 1,800 former Soviet ground-launched missiles with maximum ranges between 500 and 5,500 kilometers (km), their launchers, and their associated support equipment and structures. All such items were eliminated by May 28, 1991.

The INF Treaty established a verification regime using national technical means of verification (NTM), notifications, and an on-site inspection regime to detect and deter violations of Treaty obligations. The on-site inspection regime concluded on May 31, 2001, 13 years following the Treaty's entry into force, per Article XI. The remainder of the verification regime continues for the duration of the Treaty.

In 2014 and 2015, the United States published in the unclassified version of the Report its determination that Russia was in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles.

ANALYSIS OF COMPLIANCE CONCERNS

The INF Treaty defines an intermediate-range missile as a ground-launched ballistic missile (GLBM) or GLCM having a range capability in excess of 1,000 km but not in excess of 5,500 km. The Treaty defines a shorter-range missile as a GLBM or GLCM having a range capability equal to or in excess of 500 km but not in excess of 1,000 km. A GLCM is defined as a ground-launched cruise missile that is a weapon delivery vehicle.

Article I provides that the Parties shall not have intermediate-range and shorter-range missiles.

Paragraph 1 of Article IV provides that the Parties shall not possess intermediate-range missiles and launchers of such missiles, or support structures and equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers.

Paragraph 1 of Article VI provides that no Party shall produce or flight-test any intermediate-range missiles or produce any stages or launchers of such missiles, or produce, flight-test, or launch any shorter-range missiles or produce any stages or launchers of such missiles.

Paragraph 1 of Article VII provides that if a cruise missile has been flight-tested or deployed for weapon delivery, all missiles of that type shall be considered to be weapon-delivery vehicles.

Paragraph 2 of Article VII provides that if a GLCM is an intermediate-range missile, all GLCMs of that type shall be considered to be intermediate-range missiles.

Paragraph 4 of Article VII provides that the range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance that can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact.

Paragraph 7 of Article VII provides that if a launcher has been tested for launching a GLCM, all launchers of that type shall be considered to have been tested for launching GLCMs.

Paragraph 8 of Article VII provides that if a launcher has contained or launched a particular type of GLCM, all launchers of that type shall be considered to be launchers of that type of GLCM.

Paragraph 11 of Article VII provides that a cruise missile that is not a missile to be used in a ground-based mode shall not be considered to be a GLCM if it is test-launched at a test site from a fixed land-based launcher that is used solely for test purposes and that is distinguishable from GLCM launchers.

The United States determined that the cruise missile developed by Russia meets the INF Treaty definition of a ground-launched cruise missile with a range capability of 500 km to 5,500 km, and as such, all missiles of that type, and all launchers of the type used or tested to launch such a missile, are prohibited under the provisions of the INF Treaty.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS

As was the case in previous years, in 2015, the United States again raised concerns with Russia on repeated occasions in an effort to resolve U.S. concerns. The United States will continue to pursue resolution of U.S. concerns with Russia

Comment by the Information and Press Department (Russian Ministry of Foreign Affairs) on the US Department of State's report on adherence to and compliance with arms control, nonproliferation, and disarmament agreements and commitments

15 April 2016

On April 12, the US Department of State published its annual Report to the Congress on *Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments in 2015*. Same as before, Washington did not limit itself to presenting its own "exemplary" compliance with all its treaty obligations but acted also as a "mentor" who deemed itself entitled to assess the corresponding "progress" of other States.

Even a quick analysis of the Report shows that it can hardly be taken as a serious document that qualifies for portraying the real situation in arms control and non-proliferation.

Without taking the trouble to provide any evidence, the US Department of State actually slid into unsubstantiated accusations against Russia. The assessments provided in the report are blatantly judgmental, biased and prejudiced. They are comprised of an extravagant combination of speculations, exaggerations, assumptions as well as blatantly false messages and deliberately distorted facts. The obvious goal is to create a negative image of Russia in the hope that few readers will make an effort to analyze the details of the unsupported examples of Russia's alleged "violations". When compared to the real state of affairs, the US Department of State "assessments", unfortunately, bring about thoughts about these regrettable "expert evaluation."

For the third year in a row, the Report renders absolutely unfounded accusations of Russia supposedly violating the Intermediate-Range Nuclear Forces (INF) Treaty. The Report states that Russia produces and tests ground-launched cruise missiles with a range of 500 km to 5,500 km and their associated launchers. According to all indications the American side does not have any objective evidence neither has it any weighty arguments to substantiate these allegations made against Russia. Washington deliberately creates a negative information backdrop for the INF Treaty in an attempt to discredit Russia.

Whereas the following Russian concerns are disregarded,

(1) The United States continues its tests in the interests of missile defense using target missiles which have characteristics similar to those of intermediate- and shorter-range ballistic missiles (these tests are used, *inter alia*, to further improve the key elements of Treaty-prohibited missile systems);

(2) The United States continues to increase production and use of heavy attack UAVs that clearly fall under the INF Treaty definition of ground-launched cruise missiles;

(It should be noted that we have been pointing to our American colleagues at these two obvious violations of the INF Treaty by the United States for as long as a decade and a half. There has not been so far any constructive feedback.)

(3) A relatively new and rather serious violation of the INF Treaty was the deployment in Europe of the Mk 41 systems capable of launching Tomahawk intermediate-range cruise missiles. These vertical launch systems are being installed today at the Deveselu missile defense base in Romania, and the construction of a similar facility in Poland is next in turn.

What stands out are the persisting statements of Pentagon authorities on thrashing out options of military response, up to eventual deployment of Treaty-prohibited intermediate- and shorter-range missiles close to the Russian borders. This exposes a real (coming from Pentagon) rather than imaginary (coming from Russia) threat of undermining the INF regime, which can have unpredictable consequences for Europe and for the international community as a whole.

We call upon the United States to stop throwing out innuendoes against Russia and to focus instead on complying with its own INF obligations.

Washington's approach to compliance with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) is still of great concern. The US and its non-nuclear NATO allies continue their nuclear skill training as part of the so-called "nuclear sharing". This is a serious violation of Articles I and II of the NPT.

Instead of making publicity statements on the US commitment to making further steps in nuclear disarmament, it would be reasonable first to bring back all American non-strategic nuclear weapons to the national territory (as Russia did about a quarter-century ago), introduce a ban on their deployment outside the national territory, eliminate all facilities necessary to redeploy urgently the US nuclear weapons in Europe, and certainly abandon any nuclear exercises (drills) for the personnel of the armed forces from non-nuclear NATO States.

It is seriously alarming that, as part of its unprecedented nuclear arsenal modernization programme, the US is planning to

deploy in Europe new nuclear aerial bombs of lower yield but higher precision. This is a very dangerous project that can significantly lower the “threshold” of nuclear weapons use when US nuclear bombs in Europe could turn into “battlefield weapons”. It is important to remember that Moscow and Washington turned down this option 25 years ago. Today, the US seems keen to recover its previous irresponsible practice of balancing on the brink of nuclear war.

At the 2015 NPT Review Conference the US along with the UK and Canada blocked the concluding document of the Conference, thus demonstrating that strengthening the nuclear non-proliferation regime was not on their priority list. This is particularly unfortunate, considering that the US is a depositary state for the NPT, and, furthermore, aspires to become a global non-proliferation leader.

Washington’s declared commitment to stronger non-proliferation regime is also obviously contradicted by its inconsistent position on the Comprehensive Nuclear Test Ban Treaty (CTBT).

As far as in the mid-1990s President Bill Clinton declared the CTBT the “No.1 priority” for the US. Since then, the Americans have made numerous statements on their intention to ratify the CTBT and pursue its early entry into force. President Obama also made promises to the effect but has failed to make any practical steps in this direction so far.

This year marks twenty years since the Comprehensive Nuclear Test Ban Treaty (CTBT) was open for signature. The Treaty’s destiny still lies in hands of those eight Member States listed in Annex 2 whose ratification is required for its entry into force.

Washington’s irresponsible position in terms of CTBT ratification is the main obstacle toward making the Treaty an effective international legal instrument. Other countries also act looking out for Washington. Therefore, the prospects that the CTBT will enter into force are not within view.

The indecent intention of the US Department of State to contest the entirety of Russia’s announcement on Article III of the Chemical Weapons Convention (CWC) and thus to challenge the adequacy and deserved authority of the OPCW as the most efficient and successful global structure for disarmament and WMD nonproliferation never fails to amaze. However, the OPCW has no claims against Russia, unlike Washington.

In turn, we would like to advise our US counterparts to abandon their “double standards” in the use of chemical weapons by non-State actors in the Middle East. Washington itself should comply with its obligations under UNSC Resolutions 2118, 2209 and 2235, and share with the Security Council the evidence of crimes committed by ISIS and other terrorist groups in Iraqi Kurdistan, which the US forces obtained in 2015-2016 directly at the sites where the extremists had used toxic agents.

Only the politicization and interest in propaganda campaign against Russia can explicate the content of the section that “analyzes” Russia’s compliance with the Biological and Toxic Weapons Convention (BWC). It is illustrative that this year only Russia was chosen as a target of vain insinuations and figments in this area. It fits well within the style of information warfare unleashed against Russia, when, as the saying goes, no holds barred. The subsequent attempts to denigrate Russia are aimed at distracting attention from the abominable role that the US plays within the BWC context.

The facts on the ground are that the US itself seriously damaged the BWC regime by ruining at its sole discretion the long-lasting multilateral talks aimed at elaborating the additional Protocol to the BWC, which were approaching to an end. According to the then-drafted Protocol the microbiological activity of the States Parties would have been subject to on-site inspections by an independent authority - the Technical Secretariat. Having derailed the Protocol, the US now complains of having apparently no possibility to verify the compliance with the BWC. It has nobody to blame but itself for this, including for the fact that it has been

blocking any constructive attempts to step up a substantive work within the framework of BWC since 2001.

Against this background, the international community is particularly concerned about the Pentagon’s dangerous microbiological activities. We shall give only two most alarming examples.

First, the years long mailing of live anthrax spores by the US Department of Defense all over the world. Far from being accidental, this mailing occurred on 195 occasions and reached 12 States all over the world. As a result, not only nescient US citizens but also populations in other countries were exposed to a fatal danger of contamination. Until now, the scale of these violations has not been established, including the real purpose of the US Defense Department’s “manufacturing sites” where spores have been developed and the true objectives of their forwarding to the US military facilities overseas.

Second, the continuous expansion of overseas military biological infrastructure of the US Defense Department. The corresponding facilities have sprung up in many countries, and in recent years they are being created increasingly closer to the Russian borders. There is no question of the “humanitarian orientation” of work of such microbiologists and doctors in uniform, who deal with highly contagious disease agents, but one can only guess as to the real subject of their activity because the latter is fully classified. For example, the US Department of Defense has built a high-level biological isolation laboratory in the village of Alekseyevka near Tbilisi to be used for its own, behind-the-scene purposes. It was declared for form’s sake that the facility was handed over to Georgia while a US Army medical research unit deployed there was just a “tenant.”

While accusing developing countries of a lack of progress in implementing the BWC at the national level, including by approving relevant legislation, the US consciously and consistently keeps its own laws that run counter to its international commitments. These include, in particular, the reservation to the 1925 Geneva Protocol with regard to the right to use chemical or toxin weapons and the US President’s Executive Order 11850 that enables the US armed forces to use “nonlethal” chemical and toxin weapons as warfare agents. Particularly flagrant is the implementation of the 2001 Patriot Act that actually endorses the development of biological weapons with consent of the US Government. In our opinion, the “biological” section of this document must be repealed immediately.

It is not for the first year that the Report’s section dedicated to the Treaty on Open Skies (OST) reproduces a set of cut-and -dried allegations accusing Russia of non-compliance with Treaty. We have repeatedly provided exhaustive replies to such allegations in the Open Skies Consultative Commission (OSCC) and in our responses to previous State Department’s reports of this kind.

With regard to Russia restricting the use of its airspace, we reiterate that the altitude limitation for aircraft flying over Moscow and Chechen prohibited areas are due to flight safety requirements (given the absence of continuous radar monitoring at lower altitudes).

The limits of the maximum flying distance over the Kaliningrad Oblast were introduced pursuant to the relevant OST provisions and OSCC decision. Such procedure provides for the same efficiency of observation as during flights over the rest of the territory of the Russian Federation and over the territories of adjacent States (Poland, Lithuania, Latvia, and Estonia).

The restrictions for Open Skies flights near the borders of Abkhazia and South Ossetia have been introduced in accordance with the Treaty that states that observation flights shall be allowed up to ten kilometers from the border with an adjacent State that is not a State Party. The independent States of Abkhazia and South Ossetia are not Parties to the OST.

Another US claim concerns Russia’s alleged refusal to ensure priority status for Open Skies flights. However, under the Treaty, observation flights shall take priority over any regular air traffic, that is, regular commercial flights.

Now we would like to dwell on what the authors of the US Report conceal, i.e. violations of the Open Skies Treaty by the United States and its NATO allies.

For 12 years of the operation of the Treaty the United States has been disregarding its provisions on providing special procedures for observation of US island territories and possessions. Therefore, a considerable portion of the US territory has been inaccessible for observation for a long time in gross violation of the fundamentals of the Treaty. Washington did not make advances to accommodate Russian requests till the end of 2015.

The United States practically closed its territory for observation by Russian AN-30B aircraft with digital sensors in violation of the States Parties' right to conduct observation flights. At the same time, Washington launched a media campaign blowing up an argument on the allegedly emerging threat to the US national security in case of flights being conducted by the Russian Open Skies aircraft with digital sensors onboard. However, it is admitted in the Report that the US itself initiated the transition to digital technologies within the OST.

The United States acted demonstratively when supporting Georgia's decision, which was destructive for the fundamentals of the Treaty, to cease the implementation of its OST obligations with regard to Russia and thus set up a precedent of selective implementation of this multilateral document. By the way, although promised, the United States has not secured since 2008 the payment of Georgia's debt due for their joint observation flight over the Russian territory.

Having assumed to itself the right to pass judgments on the acts of other States, the American side persistently justifies the violations of the Treaty obligations by its NATO allies. Thus instead of condemning Turkey's closure to observation of a considerable portion of its south-eastern territories in contradiction to the very basics of the Treaty, Washington cynically stated that it was satisfied with the way Turkey complied with the Treaty. It appears that the policy of double standards has long become the norm for our American colleagues.

As for the Treaty on Conventional Armed Forces in Europe (CFE), there is no sense to come back to this issue. It should be reminded that the United States itself and its NATO allies created conditions that undermined the viability of the CFE Treaty and made inevitable its suspension by Russia in 2007. Since then, the erosion and weakening of the conventional arms control regime in Europe have only aggravated.

Moreover, the United States and NATO have opted for a policy of "detering" Russia and changing the balance of forces on the European continent in their favour by expanding the alliance and moving its military infrastructure further east and, most recently, by deploying their troops in close proximity to the Russian borders.

We are convinced that the prospects for elaborating a new conventional arms control regime in Europe based on the principles of equal and indivisible security and the balance of rights and obligations of the parties should be considered in conjunction with NATO's renouncing from strengthening its military "deterrence" measures against Russia and thereby restoring an adequate level of trust and normal relations with the Russian Federation, including in military cooperation.

These past few years, the US Department of State's reports routinely accuse Russia of "selective implementation" and "insufficient transparency" with regard to the Vienna Document 2011 on Confidence and Security-Building Measures. It should be stated, however, that neither "unusual or unscheduled military activities" nor exceeding thresholds of notified armed forces activities have been registered in the course of the three inspections conducted by Ukraine, the Netherlands and Turkey in the Southern Military District in the regions bordering Ukraine. Kiev's attempts to blame Russia of non-compliance with certain provisions of the Vienna Document were not supported by any serious arguments, to which we pointed in our replies to the Ukrainian side.

By the way, Kiev did not implement its own commitments under the Vienna Document with regard to the military activities of its armed forces in Donbass both in 2014 and 2015. But the Report of the US State Department has omitted to mention this.

In 2015, Russia voluntarily sent four notifications to the OSCE participating States, including the United States, citing the detailed parameters of unscheduled military and aviation inspections that were conducted in several military districts. Of course, these notifications included the forces that fall within the provisions of the Vienna Document.

As for reproaching Russia for non-provision of information on military bases of the Armed Forces of the Russian Federation located in the territories of Abkhazia and South Ossetia, we note that these sovereign States are not participants to the OSCE and are, therefore, not included in the zone of confidence-building measures, as it is defined by the Vienna Document 2011. The US experts who drafted this section of the State Department's Report are certainly well aware of this. They also know for sure that Russia submits this information in line with another OSCE instrument, the Global Exchange of Military Information. By the way, Turkey, a US ally, is doing the same with regard to its forces in Northern Cyprus. This does not provoke any objections in Washington.

A few words about the Russian BRM-1K armoured vehicle mentioned in the US Report (certainly reproaching Russia for concealing this data). In terms of its technical specifications, this vehicle does not fit into any military equipment category on which information is to be submitted under the Vienna Document 2011. It is revealing that the United States which has failed to resolve this issue for many years within the CFE Treaty is now trying "to drag" it into the VD-2011.

It appears that the authors of the Report, who have not found any specific provisions that would allow them to really "catch" Russia, are trying groundlessly to accuse it of violating the principle of non-use of force or threat of force with regard to Ukraine. No evidence has been provided. At the same time, they "humbly" keep quiet about numerous real violations of that principle by the United States itself.

We note that the platform of the Vienna Document is used by Washington to solve political tasks. For example, in 2015, the United States in their requests for inspections as part of its bilateral agreements with Ukraine deliberately included the territory of Crimea in the areas to be inspected. This was done to create a conflict situation and to launch another spiral of discussions in the OSCE. Naturally, we provided a well-considered and legally sound reply to such "endeavors."

During an inspection on the territory of Bulgaria the Russian inspection team was taken to a military camp where the US armed forces units were located. Russian inspectors discovered several dozen tanks, armoured vehicles and howitzers, numerous motor vehicles, engineer and other equipment that belonged to the US Marine Corps units and were not declared at the briefing. During the inspection in the military camp, the inspection team was not allowed to leave its vehicle. A similar situation took place during an inspection of a US Army unit located in Spain. This means that improper implementation by Washington of the Vienna Document is not one-of-a-kind fact.

Our review of the State Department's Report leads to disappointing conclusions. Instead of engaging into a consistent thorough work to settle the existing divergences within the appropriate formats and with the participation of all interested States, the United States still prefers to repeat with certain variations year after year the politically motivated and lopsided assessments of implementation of provisions of arms control treaties and agreements by other States, without taking the trouble to search for arguments and facts.

Russia stands for a civilized, substantive and constructive discussion at the negotiating table of issues arising during the implementation by States of their obligations in the area of arms control and non-proliferation.

We call our American colleagues for engaging in such a work.

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.

Decision to Suspend the Russian-US Agreement on Cooperation in Nuclear & Energy related Scientific Research & Development

5 October 2016

Pursuant to Federal Law on International Treaties of the Russian Federation, a decision was adopted to suspend the Agreement.

Reference

The Agreement between the Government of the United States of America and the Government of the Russian Federation on Cooperation in Nuclear- and Energy-Related Scientific Research and Development (hereinafter referred to as the Agreement) was signed on September 16, 2013 in Vienna.

The Agreement defines areas of scientific and technical cooperation in using nuclear energy for peaceful purposes, including nuclear security, nuclear power station design, innovative kinds of reactor fuel, the use of nuclear and radiation technologies in medicine and industry, and handling radioactive waste.

The Agreement envisions the implementation of joint projects with US specialists that would further mutually beneficial cooperation in the nuclear energy sphere and help save time and resources in conducting fundamental and applied research in this sphere.

The actions taken by the United States related to the introduction of sanctions against Russia have directly affected the areas of cooperation under the Agreement. In April 2014, the Rosatom State Corporation received a letter from the US Department of Energy Bureau at the US Embassy in Moscow citing directives from Washington and announcing the suspension of nuclear energy cooperation in connection with the events in Ukraine.

This step by the US is a substantial violation of the terms of the Agreement that is designed to expand cooperation in nuclear energy research and development and provide a stable, reliable and predictable foundation for this cooperation.

This declaration of US policy was followed by the cancellation of bilateral meetings and events related to nuclear energy, which can qualify as a violation of Paragraph 3, Article IV and Paragraph 1, Article X of the Agreement.

The regular extension of US sanctions against Russia, including the suspension of Russian-US nuclear energy cooperation, requires the adoption of countermeasures in relation to the US.

Under Article 37.1 of Federal Law 101-FZ of June 15, 1994, On International Treaties of the Russian Federation, the directive stipulates that the Agreement be suspended.

Under this approach, the international legal framework of cooperation with the United States will be preserved. Russia will preserve the possibility of resuming cooperation under the Agreement when that is justified by the general context of relations with the United States.

Comment by the Information and Press Department (MFA) on the Russian Government's decision to terminate the 2010 Implementing Agreement between the Russian State Corporation for Atomic Energy (Rosatom) and the US Department of Energy (DOE) concerning cooperation on feasibility studies of the conversion of Russian research reactors to use low-enriched uranium fuel

5 October 2016

The Government of the Russian Federation has adopted the decision to terminate the 2010 Implementing Agreement between the Russian State Corporation for Atomic Energy (Rosatom) and the Department of Energy (DOE) concerning cooperation on feasibility studies of the conversion of Russian research reactors to use low-enriched uranium fuel.

This step follows the notification received from the United States in 2014 regarding the termination of civil nuclear energy cooperation with Russia, as well as other hostile steps and statements by the United States. As a result of these actions, we can no longer trust Washington in a sensitive sphere such as the modernisation and safety of Russian nuclear power plants. If Russia makes the decision to convert particular research reactors to low-enriched nuclear fuel, we will conduct this work independently.

We believe that the conversion of nuclear reactors from highly enriched to low-enriched uranium fuel in NPT member states is not an end in itself. In a number of cases, including medical isotope production, highly enriched uranium is most effective, and abandoning it does not make sense from a technological and economic standpoint.

At the same time, Russia intends to fulfill the obligations it assumed under the Agreement, in particular, to complete the work under all previously concluded contracts.

J – Resolutions Adopted by the 71st Session of the UN General Assembly

[Editorial Note: Only operative paragraphs are included. Earlier relevant resolutions may be downloaded via <http://www.un.org/documents/resga.htm>]

General Assembly Resolution A/RES/71/47. 'Humanitarian pledge for the prohibition and elimination of nuclear weapons'

5 December 2016

General Assembly,

[Eds . . .]

1. Stresses the importance of having fact-based discussions and presenting findings and compelling evidence on the humanitarian impact of nuclear weapons in all relevant forums and within the United Nations framework, as they should be at the centre of all deliberations and the implementation of obligations and commitments with regard to nuclear disarmament;
2. Appeals to all States to follow the imperative of human security for all and to promote the protection of civilians against risks stemming from nuclear weapons;
3. Urges all States parties to the Treaty on the Non - Proliferation of Nuclear Weapons² to renew their commitment to the urgent and full implementation of their existing obligations under article VI, and calls upon all States to identify and pursue effective measures to fill the legal gap for the prohibition and elimination of nuclear weapons and to cooperate with all stakeholders to achieve this goal;
4. Calls upon all States to pursue an additional legal instrument or instruments with urgency and to support international efforts to prohibit and eliminate nuclear weapons;
5. Recalls that all such efforts are aimed at contributing to the full implementation of article VI of the Treaty and the achievement and maintenance of a world without nuclear weapons;
6. Requests all States possessing nuclear weapons, pending the total elimination of their nuclear weapon arsenals, to take concrete interim measures to reduce the risk of nuclear weapon detonations, including by reducing the operational status of nuclear weapons and moving nuclear weapons away from deployment and into storage, diminishing the role of nuclear weapons in military doctrines and rapidly reducing all types of nuclear weapons;
7. Calls upon all relevant stakeholders, States, international organizations, the International Red Cross and Red Crescent Movement, parliamentarians and civil society to cooperate in efforts to stigmatize, prohibit and eliminate nuclear weapons in the light of their unacceptable humanitarian consequences and associated risks;
8. Decides to include in the provisional agenda of its seventy-second session, under the item entitled "General and complete disarmament", the sub -item entitled "Humanitarian pledge for the prohibition and elimination of nuclear weapons".

General Assembly Resolution A/RES/71/49. 'United action with renewed determination towards the total elimination of nuclear weapons'

5 December 2016

The General Assembly,

[Eds . . .]

1. Renews the determination of all States to take united action towards the total elimination of nuclear weapons, with a view to achieving a safer world for all and a peaceful and secure world free of nuclear weapons;
2. Reaffirms, in this regard, 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 to the Treaty on the Non-Proliferation of Nuclear Weapons are committed under article VI thereof;
3. Calls upon all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to comply with their obligations under all the articles of the Treaty and to implement the steps agreed to in the Final Documents of the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences;
4. Encourages all States to exert their utmost efforts towards the success of the 2020 Review Conference of the Parties to the Treaty on the Non -Proliferation of Nuclear Weapons, bearing in mind that the first session of the Preparatory Committee for the Review Conference will be held in Vienna in May 2017;
5. Calls upon all States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons to accede as non-nuclear-weapon States to the Treaty promptly and without any conditions to achieve its universality and, pending their accession to the Treaty, to adhere to its terms and to take practical steps in support of the Treaty;
6. Calls upon all States to take further practical steps and effective measures towards the total elimination of nuclear weapons, based on the principle of undiminished and increased security for all;
7. Encourages nuclear-weapon States and non-nuclear-weapon States to further engage in meaningful dialogue that facilitates practical and concrete measures on nuclear disarmament and non-proliferation;
8. Emphasizes that deep concerns about the humanitarian consequences of any use of nuclear weapons continue to underpin efforts by all States towards a world free of nuclear weapons;
9. Encourages the Russian Federation and the United States of America to commence negotiations at an early date to achieve greater reductions in their stockpiles of nuclear weapons, with a view to concluding such negotiations as soon as possible;
10. Calls upon all 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;
11. Calls upon all States to apply the principles of irreversibility, verifiability and transparency in relation to the process of nuclear disarmament and non - proliferation;
12. Encourages the nuclear-weapon States to continue to convene regular meetings, with a view to facilitating nuclear disarmament actions, to build upon and expand their efforts to enhance transparency and to increase mutual confidence, including by providing more frequent and further detailed reporting on nuclear weapons and delivery systems dismantled and reduced as part of nuclear disarmament efforts throughout the review process of the Treaty on the Non-Proliferation of Nuclear Weapons

towards the 2020 Review Conference of the Parties to the Treaty;

13. *Calls upon* States concerned to continue to review their military and security concepts, doctrines and policies, with a view to reducing further the role and significance of nuclear weapons therein;

14. *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;

15. *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;

16. *Encourages* the establishment of further nuclear-weapon-free zones, where appropriate, on the basis of arrangements freely arrived at by the 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;

17. *Urges* all States possessing nuclear weapons to continue to undertake all efforts necessary to comprehensively address the risks of unintended nuclear detonations;

18. *Encourages* further efforts towards the establishment of a Middle East zone free of nuclear weapons and all other weapons of mass destruction and their delivery systems, on the basis of arrangements freely arrived at by the States of the region and in accordance with the 1995 resolution on the Middle East, and the resumption of dialogue towards that end involving the States concerned;

19. *Urges* all States, in particular the eight remaining States listed in annex 2 to the Comprehensive Nuclear-Test-Ban Treaty, to take individual initiatives to sign and ratify that Treaty without further delay and without waiting for any other State to do so, and to maintain all existing moratoriums on nuclear -weapon test explosions or any other nuclear explosions and declare their political will to do so pending the entry into force of the Treaty, and also urges all States to redouble their efforts to promote the entry into force of the Treaty through the article XIV process and other mutually reinforcing undertakings;

20. *Urges* all States concerned to immediately commence negotiations on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices and its early conclusion on the basis of document of 24 March 1995 and the mandate contained therein, taking into consideration the report of the Group of Governmental Experts requested in paragraph 3 of resolution [67/53](#) of 3 December 2012, and to declare and maintain moratoriums on the production of fissile material for use in nuclear weapons or other nuclear explosive devices, pending the entry into force of the treaty;

21. *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 free of nuclear weapons;

22. *Encourages* every effort to raise awareness of the realities of the use of nuclear weapons, including through, among others, visits by leaders, youth and others to and interactions with communities and people, including atomic bomb survivors, the hibakusha, that pass on their

experiences to the future generations;

23. *Condemns in the strongest terms* the recent nuclear tests and launches using ballistic missile technology by the Democratic People's Republic of Korea, which cannot have the status of a nuclear-weapon State in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons, strongly urges the Democratic People's Republic of Korea to refrain from conducting further nuclear tests and to abandon all ongoing nuclear activities immediately in a complete, verifiable and irreversible manner, and calls upon the Democratic People's Republic of Korea to fully comply with all relevant Security Council resolutions and implement the joint statement of the Six-Party Talks of 19 September 2005, and to return at an early date to full compliance with the Treaty, including that of the International Atomic Energy Agency safeguards;

24. *Calls upon* all States to intensify efforts to address the threat posed by the nuclear and missile programmes of the Democratic People's Republic of Korea, including through the full implementation of all relevant Security Council resolutions;

25. *Also 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;

26. *Further calls upon* all States to establish and enforce effective domestic controls to prevent proliferation of nuclear weapons and encourages cooperation among States and technical assistance to enhance international partnership and capacity-building in non-proliferation efforts;

27. *Stresses* the fundamental role of the International Atomic Energy Agency safeguards and the importance of the universalization of the comprehensive safeguards agreements, and, while noting that it is the sovereign decision of any State to conclude an additional protocol, strongly encourages all States that have not done so to conclude and bring into force as soon as possible an additional protocol based on the Model Additional Protocol to the Agreement(s) between States and the International Atomic Energy Agency for the Application of Safeguards, approved by the Board of Governors of the Agency on 15 May 1997;

28. *Calls upon* all States to fully implement relevant Security Council resolutions, including resolution [1540 \(2004\)](#) of 28 April 2004 and [1977 \(2011\)](#) of 20 April 2011, based on the outcome of the comprehensive review of the status of implementation of resolution [1540 \(2004\)](#);

29. *Encourages* all States to attach more importance to and enhance the security of nuclear and other radiological materials, to further strengthen the global nuclear security architecture and to work together for the success of the International Conference of the International Atomic Energy Agency on Nuclear Security, to be held in Vienna in December 2016;

30. *Decides* to include in the provisional agenda of its seventy-second session, under the item entitled "General and complete disarmament", the sub-item entitled "United action with renewed determination towards the total elimination of nuclear weapons".

**General Assembly Resolution A/RES/71/54
'Towards a nuclear-weapon-free world:
accelerating the implementation of nuclear
disarmament commitments'**

[5 December 2016]

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. *Acknowledges* the evidence presented at the Conferences on the Humanitarian Impact of Nuclear Weapons, and calls upon Member States, in their relevant decisions and actions, to give due prominence to the humanitarian imperatives that underpin nuclear disarmament and to the urgency of achieving this goal;

4. *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 accelerating concrete progress on the steps leading to nuclear disarmament, and calls upon the nuclear-weapon States to take all steps necessary to accelerate the fulfilment of their commitments;

5. *Calls upon* the nuclear-weapon States to fulfil their commitment to undertaking further efforts to reduce and ultimately eliminate all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures;

6. *Urges* all States possessing nuclear weapons to decrease the operational readiness of nuclear-weapon systems in a verifiable and transparent manner with a view to ensuring that all nuclear weapons are removed from high alert status;

7. *Encourages* the nuclear-weapon States to make concrete reductions in the role and significance of nuclear weapons in all military and security concepts, doctrines and policies, pending their total elimination;

8. *Encourages* all States that are part of regional alliances that include nuclear-weapon States to diminish the role of nuclear weapons in their collective security doctrines, pending their total elimination;

9. *Underlines* the recognition by States parties to the Treaty on the Non-Proliferation of Nuclear Weapons of the legitimate interest 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;

10. *Encourages* further steps by all nuclear-weapon States, in accordance with the previous obligations and commitments on nuclear disarmament, 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;

11. *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, which is inextricably linked to the indefinite extension of the Treaty, and expresses disappointment and deep concern at the lack of a substantive outcome of the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, including on the process to establish a Middle East zone free of nuclear weapons and all other weapons of mass destruction as contained in the 1995 resolution on the Middle East, which remains valid until fully implemented;

12. *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 as mandated at the 2010 Review Conference;

13. *Stresses* the fundamental role of the Treaty on the Non-Proliferation of Nuclear Weapons in achieving nuclear disarmament and nuclear non-proliferation, and looks forward to the first session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to be held in Vienna from 2 to 12 May 2017;

14. *Calls upon* all States parties to spare no effort to achieve the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, 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 their nuclear facilities under International Atomic Energy Agency safeguards;

15. *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;

16. *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 urges the Conference on Disarmament once again to commence, without delay, substantive work that advances the agenda of nuclear disarmament, particularly through multilateral negotiations;

17. *Urges* all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons to fully implement without delay their obligations and commitments under the Treaty and as agreed to at the 1995, 2000 and 2010 Review Conferences;

18. *Urges* the nuclear-weapon States to implement their nuclear disarmament obligations and commitments, both qualitative and quantitative, in a manner that enables the States parties to regularly monitor progress, including through a standard detailed reporting format, thereby enhancing confidence and trust not only among the nuclear-weapon States but also between the nuclear-weapon States and the non-nuclear-weapon States and contributing to nuclear disarmament;

19. *Also urges* the nuclear-weapon States to include in their reports to be submitted throughout the 2020 review

cycle of the Treaty on the Non -Proliferation of Nuclear Weapons concrete and detailed information concerning the implementation of their obligations and commitments on nuclear disarmament;

20. *Urges* Member States to pursue multilateral negotiations without delay in good faith on effective measures for the achievement and maintenance of a nuclear - weapon-free world, in keeping with the spirit and purpose of General Assembly resolution (I) and article VI of the Treaty on the Non-Proliferation of Nuclear Weapons;

21. *Calls upon* Member States to continue to support efforts to identify, elaborate and negotiate effective legally binding measures for nuclear disarmament, and welcomes in this regard the recent endeavours towards the achievement and maintenance of a nuclear-weapon-free world;

22. *Decides* to include in the provisional agenda of its seventy-second 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.

**General Assembly Resolution A/RES/71/67.
‘Nuclear disarmament verification’**

[5 December 2016]

The General Assembly,

[Eds . . .]

1. *Urges* all nuclear-weapon States to take effective disarmament measures to achieve the total elimination of all nuclear 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. *Encourages* States parties to the Treaty on the South -East Asia Nuclear- Weapon-Free Zone and the nuclear-weapon States to intensify ongoing efforts to resolve all outstanding issues, in accordance with the objectives and principles of the Treaty, pertaining to the signing and ratifying of the Protocol to the Treaty;

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 carry out effective nuclear disarmament measures with a view to achieving the total elimination of nuclear 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;

10. *Urges* the nuclear-weapon States to commence plurilateral negotiations among themselves at an appropriate stage on further deep reductions of their nuclear weapons, in an irreversible, verifiable and transparent manner, 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;

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 13 practical steps for nuclear disarmament contained in the Final Document of the 2000 Review Conference;

14. *Also calls for* the full implementation of the action plan as set out in the conclusions and recommendations for follow-on actions of the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non -Proliferation of Nuclear Weapons, particularly the 22-point action plan on nuclear disarmament;

15. *Urges* the nuclear-weapon States to carry out further reductions of non-strategic nuclear weapons, including 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, in the context of an agreed, comprehensive and balanced programme of work, 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 2017 session, on the basis of a comprehensive and balanced programme of work that takes into consideration all the real and existing priorities in the field of disarmament and arms control, including the immediate commencement of negotiations on a comprehensive nuclear weapons convention;

18. *Calls for* the conclusion of an international legal instrument on unconditional security assurances to non-nuclear-weapon States against the threat or use of nuclear weapons under any circumstances;

19. *Also calls for* the early entry into force, universalization and strict observance of the

Comprehensive Nuclear-Test-Ban Treaty as a contribution to nuclear disarmament, while welcoming the latest ratifications of the Treaty, by Myanmar and Swaziland, on 21 September 2016;

20. *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 2017 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;

21. *Calls for* the convening, no later than 2018, of a United Nations high - level international conference on nuclear disarmament to review the progress made in this regard;

22. *Requests* the Secretary-General to submit to the General Assembly at its seventy-second session a report on the implementation of the present resolution;

23. *Decides* to include in the provisional agenda of its seventy-second session, under the item entitled “General and complete disarmament”, the sub-item entitled “Nuclear disarmament”.

General Assembly A/RES/71/258. ‘Taking forward multilateral nuclear disarmament negotiations’

[23 December 2016]

The General Assembly,

[Eds . . .]

1. *Notes with satisfaction* that the Open-ended Working Group taking forward multilateral nuclear disarmament negotiations, established by the General Assembly by its resolution [70/33](#), which met in Geneva during 2016, engaged in structured and substantive discussions in a comprehensive, inclusive, interactive and constructive manner;

2. *Welcomes* the report of the Working Group established by the General Assembly by its resolution [70/33](#);

3. *Recognizes* the value of the participation and contribution of international organizations and civil society to taking forward multilateral nuclear disarmament negotiations, as demonstrated during the work of the Working Group;

4. *Reiterates* that the universal objective of taking forward multilateral nuclear disarmament negotiations remains the achievement and maintenance of a world without nuclear weapons, and emphasizes the importance of addressing issues related to nuclear weapons in a comprehensive, inclusive, interactive and constructive manner, for the advancement of multilateral nuclear disarmament negotiations;

5. *Reaffirms* the urgency of securing substantive progress in multilateral nuclear disarmament negotiations;

6. *Recommends* that additional efforts can and should be pursued to elaborate concrete effective legal measures, legal provisions and norms that will need to be concluded to attain and maintain a world without nuclear weapons, reaffirms the importance of the Treaty on the Non-Proliferation of Nuclear Weapons and the commitments made therein, and considers that the pursuit of any such measures, provisions and norms should complement and strengthen the nuclear disarmament and non-proliferation regime, including the three pillars of the Treaty;

7. *Also recommends* that States consider implementing, as appropriate, the various measures suggested in the report of the Working Group that could contribute to taking forward multilateral nuclear disarmament negotiations, including but not limited to transparency measures related to the risks associated with existing nuclear weapons, measures to reduce and eliminate the risk of accidental,

mistaken, unauthorized or intentional nuclear weapon detonations, additional measures to increase awareness and understanding of the complexity of and interrelationship between the wide range of humanitarian consequences that would result from any nuclear detonation, and other measures that could contribute to taking forward multilateral nuclear disarmament negotiations;

8. *Decides* to convene in 2017 a United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination;

9. *Encourages* all Member States to participate in the conference;

10. *Decides* that the conference shall convene in New York, under the rules of procedure of the General Assembly unless otherwise agreed by the conference, from 27 to 31 March and from 15 June to 7 July 2017, with the participation and contribution of international organizations and civil society representatives;

11. *Also decides* that the conference will hold a one-day organizational session in New York as soon as possible;

12. *Calls upon* States participating in the conference to make their best endeavours to conclude as soon as possible a legally binding instrument to prohibit nuclear weapons, leading towards their total elimination;

13. *Decides* that the conference shall submit a report on its progress to the General Assembly at its seventy-second session, which will assess the progress made in the negotiations and decide the way forward;

14. *Requests* the Secretary-General to provide the support necessary to convene the conference and to transmit the report of the conference to the Conference on Disarmament and the Disarmament Commission and to the United Nations high-level international conference on nuclear disarmament foreseen in paragraph 6 of resolution [68/32](#);

15. *Decides* to include in the provisional agenda of its seventy-second session, under the item entitled “General and complete disarmament”, the sub-item entitled “Taking forward multilateral nuclear disarmament negotiations”.

General Assembly A/RES/71/259. ‘Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices’

[23 December 2016]

The General Assembly,

[Eds . . .]

1. *Urges* the Conference on Disarmament to agree on and implement at its earliest opportunity 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 establish a high-level fissile material cut-off treaty (FMCT) expert preparatory group with a membership of 25 States, chosen on the basis of equitable geographical representation,

which will operate by consensus,⁴ without prejudice to national positions in future negotiations, and which will meet in Geneva for a session of two weeks each in 2017 and in 2018, to consider and make recommendations on substantial elements of a future 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 [CD/1299](#) and the mandate contained therein; the high-level FMCT expert preparatory group will also examine, with a view to making possible recommendations, the report of the Group of Governmental Experts, mandated pursuant to resolution [67/53](#), as contained in document [A/70/81](#), as well

as the views submitted by Member States as contained in documents [A/68/154](#) and Add.1 and [A/71/140/Rev.1](#) and Add.1;

3. *Requests* the Chair of the high-level FMCT expert preparatory group to organize, in New York, two two-day informal consultative meetings, open-ended so that all Member States can engage in interactive discussions and share their views, which the Chair shall convey to the high-level FMCT expert preparatory group for consideration; the first meeting will convene in 2017 to consider the report of the Group of Governmental Experts, as contained in document [A/70/81](#), the second in 2018 in order for the Chair to provide a report in his own capacity on the work of the high-level FMCT expert preparatory group;

4. *Calls upon* the Secretary-General to transmit the report of the high-level FMCT expert preparatory group to the General Assembly at its seventy-third session and to the Conference on Disarmament prior to its 2019 session;

5. *Invites* the Conference on Disarmament to examine the report of the high-level FMCT expert preparatory group 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 the negotiation of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, all activities mandated by the present resolution shall conclude and the work of the high-level FMCT expert preparatory group shall be submitted to the Secretary-General for onward transmittal to the Conference on Disarmament;

7. *Requests* the Secretary-General to render the high-level FMCT expert preparatory group and its Chair all the necessary assistance, including the provision of relevant documents;

8. *Decides* to include in the provisional agenda of its seventy-second 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".

68th plenary meeting 23 December 2016

Other nuclear related resolutions adopted by the 71st Session of the UN General Assembly (with minor updates)

General Assembly [A/RES/71/26](#). African Nuclear-Weapon-Free Zone Treaty

General Assembly [A/RES/71/27](#). Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco)

General Assembly [A/RES/71/29](#). Establishment of a nuclear-weapon-free zone in the region of the Middle East

General Assembly [A/RES/71/30](#). Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

General Assembly [A/RES/71/37](#). Reducing nuclear danger

General Assembly [A/RES/71/43](#). Mongolia's international security and nuclear-weapon-free status

General Assembly [A/RES/71/46](#). Humanitarian consequences of nuclear weapons

General Assembly [A/RES/71/51](#). Nuclear-weapon-free southern hemisphere and adjacent areas

General Assembly [A/RES/71/53](#). Decreasing the operational readiness of nuclear weapons systems

General Assembly [A/RES/71/55](#). Ethical imperatives for a nuclear-weapon-free world

General Assembly [A/RES/71/58](#). Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons

General Assembly [A/RES/71/63](#). Nuclear disarmament

General Assembly [A/RES/71/65](#). Treaty on a Nuclear-Weapon-Free Zone in Central Asia

General Assembly [A/RES/71/66](#). Preventing the acquisition by terrorists of radioactive sources

General Assembly [A/RES/71/71](#). Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament

General Assembly [A/RES/71/75](#). Convention on the Prohibition of the Use of Nuclear Weapons

General Assembly [A/RES/71/83](#). The risk of nuclear proliferation in the Middle East

General Assembly [A/RES/71/86](#). Comprehensive Nuclear-Test-Ban Treaty

General Assembly [A/RES/71/517](#). Open-ended Working Group on the fourth special session of the General Assembly devoted to disarmament (decision)

K– United Nations Security Council

Security Council Resolution 1540

[2004]

The Security Council,

Affirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Reaffirming, in this context, the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the Statement underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Affirming its support for the multilateral treaties whose aim is to eliminate or prevent the proliferation of nuclear, chemical or biological weapons and the importance for all States parties to these treaties to implement them fully in order to promote international stability,

Welcoming efforts in this context by multilateral arrangements which contribute to non-proliferation,

Affirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be used as a cover for proliferation,

Gravely concerned by the threat of terrorism and the risk that non-State actors* such as those identified in the United Nations list established and maintained by the Committee established under Security Council resolution 1267 and those to whom resolution 1373 applies, may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery,

Gravely concerned by the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, and related materials, which adds a new dimension to the issue of proliferation of such weapons and also poses a threat to international peace and security,

Recognizing the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security,

Recognizing that most States have undertaken binding legal obligations under treaties to which they are parties, or have made other commitments aimed at preventing the proliferation of nuclear, chemical or biological weapons, and have taken effective measures to account for, secure and physically protect sensitive materials, such as those required by the Convention on the Physical Protection of Nuclear Materials and those recommended by the IAEA Code of Conduct on the Safety and Security of Radioactive Sources,

Recognizing further the urgent need for all States to take additional effective measures to prevent the proliferation of nuclear, chemical or biological weapons and their means of delivery,

Encouraging all Member States to implement fully the disarmament treaties and agreements to which they are party,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts,

Determined to facilitate henceforth an effective response to global threats in the area of non-proliferation,

Acting under Chapter VII of the Charter of the United Nations,

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 non-proliferation 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 non-proliferation 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.

Security Council Resolution 1887

[2009]

The Security Council,

Resolving to seek a safer world for all and to create the conditions for a world without nuclear weapons, in accordance with the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), in a way that promotes international stability, and based on the principle of undiminished security for all,

Reaffirming the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 (S/23500), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Recalling also that the above Statement (S/23500) underlined the need for all Member States to resolve peacefully in accordance with the Charter any problems in that context threatening or disrupting the maintenance of regional and global stability,

Reaffirming that proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security,

Bearing in mind the responsibilities of other organs of the United Nations and relevant international organizations in the field of disarmament, arms control and non-proliferation, as well as the Conference on Disarmament, and supporting them to continue to play their due roles,

Underlining that the NPT remains the cornerstone of the nuclear

non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy,

Reaffirming its firm commitment to the NPT and its conviction that the international nuclear non-proliferation regime should be maintained and strengthened to ensure its effective implementation, and recalling in this regard the outcomes of past NPT Review Conferences, including the 1995 and 2000 final documents,

Calling for further progress on all aspects of disarmament to enhance global security,

Recalling the Statement by its President adopted at the Council's meeting held on 19 November 2008 (S/PRST/2008/43),

Welcoming the decisions of those non-nuclear-weapon States that have dismantled their nuclear weapons programs or renounced the possession of nuclear weapons,

Welcoming the nuclear arms reduction and disarmament efforts undertaken and accomplished by nuclear-weapon States, and underlining the need to pursue further efforts in the sphere of nuclear disarmament, in accordance with Article VI of the NPT,

Welcoming in this connection the decision of the Russian Federation and the United States of America to conduct negotiations to conclude a new comprehensive legally binding agreement to replace the Treaty on the Reduction and Limitation of Strategic Offensive Arms, which expires in December 2009,

Welcoming and supporting the steps taken to conclude nuclear-weapon-free zone treaties and reaffirming the conviction that the establishment of internationally recognized nuclear-weapon-free zones on the basis of arrangements freely arrived at among the States of the region concerned, and in accordance with the 1999 United Nations Disarmament Commission guidelines, enhances global and regional peace and security, strengthens the nuclear non-proliferation regime, and contributes toward realizing the objectives of nuclear disarmament,

Noting its support, in this context, for the convening of the Second Conference of States Parties and signatories of the Treaties that establish Nuclear-Weapon-Free Zones to be held in New York on 30 April 2010,

Reaffirming its resolutions 825 (1993), 1695 (2006), 1718 (2006), and 1874 (2009),

Reaffirming its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008),

Reaffirming all other relevant non-proliferation resolutions adopted by the Security Council,

Gravely concerned about the threat of nuclear terrorism, and recognizing the need for all States to take effective measures to prevent nuclear material or technical assistance becoming available to terrorists,

Noting with interest the initiative to convene, in coordination with the International Atomic Energy Agency (IAEA), an international conference on the peaceful uses of nuclear energy,

Expressing its support for the convening of the 2010 Global Summit on Nuclear Security,

Affirming its support for the Convention on the Physical Protection of Nuclear Material and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism,

Recognizing the progress made by the Global Initiative to Combat Nuclear Terrorism, and the G-8 Global Partnership,

Noting the contribution of civil society in promoting all the objectives of the NPT,

Reaffirming its resolution 1540 (2004) and the necessity for all States to implement fully the measures contained therein, and calling upon all Member States and international and regional organizations to cooperate actively with the Committee established pursuant to that resolution, including in the course of the comprehensive review as called for in resolution 1810 (2008),

1. *Emphasizes* that a situation of non-compliance with non-proliferation obligations shall be brought to the attention of the

Security Council, which will determine if that situation constitutes a threat to international peace and security, and emphasizes the Security Council's primary responsibility in addressing such threats;

2. *Calls upon* States Parties to the NPT to comply fully with all their obligations and fulfil their commitments under the Treaty;

3. *Notes* that enjoyment of the benefits of the NPT by a State Party can be assured only by its compliance with the obligations thereunder;

4. *Calls upon* all States that are not Parties to the NPT to accede to the Treaty as non-nuclear-weapon States so as to achieve its universality at an early date, and pending their accession to the Treaty, to adhere to its terms;

5. *Calls upon* the Parties to the NPT, pursuant to Article VI of the Treaty, to undertake to pursue negotiations in good faith on effective measures relating to nuclear arms reduction and disarmament, and on a Treaty on general and complete disarmament under strict and effective international control, and calls on all other States to join in this endeavour;

6. *Calls upon* all States Parties to the NPT to cooperate so that the 2010 NPT Review Conference can successfully strengthen the Treaty and set realistic and achievable goals in all the Treaty's three pillars: non-proliferation, the peaceful uses of nuclear energy, and disarmament;

7. *Calls upon* all States to refrain from conducting a nuclear test explosion and to sign and ratify the Comprehensive Nuclear Test Ban Treaty (CTBT), thereby bringing the treaty into force at an early date;

8. *Calls upon* the Conference on Disarmament to negotiate a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices as soon as possible, welcomes the Conference on Disarmament's adoption by consensus of its Program of Work in 2009, and requests all Member States to cooperate in guiding the Conference to an early commencement of substantive work;

9. *Recalls* the statements by each of the five nuclear-weapon States, noted by resolution 984 (1995), in which they give security assurances against the use of nuclear weapons to non-nuclear-weapon State Parties to the NPT, and affirms that such security assurances strengthen the nuclear non-proliferation regime;

10. *Expresses* particular concern at the current major challenges to the non-proliferation regime that the Security Council has acted upon, demands that the parties concerned comply fully with their obligations under the relevant Security Council resolutions, and reaffirms its call upon them to find an early negotiated solution to these issues;

11. *Encourages* efforts to ensure development of peaceful uses of nuclear energy by countries seeking to maintain or develop their capacities in this field in a framework that reduces proliferation risk and adheres to the highest international standards for safeguards, security, and safety;

12. *Underlines* that the NPT recognizes in Article IV the inalienable right of the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II, and recalls in this context Article III of the NPT and Article II of the IAEA Statute;

13. *Calls upon* States to adopt stricter national controls for the export of sensitive goods and technologies of the nuclear fuel cycle;

14. *Encourages* the work of the IAEA on multilateral approaches to the nuclear fuel cycle, including assurances of nuclear fuel supply and related measures, as effective means of addressing the expanding need for nuclear fuel and nuclear fuel services and minimizing the risk of proliferation, and urges the IAEA Board of Governors to agree upon measures to this end as soon as possible;

15. *Affirms* that effective IAEA safeguards are essential to prevent nuclear proliferation and to facilitate cooperation in the field of peaceful uses of nuclear energy, and in that regard:

a. *Calls upon* all non-nuclear-weapon States party to the NPT that have yet to bring into force a comprehensive safeguards

agreement or a modified small quantities protocol to do so immediately;

b. *Calls upon* all States to sign, ratify and implement an additional protocol, which together with comprehensive safeguards agreements constitute essential elements of the IAEA safeguards system;

c. *Stresses* the importance for all Member States to ensure that the IAEA continue to have all the necessary resources and authority to verify the declared use of nuclear materials and facilities and the absence of undeclared activities, and for the IAEA to report to the Council accordingly as appropriate;

16. *Encourages* States to provide the IAEA with the cooperation necessary for it to verify whether a state is in compliance with its safeguards obligations, and affirms the Security Council's resolve to support the IAEA's efforts to that end, consistent with its authorities under the Charter;

17. *Undertakes* to address without delay any State's notice of withdrawal from the NPT, including the events described in the statement provided by the State pursuant to Article X of the Treaty, while noting ongoing discussions in the course of the NPT review on identifying modalities under which NPT States Parties could collectively respond to notification of withdrawal, and affirms that a State remains responsible under international law for violations of the NPT committed prior to its withdrawal;

18. *Encourages* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate, withdraw from, or be found by the IAEA Board of Governors to be in non-compliance with its IAEA safeguards agreement, the supplier state would have a right to require the return of nuclear material and equipment provided prior to such termination, non-compliance or withdrawal, as well as any special nuclear material produced through the use of such material or equipment;

19. *Encourages* States to consider whether a recipient State has signed and ratified an additional protocol based on the model additional protocol in making nuclear export decisions;

20. *Urges* States to require as a condition of nuclear exports that the recipient State agree that, in the event that it should terminate its IAEA safeguards agreement, safeguards shall continue with respect to any nuclear material and equipment provided prior to such termination, as well as any special nuclear material produced through the use of such material or equipment;

21. *Calls for* universal adherence to the Convention on Physical Protection of Nuclear Materials and its 2005 Amendment, and the Convention for the Suppression of Acts of Nuclear Terrorism;

22. *Welcomes* the March 2009 recommendations of the Security Council Committee established pursuant to resolution 1540 (2004) to make more effective use of existing funding mechanisms, including the consideration of the establishment of a voluntary fund, and affirms its commitment to promote full implementation of resolution 1540 (2004) by Member States by ensuring effective and sustainable support for the activities of the 1540 Committee;

23. *Reaffirms* the need for full implementation of resolution 1540 (2004) by Member States and, with an aim of preventing access to, or assistance and financing for, weapons of mass destruction, related materials and their means of delivery by non-State actors, as defined in the resolution, calls upon Member States to cooperate actively with the Committee established pursuant to that resolution and the IAEA, including rendering assistance, at their request, for their implementation of resolution 1540 (2004) provisions, and in this context welcomes the forthcoming comprehensive review of the status of implementation of resolution 1540 (2004) with a view to increasing its effectiveness, and calls upon all States to participate actively in this review;

24. *Calls upon* Member States to share best practices with a view to improved safety standards and nuclear security practices and raise standards of nuclear security to reduce the risk of nuclear terrorism, with the aim of securing all vulnerable nuclear material from such risks within four years;

25. *Calls upon* all States to manage responsibly and minimize to the greatest extent that is technically and economically feasible the use of highly enriched uranium for civilian purposes, including by

working to convert research reactors and radioisotope production processes to the use of low enriched uranium fuels and targets;

26. *Calls upon* all States to improve their national capabilities to detect, deter, and disrupt illicit trafficking in nuclear materials throughout their territories, and calls upon those States in a position to do so to work to enhance international partnerships and capacity building in this regard;

27. *Urges* all States to take all appropriate national measures in accordance with their national authorities and legislation, and consistent with international law, to prevent proliferation financing and shipments, to strengthen export controls, to secure sensitive materials, and to control access to intangible transfers of technology;

28. *Declares* its resolve to monitor closely any situations involving the proliferation of nuclear weapons, their means of delivery or related material, including to or by non-State actors as they are defined in resolution 1540 (2004), and, as appropriate, to take such measures as may be necessary to ensure the maintenance of international peace and security;

29. *Decides* to remain seized of the matter.

Security Council Resolution 1977

[2011]

The Security Council,

Reaffirming its resolutions 1540 (2004) of 28 April 2004, 1673 (2006) of 27 April 2006 and 1810 (2008) of 25 April 2008,

Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

Reaffirming the need for all Member States to comply fully with their obligations and fulfil their commitments in relation to arms control, disarmament and non-proliferation in all its aspects of all weapons of mass destruction and their means of delivery,

Reaffirming that prevention of proliferation of nuclear, chemical and biological weapons should not hamper international cooperation in materials, equipment and technology for peaceful purposes while goals of peaceful utilization should not be misused for proliferation purposes,

Remaining gravely concerned by the threat of terrorism and the risk that non state actors may acquire, develop, traffic in or use nuclear, chemical, and biological weapons and their means of delivery,

Reaffirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the United Nations Charter,

Reaffirming its decision that none of the obligations in resolution 1540 (2004) shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons,

Noting that international cooperation between States, in accordance with international law, is required to counter the illicit trafficking by non-State actors in nuclear, chemical and biological weapons, their means of delivery and related materials,

Recognizing the need to enhance coordination of efforts at national, regional, subregional and international levels, as appropriate, in order to strengthen a global response to the serious challenge and threat to international peace and security posed by the proliferation of weapons of mass destruction and their means of delivery,

Emphasizing the need for States to take all appropriate national measures in accordance with their national authorities and legislation, and consistent with international law, to strengthen export controls, to control access to intangible transfers of technology and to information that could be used for weapons of

mass destruction and their means of delivery, to prevent proliferation financing and shipments, and to secure sensitive materials,

Endorsing the work already carried out by the Committee established pursuant to resolution 1540 (2004), hereafter the 1540 Committee, in accordance with its programmes of work, including the establishment of the working groups for facilitating implementation of the Programme of Work,

Recognizing States' progress in implementing resolution 1540 (2004), while noting that States have taken fewer measures in some of its areas,

Endorsing also the valuable activities of the 1540 Committee with relevant international regional and subregional organizations,

Taking note of international efforts towards full implementation of resolution 1540 (2004), including on preventing the financing of proliferation-related activities, and taking into consideration the guidance of the framework of the Financial Action Task Force (FATF),

Noting that not all States have presented to the 1540 Committee their national reports on implementation of resolution 1540 (2004),

Further noting that the full implementation of resolution 1540 (2004) by all States, including the adoption of national laws and measures to ensure implementation of these laws, is a long-term task that will require continuous efforts at national, regional and international levels,

Recognizing, in that regard, the importance of dialogue between the 1540 Committee and Member States and stressing that direct contact is an effective means of such dialogue,

Recognizing that many States continue to require assistance in implementing resolution 1540 (2004), emphasizing the importance of providing States, in response to their requests, with effective assistance that meets their needs, and welcoming the coordinating and facilitating role of the 1540 Committee in this regard,

Stressing, in that regard, the need of enhanced assistance and collaboration among States, between the 1540 Committee and States, and between the 1540 Committee and relevant international, regional and subregional organizations in assisting States to implement resolution 1540 (2004),

Recognizing the importance of progress towards achieving the goals and objectives of the 2010 Nuclear Security Summit as a contribution to the effective implementation of Security Council resolution 1540 (2004),

Calling on States to work together urgently to prevent and suppress acts of nuclear terrorism including through increased cooperation and full implementation of the relevant international conventions, and through appropriate measures to reinforce the existing legal framework with a view to ensure that those committing offences of nuclear terrorism are effectively held accountable,

Endorsing the 2009 comprehensive review of the status of implementation of resolution 1540 and taking note of the findings and recommendations contained in its final document,

Acting under Chapter VII of the Charter of the United Nations:

1. *Reiterates* its decisions in and the requirements of resolution 1540 (2004), and re-emphasizes the importance for all States to implement fully that resolution;

2. *Decides* to extend the mandate of the 1540 Committee for a period of 10 years until 25 April 2021;

3. *Decides* that the 1540 Committee will conduct a comprehensive review on the status of implementation of resolution 1540 (2004), both after five years and prior to the renewal of its mandate, including, if necessary, recommendations on adjustments to the mandate, and will submit to the Security Council a report on the conclusions of those reviews, and decides that, accordingly, the first review should be held before December 2016;

4. *Again decides* that the 1540 Committee should submit an annual Programme of Work to the Security Council before the end of each May, and decides that next Programme of Work will be prepared before 31 May 2011;

5. *Decides* to continue to provide the 1540 Committee with the assistance of experts, and to this end:

(a) *Requests* the Secretary-General to establish, in consultation with the 1540 Committee, a group of up to eight experts ("group of experts"), acting under the direction and purview of the Committee, composed of individuals with the appropriate experience and knowledge to provide the Committee with expertise, to assist the Committee in carrying out its mandate under resolutions 1540 (2004), 1673 (2006), 1810 (2008) and this resolution, including through facilitation of assistance to improve implementation of resolution 1540 (2004);

(b) *Requests*, in that regard, the 1540 Committee to consider recommendations for the Committee and the group of experts on expertise requirements, broad geographic representation, working methods, modalities, and structure, including consideration of the feasibility of a coordination and leadership position of the group of experts, and to present these recommendations to the Security Council no later than 31 August 2011;

Implementation

6. *Again 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 Committee without delay;

7. *Again encourages* all States that have submitted such reports to provide, when appropriate or upon the request of the 1540 Committee, additional information on their implementation of resolution 1540 (2004), including, voluntarily, on States' effective practices;

8. *Encourages* all States to prepare on a voluntary basis national implementation action plans, with the assistance of the 1540 Committee as appropriate, mapping out their priorities and plans for implementing the key provisions of resolution 1540 (2004), and to submit those plans to the 1540 Committee;

9. *Decides* that the 1540 Committee shall continue to intensify its efforts to promote the full implementation by all States of resolution 1540 (2004), through its Programme of Work, which includes the compilation and general examination of information on the status of States' implementation of resolution 1540 (2004) as well as States' efforts at outreach, dialogue, assistance and cooperation; and which addresses in particular all aspects of paragraphs 1, 2 and 3 of that resolution, 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 exports and trans-shipments; and includes, as necessary, specific priorities for its work, taking into account its annual review on the implementation of resolution 1540 (2004), prepared with the assistance of the group of experts before the end of each December;

10. *Urges* the 1540 Committee to continue to engage actively with States and relevant international, regional and subregional organizations to promote the sharing of experience, lessons learned and effective practices, in the areas covered by resolution 1540 (2004), drawing in particular on information provided by States as well as examples of successful assistance, and to liaise on the availability of programmes which might facilitate the implementation of resolution 1540 (2004), while bearing in mind that customized assistance is useful for the effective implementation of resolution 1540 (2004) at national levels;

11. *Encourages*, in that regard, the 1540 Committee, with the support of necessary relevant expertise, to actively engage in dialogue with States on the implementation of resolution 1540 (2004), including through visits to States at their invitation;

12. *Requests* the 1540 Committee, with the support of the group of experts, to identify effective practices, templates and guidance, with a view to develop a compilation, as well as to consider preparing a technical reference guide about resolution 1540 (2004), to be used by States on a voluntary basis in implementing resolution 1540 (2004), and in that regard, encourages the 1540 Committee, at its discretion, to draw also on relevant expertise, including, civil society and the private sector, with, as appropriate, their State's consent;

Assistance

13. *Encourages* States that have requests for assistance to convey them to the 1540 Committee, and encourages them to make use of the Committee's assistance template to that effect;

14. *Urges* States and relevant international, regional and subregional organizations to inform the Committee as appropriate of areas in which they are able to provide assistance; and calls upon States and such organizations, if they have not done so previously, to provide the 1540 Committee with a point of contact for assistance by 31 August 2011;

15. *Urges* the 1540 Committee to continue strengthening the Committee's role in facilitating technical assistance for implementation of resolution 1540 (2004), in particular by engaging actively, with the support of the group of experts, in matching offers and requests for assistance, through such means as visits to States, at the invitation of the State concerned, assistance templates, action plans or other information submitted to the 1540 Committee;

16. *Supports* the continued efforts of the 1540 Committee to secure a coordinated and transparent assistance process that provides timely and ready availability of information for States seeking assistance and for States prepared to provide assistance;

17. *Encourages* meetings on assistance issues with the participation of the 1540 Committee, between States prepared to offer assistance, States requesting assistance, other interested States, and relevant international, regional and subregional organizations;

Cooperation with International, Regional, and Subregional Organizations

18. *Calls upon* relevant international, regional and subregional organizations to designate and provide the 1540 Committee by 31 August 2011 with a point of contact or coordinator for the implementation of resolution 1540 (2004); and encourages them to enhance cooperation and information sharing with the 1540 Committee on technical assistance and all other issues of relevance for the implementation of resolution 1540 (2004);

19. *Reiterates* the need to continue to enhance ongoing cooperation among the 1540 Committee, the Security Council Committee established pursuant to resolution 1267 (1999), concerning Al-Qaida and the Taliban, and the Security Council Committee established pursuant to resolution 1373 (2001), concerning counter-terrorism, including through, as appropriate, enhanced information sharing, coordination on visits to States, within their respective mandates, technical assistance and other issues of relevance to all three committees; and expressing its intention to provide guidance to the committees on areas of common interest in order to better coordinate their efforts;

Transparency and Outreach

20. *Requests* the 1540 Committee to continue to institute transparency measures and activities, inter alia by making fullest possible use of the Committee's website, and urges the Committee to conduct, with the participation of the group of experts, regular meetings open to all Member States on the Committee's and group's activities related to the aforementioned objectives;

21. *Requests* the 1540 Committee to continue to organize and participate in outreach events on the implementation of resolution 1540 (2004) at the international, regional, subregional, and, as appropriate, national level, and promote the refinement of these outreach efforts to focus on specific thematic and regional issues related to implementation;

Administration and Resources

22. *Recognizes* that implementation of the mandate of the 1540 Committee requires sustained support and adequate resources; and to that end:

(a) *Endorses* the existing administrative and logistics support to the 1540 Committee from the Office for Disarmament Affairs, and decides that the Committee should report to the Council by January 2012 on the possibility of strengthening this support, including through strengthening of ODA's regional capacity to support the implementation of the resolution at

regional, subregional and national levels;

(b) *Calls upon* the Secretariat to provide and maintain sufficient expertise to support activities of the 1540 Committee as outlined in the present resolution;

(c) *Encourages* States that are able to do so to provide resources to the Office of Disarmament Affairs to assist States in implementing their 1540 obligations, and to make available "in kind" contributions or cost-free training and expertise to the 1540 Committee to help the group of experts meet requests for assistance in a timely and effective manner;

(d) *Invites* the 1540 Committee to consider developing, in close cooperation with relevant international, regional and subregional organizations and other United Nations bodies, ways to utilize and maintain expertise, including, in particular, of former experts of the group, that could be made available for specific missions and assistance needs regarding the implementation of resolution 1540 (2004);

(e) *Urges* the 1540 Committee to continue to encourage and take full advantage of voluntary financial contributions to assist States in identifying and addressing their needs for the implementation of resolution 1540 (2004), and requests the 1540 Committee at its discretion, to promote the efficient and effective use of the existing funding mechanisms within the United Nations system;

23. *Decides* to remain seized of the matter.

Security Council Resolution 2310

[2016]

The Security Council,

Recalling its resolution 1887 (2009), and reaffirming its firm commitment to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in all its aspects,

Reaffirming the Statement of its President adopted at the Council's meeting at the level of Heads of State and Government on 31 January 1992 ([S/23500](#)), including the need for all Member States to fulfil their obligations in relation to arms control and disarmament and to prevent proliferation in all its aspects of all weapons of mass destruction,

Underlining that the NPT remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of nuclear disarmament and for the peaceful uses of nuclear energy,

Reaffirming that proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security,

Recalling that the Comprehensive Nuclear-Test-Ban Treaty (Treaty), adopted by the General Assembly by its resolution 50/245 of 10 September 1996, was opened for signature on 24 September 1996, and that States Signatories, by their resolution on 19 November 1996, including paragraph 7 thereof, established the Preparatory Commission (PrepCom) for the Comprehensive Nuclear -Test-Ban Treaty Organization,

Recognizing that a universal and internationally and effectively verifiable test ban treaty that has entered into force is the most effective way to ban nuclear - weapon test explosions and any other nuclear explosions, and that an end to all such nuclear-weapon test explosions and any other nuclear explosions will constrain the development and qualitative improvement of nuclear weapons and end the development of advanced new types of nuclear weapons,

Recognizing that early entry into force of the Treaty will constitute an effective nuclear disarmament and non-proliferation measure that would contribute to the achievement of a world without nuclear weapons,

Welcoming progress made towards universalization of the Treaty, *noting* that 183 States have signed the Treaty and 166 States have deposited their instruments of ratification, and *further noting* that of the 44 States listed in Annex 2 to the Treaty, whose ratification is needed for its entry into force, 41 have signed and 36 have both signed and ratified the Treaty, including several nuclear weapons States,

Welcoming the efforts of Member States of the PrepCom and its Provisional Technical Secretariat to build all elements of the Treaty's verification regime, unprecedented in its global reach, *recognizing* the maturity of and progress achieved in the establishment of the International Monitoring System (IMS), as well as the satisfactory functioning of the International Data Centre (IDC) that has demonstrated its ability to provide independent and reliable means to ensure compliance with the Treaty once it enters into force, and *emphasizing* the continuing progress in developing, exercising, and demonstrating the advanced technologies and logistical capabilities necessary to execute on-site inspections,

Stressing the vital importance and urgency of achieving the early entry into force of the Treaty,

1. *Urges* all States that have either not signed or not ratified the Treaty, particularly the eight remaining Annex 2 States, to do so without further delay;

2. *Encourages* all State Signatories, including Annex 2 States, to promote the universality and early entry into force of the Treaty;

3. *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;

4. *Calls upon* all States to refrain from conducting any nuclear-weapon test explosion or any other nuclear explosion and to maintain their moratoria in this regard, *commends* those States' national moratoria, some of which are established by national legislation pending entry into force of the Treaty, *emphasizes* that such moratoria are an example of responsible international behaviour that contributes to international peace and stability and should continue, while stressing that such moratoria do not have the same permanent and legally binding effect as entry into force of the Treaty, and *notes* the Joint Statement on the Comprehensive Nuclear Test-Ban Treaty by China, France, the Russian Federation, the United Kingdom, and the United States of America of September 15, 2016, in which those States noted that, inter alia, "a nuclear-weapon test explosion or any other nuclear explosion would defeat the object and purpose of the CTBT";

5. *Underlines* the need to maintain momentum towards completion of all elements of the Treaty verification regime, and in this regard, calls upon all States to provide the support required to enable the PrepCom to complete all its tasks in the most efficient and cost effective way, and encourages all States hosting International Monitoring System facilities to transmit data to the IDC on a testing and provisional basis, pending entry into force of the Treaty;

6. *Welcomes* the voluntary information in the national statements in the PrepCom by States listed in Annex 1 to the Protocol to the Treaty as responsible for one or more facilities of the IMS on the status of completing the construction of those facilities as well as regarding the status of transmission of data from their facilities to the IDC, encourages States hosting IMS facilities to complete construction of the IMS facilities in a timely manner as provided for by the

Treaty and text on the establishment of the PrepCom, and invites the Provisional Technical Secretariat to provide a report to all State Signatories within 180 days of the adoption of this resolution on the status of States Signatories assessed contributions to the PrepCom and any additional support provided by State Signatories for the completion of the Treaty's verification regime and for the maintenance and operational needs for the IDC and IMS;

7. *Recognizes* that even absent entry into force of the Treaty the monitoring and analytical elements of the verification regime, operating on a testing and provisional basis, are at the disposal of the international community in conformity with the Treaty and under the guidance of the Preparatory Commission, and that such elements contribute to regional stability as a significant confidence-building measure, and strengthen the nuclear non-proliferation

and disarmament regime;

8. *Affirms* that entry into force of the Treaty will contribute to the enhancement of international peace and security through its effective prevention of the proliferation of nuclear weapons in all its aspects and through its contribution to nuclear disarmament and recognizes that the Provisional Technical Secretariat has demonstrated its utility in bringing tangible scientific and civil benefits to States, for example through early tsunami warnings and seismological monitoring, and in this regard encourages the PrepCom to consider ways to ensure that these benefits can be broadly shared by the international community in conformity with the Treaty, through capacity building and the sharing of relevant expertise on the verification regime;

9. *Decides to remain seized of the matter.*

L – Nuclear Weapon Testing Treaties

Comprehensive Test Ban Treaty

[Opened for signature 24 September 1996,
not in force 01 March 2015]

[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 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 a Amendment Conference.

3. Any proposal for an amendment shall be communicated to the Director-General, who shall circulate it to all States Parties and the Depositary and seek the views of the States Parties on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Director-General no later than 30 days after its circulation that they support further consideration of the proposal, the Director-General shall convene an Amendment Conference to which all States Parties shall be invited.

4. The Amendment Conference shall be held immediately following a regular session of the Conference unless all States Parties that support the convening of an Amendment Conference request that it be held earlier. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

5. Amendments shall be adopted by the Amendment Conference by a positive vote of a majority of the States Parties with no State Party casting a negative vote.

6. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all those States Parties casting a positive vote at the Amendment Conference.

7. In order to ensure the viability and effectiveness of this Treaty, Parts I and III of the Protocol and Annexes 1 and 2 to the Protocol shall be subject to changes in accordance with paragraph 8, if the proposed changes are related only to matters of an administrative or technical nature. All other provisions of the Protocol and the Annexes thereto shall not be subject to changes in accordance with paragraph 8.

8. Proposed changes referred to in paragraph 7 shall be made in accordance with the following procedures:

(a) The text of the proposed changes shall be transmitted together with the necessary information to the Director-General. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties, the Executive Council and the Depositary;

(b) No later than 60 days after its receipt, the Director-General shall evaluate the proposal to determine all its possible consequences for the provisions of this Treaty and its implementation and shall communicate any such information

to all States Parties and the Executive Council;

(c) The Executive Council shall examine the proposal in the light of all information available to it, including whether the proposal fulfils the requirements of paragraph 7. No later than 90 days after its receipt, the Executive Council shall notify its recommendation, with appropriate explanations, to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;

(d) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no state Party objects to it within 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no State Party objects to the rejection within 90 days after receipt of the recommendation;

(e) If a recommendation of the Executive Council does not meet with the acceptance required under sub-paragraph (d), a decision on the proposal, including whether it fulfils the requirements of paragraph 7, shall be taken as a matter of substance by the Conference at its next session;

(f) The Director-General shall notify all States Parties and the Depositary of any decision under this paragraph;

(g) Changes approved under this procedure shall enter into force for all States Parties 180 days after the date of notification by the Director-General of their approval unless another time period is recommended by the Executive Council or decided by the Conference.

Article VIII Review of the Treaty

1. Unless otherwise decided by a majority of the States Parties, ten years after the entry into force of this Treaty a Conference of the States Parties shall be held to review the operation and effectiveness of this Treaty, with view to assuring itself that the objectives and purposes in the Preamble and the provisions of the Treaty are being realized. Such review shall take into account any new scientific and technological developments relevant to this Treaty. On the basis of a request by any State Party, the Review Conference shall consider the possibility of permitting the conduct of underground nuclear explosions for peaceful purposes. If the Review Conference decides by consensus that such nuclear explosions may be permitted, it shall commence work without delay, with a view to recommending to States Parties an appropriate amendment to this Treaty that shall preclude any military benefits of such nuclear explosions. Any such proposed amendment shall be communicated to the Director-General by any State Party and shall be dealt with in accordance with the provisions of Article VII.

2. At intervals of ten years thereafter, further Review Conferences may be convened with the same objective, if the Conference so decides as a matter of procedure in the preceding year. Such Conferences may be convened after an interval of less than ten years if so decided by the Conference as a matter of substance.

3. Normally, any Review Conference shall be held immediately following the regular annual session of the Conference provided for in Article II.

Article IX Duration and Withdrawal

1. This Treaty shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests.

3. Withdrawal shall be effected by giving notice six months in advance to all other States Parties, the Executive Council, the Depositary and the United Nations Security Council. Notice of withdrawal shall include a statement of the extraordinary event or events which a State Party regards as jeopardizing its supreme interests.

Article X Status of the Protocol and the Annexes

The Annexes to this Treaty, the Protocol, and the Annexes to the Protocol form an integral part of the Treaty. Any reference to this Treaty, includes the Annexes to this Treaty, the Protocol and the Annexes to the Protocol.

Article XI Signature

This Treaty shall be open to all States for signature before its entry

into force.

Article XII Ratification

This Treaty shall be subject to ratification by signatory States according to their respective constitutional processes.

Article XIII Accession

Any State which does not sign this Treaty before its entry into force may accede to it at any time thereafter.

Article XIV Entry into Force

1. This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty, but in no case earlier than two years after its opening for signature.
2. If this Treaty has not entered into force three years after the date of the anniversary of its opening for signature, the Depositary shall convene a Conference of the States that have already deposited their instruments of ratification on the request of a majority of those States. That Conference shall examine the extent to which the requirement set out in paragraph 1 has been met and shall consider and decide by consensus what measures consistent with international law may be undertaken to accelerate the ratification process in order to facilitate the early entry into force of this Treaty.
3. Unless otherwise decided by the Conference referred to in paragraph 2 or other such conferences, this process shall be repeated at subsequent anniversaries of the opening for signature of this Treaty, until its entry into force.
4. All States Signatories shall be invited to attend the Conference referred to in paragraph 2 and any subsequent conferences as referred to in paragraph 3, as observers.
5. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instruments of ratification or accession.

Article XV Reservations

The Articles of and the Annexes to this Treaty shall not be subject to reservations. The provisions of the Protocol to this Treaty and the Annexes to the Protocol shall not be subject to reservations incompatible with the object and purpose of this Treaty.

Article XVI Depositary

1. The Secretary-General of the United Nations shall be the Depositary of this Treaty and shall receive signatures, instruments of ratification and instruments of accession.
2. The Depositary shall promptly inform all States Signatories and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of the entry into force of this Treaty and of any amendments and changes thereto, and the receipt of other notices.
3. The Depositary shall send duly certified copies of this Treaty to the Governments of the States Signatories and acceding States.
4. This Treaty shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

Article XVII Authentic Texts

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

Annex 1 to the Treaty

List of States Pursuant to Article II, Paragraph 28

Africa

Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo, Cote d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome & Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Zaire, Zambia, Zimbabwe.

Eastern Europe

Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Latvia, Lithuania, Moldova, Poland, Romania, Russian Federation, Slovakia, Slovenia, The former Yugoslav Republic of Macedonia, Ukraine, Yugoslavia.

Latin America and the Caribbean

Antigua and Barbuda, Argentina, Bahamas, Barbados, Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, 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 01 April 2017]

Total Signed: 183 Total Ratified: 166

Joint Statement on the Comprehensive Nuclear-Test-Ban Treaty by the Nuclear Nonproliferation Treaty Nuclear-Weapon States

[15 September, 2016]

Our commitment to nuclear disarmament extends to efforts to bring the Comprehensive Nuclear-Test-Ban Treaty (CTBT) into force at an early date. We welcome that 183 States have signed the treaty and 166 States have ratified the Treaty, including several nuclear weapons States. We pledge to strive for the Treaty's early ratification and prompt entry into force and urge all states that have not done so to sign and ratify the treaty. We take this opportunity to reaffirm our own moratoria on nuclear weapons test explosions or any other nuclear explosions pending the CTBT's entry into force, as such moratoria are an example of responsible international behavior that contributes to international peace and stability, while stressing that such moratoria do not have the same permanent legally binding effect as entry into force. We call on other states to do likewise, recognizing that a nuclear-weapon test explosion or any other nuclear explosion would defeat the object and purpose of the CTBT.

The CTBT constrains the development and qualitative improvement of nuclear weapons and thereby provides an effective disarmament and nonproliferation measure. We further note that our nuclear stockpile maintenance and stewardship programs are consistent with NPT and CTBT objectives. We emphasize the very substantial efforts made in achieving the cessation of the nuclear arms race as called for in Article VI of the NPT and affirm our intention never to engage in such an arms race.

We are working closely with the Preparatory Commission for the CTBT Organization in Vienna on the development of the Treaty's verification regime, including its International Monitoring System, International Data Centre, and On-Site Inspection, while recognizing the high effectiveness and reliability of this regime to date, the Preparatory Commission is currently operating the IMS and IDC, and their respective means of communication, on a testing and provisional basis. We continue to contribute extensively to the development of the Treaty's on-site inspection element, supplying personnel, equipment, and research. This has been in addition to our long standing efforts to reinforce the organization's detection capability through contributions in-kind, equipment transfers, and expert participation in Working Groups. We also call for all signatories to support efforts to complete the necessary preparation for the effective implementation of the CTBT's verification regime, on its entry into force.

Joint Ministerial Statement on the Comprehensive Nuclear-Test-Ban Treaty

[21 September 2016]

This year, as the international community marks the twentieth anniversary of the opening of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) for signature, we, the Foreign Ministers issuing this statement, stand united in our commitment to promote and pursue its entry into force without further delay.

We regard the Treaty to be a core element of the international nuclear disarmament and non-proliferation regime and its entry into force as a major contribution to international peace and security. The total ban on any nuclear weapon test explosions, or any other nuclear

explosions, established by the CTBT will contribute to a world without nuclear weapons by constraining their development and qualitative improvement.

We welcome the significant progress made towards the universality of the Treaty, with signature by 183 States and ratification by 166 States to date. We particularly welcome a number of positive developments since our last meeting, including: the ratification of the Treaty by Angola, Myanmar, and Swaziland; the adoption of a Declaration and Measures to Promote the Entry into Force of the CTBT by the Article XIV Conference in September 2015; and the convening of the 20th Anniversary Ministerial Meeting in Vienna in June 2016.

There is more work to be done. We urge all States that have not yet done so to sign and ratify the Treaty without delay, in particular the remaining eight States listed in Annex 2 of the Treaty. We appeal to all States to make the utmost efforts to achieve its prompt entry into force. We dedicate ourselves individually and jointly to continuing to raise awareness among the general public and to advocate at the highest political levels. We must ensure that the resolute determination of the international community to bring the CTBT into force is finally realized.

Pending the entry into force of the Treaty, which remains our urgent goal due to its legally-binding effect, we call upon all States to maintain all existing moratoria on nuclear weapon test explosions and other nuclear explosions and to refrain from any action that would undermine the Treaty's object and purpose. However, these do not have the same permanent and legally-binding effect to end nuclear weapons testing and all other nuclear explosions, which will only be achieved by the entry into force of the Treaty. We must finish the work we started twenty years ago.

The Democratic People's Republic of Korea (DPRK) is the only country that has conducted nuclear tests in this century. We condemn in the strongest terms its nuclear tests in 2006, 2009, 2013 and in January and September of 2016 and demand that DPRK refrain from conducting further nuclear tests. We urge DPRK to fully comply with all relevant United Nations Security Council resolutions and all its commitments under the 2005 Joint Statement of the Six-Party Talks, to abandon all its nuclear weapons and existing nuclear programmes and immediately cease all related activities. We continue to underline the need for a peaceful solution of the DPRK nuclear issue.

We welcome advances made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization and its Provisional Technical Secretariat in ensuring the Treaty's verification regime is robust and world-class. Today, the International Monitoring System is nearing completion and, in addition to advancing the Treaty's primary nuclear non-proliferation and disarmament objective, it plays an important role in scientific and civilian applications, including providing accurate, timely data about earthquakes, tsunamis and nuclear accidents. We promote scientific cooperation between States in support of the verification regime and we reaffirm our commitment to support the effective and efficient completion and maintenance of all its elements and related capacity-building activities. We urge all States signatories to support these efforts and to bring about the Treaty's entry into force.

Final Declaration and Measures to Promote The Entry Into Force Of The Comprehensive Nuclear-Test-Ban Treaty Conference on Facilitating the Entry into Force of the Comprehensive Nuclear-Test-Ban Treaty

[29 September 2015]

Final Declaration

1. We, the ratifying States, together with other States

Signatories, met in New York on 29 September 2015 to discuss concrete measures to facilitate the urgent entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT). We affirm that a universal and effectively verifiable Treaty constitutes a fundamental instrument in the field of nuclear disarmament and non-proliferation. In view of 2015 being the 70th year since the atomic bombings of Hiroshima and Nagasaki near the end of World War II which brought untold devastation on mankind, and 2016 being the 25th anniversary of shutting down of the Semipalatinsk nuclear test site in Kazakhstan and the 20th anniversary of the opening for signature of the CTBT, we reaffirm the vital importance and urgency of the entry into force of the CTBT. We therefore urge all States to remain seized of the issue at the highest political level.

2. We reaffirm that overwhelming support for the Treaty and the urgency of its entry into force has been expressed by the United Nations General Assembly as most recently in resolution A/RES/69/81. The United Nations Security Council Summit on nuclear non-proliferation and nuclear disarmament in New York on 24 September 2009, which adopted resolution 1887, and the adoption by consensus of the conclusions and recommendations for follow-up actions 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 and support to see this Treaty brought into force. We recall the deep concern expressed in the outcome document of the 2010 NPT Review Conference with respect to the catastrophic humanitarian consequences of any use of nuclear weapons. We reconfirm that wide support was expressed at the NPT Review Conferences since the CTBT opened for signature in 1996 for the importance of the entry into force of the CTBT at the earliest possible date as a vital multilateral instrument for nuclear disarmament and nuclear non-proliferation.

3. We reiterate the importance of the process of the Conference on Facilitating the Entry into Force of the CTBT. We welcome the range of mutually supportive ratification outreach activities, including, among others, activities of the Group of Eminent Persons (GEM) and individual efforts by States Signatories including the “Friends of the CTBT” Ministerial Meeting, which share the objective of early entry into force of the Treaty. We commend the support given by the Executive Secretary and the Provisional Technical Secretariat (PTS) of the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) to those activities.

4. We welcome that 183 States have signed and 164 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 three States (Niue, the Congo, Angola) since the 2013 Conference on Facilitating the Entry into Force of the CTBT. We urge the remaining eight Annex 2 States (listed in the Appendix), whose ratification is necessary for the entry into force of the CTBT, to sign and ratify the CTBT without further delay, bearing in mind that the CTBT was opened for signature almost 20 years ago, and call upon these States to take individual initiatives to sign and ratify the CTBT. In this regard, we would welcome opportunities to engage with the non-signatory States, in particular Annex 2 States. We would therefore like to encourage these States to participate in future sessions of the CTBTO Preparatory Commission as observers.

5. 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. 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.

6. Within the mandate of the CTBT with regard to the prohibition of nuclear tests, we strongly deplore the nuclear tests conducted by the Democratic People's Republic of Korea (DPRK) in 2006, 2009 and 2013 and express serious concern over its nuclear programme, which undermines the global non-proliferation regime. In this regard, we urge the DPRK not to conduct any further nuclear tests and to fully comply with all relevant United Nations Security Council (UNSC) Resolutions and the 19 September 2005 Joint Statement of the Six-Party Talks and take concrete steps to honour its relevant commitments and obligations, including abandoning all its nuclear weapons and existing nuclear programmes and immediately ceasing all related activities. We continue to underline the need for a peaceful solution of the DPRK nuclear issue through full implementation of all relevant UNSC Resolutions and the 19 September 2005 Joint Statement of the Six-Party Talks. We also believe that the aforementioned nuclear tests highlight the urgent need for the early entry into force of the Treaty. In addition, we appreciate the effectiveness of the CTBT verification regime demonstrated in response to the nuclear tests by the DPRK.

7. We reaffirm our strong belief that it is essential to maintain momentum in building all elements of the verification regime, which 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 the political and tangible support required to enable the Preparatory Commission for the CTBTO to complete all its tasks in the most efficient and cost effective way, in particular the further build-up of the all elements of the verification regime. In this regard, we note with satisfaction the maturity of and progress achieved in the establishment of the International Monitoring System (IMS), which currently has 281 certified facilities; the satisfactory functioning of the International Data Centre (IDC) that has demonstrated its ability to provide the international community with independent and reliable means to ensure compliance with the CTBT once it enters into force; and the continuing progress in developing on-site inspection capabilities to build upon the successful conduct of the 2014 Integrated Field Exercise in Jordan. We welcome transmission of IMS data to the IDC by all States on the testing and provisional operational basis before the entry into force of the Treaty in accordance with the approved guidelines of the Nineteenth Session of the Preparatory Commission.

8. While bearing in mind the Treaty's objective regarding nuclear non-proliferation and disarmament, we are encouraged by the fact that the IMS and the IDC of the CTBT verification regime in addition to its mandate have also demonstrated their utility in bringing tangible scientific and civil benefits, including for tsunami warning systems and possibly other disaster alert systems. 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. We also recognize the importance of capacity building and the sharing of relevant expertise on the verification regime.

9. We reaffirm our determination to take concrete and actionable steps towards early entry into force and

universalization of the Treaty and to this end adopt the following measures:

- (a) Spare no effort and use all avenues open to us to encourage further signature and ratification of the Treaty, and urge all States to sustain the momentum generated by this Conference and remain seized of the issue at the highest political level;
- (b) Support and encourage mutually supportive outreach initiatives and activities at bilateral, regional and multilateral levels to promote the entry into force and universalization of the Treaty;
- (c) Encourage ratifying States to continue the practice of designating coordinators to promote cooperation aimed at promoting further signatures and ratifications, taking note of a coordinators' action plan to implement the measures adopted in this Declaration;
- (d) Establish a contact list of countries among ratifying States which volunteer to assist the coordinators in various regions in promoting activities to achieve early entry into force of the Treaty;
- (e) Recognize the role of GEM in assisting activities of ratifying States to promote the objectives of the Treaty and to facilitate its early entry into force;
- (f) Encourage all States to actively participate in the annual International Day against Nuclear Tests as established by the United Nations General Assembly resolution A/RES/64/35, which has been instrumental in increasing awareness and education about the effects of nuclear weapon test explosions and all other nuclear explosions;
- (g) Encourage the organization of regional seminars in conjunction with various regional meetings in order to increase the awareness of the important role that the Treaty plays and encourage the sharing of experience within regions;
- (h) 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 for the purpose of ratification outreach;
- (i) Call upon the Preparatory Commission to continue promoting understanding of the Treaty, including through education and training initiatives, and demonstrating the benefits of the civil and scientific applications of the verification technologies to wider audiences and bearing in mind the purpose and specific mandates as foreseen in the Treaty;
- (j) Request that the PTS 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 list of national contact points for the exchange and dissemination of relevant information and documentation;
- (k) Request the PTS to continue to act as a 'focal point' for collecting information on 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 other States Signatories;
- (l) 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;
- (m) Reaffirm the need to fully support the work of the Preparatory Commission to complete the verification regime through international cooperation and the need to continue capacity building and the sharing of expertise;
- (n) Encourage all States to participate and contribute to the completion of the verification regime and support the Preparatory Commission in its endeavours to enhance the effectiveness of the CTBTO through technical and political support to the PTS.

[Eds...]

M – Nuclear-Weapon-Free Zone Treaties

Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean [Treaty of Tlatelolco]

[Opened for signature on 14 February 1967, entered into force for each government individually with the Amendments adopted by the General Conference Articles 7, 14, 15, 16, 19, 20 and 25]

Preamble

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean;

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighborliness;

Recalling that the United Nations General Assembly, in its Resolution 808 (IX), unanimously adopted as one of the three points of a coordinated programme of disarmament “the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type”;

Recalling that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage;

Recalling United Nations General Assembly Resolution 1911 (XVIII), which established that the measures that should be agreed upon for the denuclearization of Latin America and the Caribbean should be taken “in the light of the principles of the Charter of the United Nations and of regional agreements”;

Recalling United Nations General Assembly Resolution 2028 (XX), which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

Recalling that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

Convinced:

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured;

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately may even render the whole earth uninhabitable;

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand;

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration;

That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions;

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist;

That the privileged situation of the Signatory States, whose

territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind;

That the existence of nuclear weapons in any country of Latin America and the Caribbean would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development;

That the foregoing reasons, together with the traditional peace loving outlook of Latin America and the Caribbean, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American and Caribbean countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples,

Convinced finally:

That the military denuclearization of Latin America and the Caribbean -being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America and the Caribbean, faithful to their tradition of universality, must not only endeavor to banish from their homelands the scourge of a nuclear war, but also strive to promote the well-being and advancement of their peoples, at the same time co-operating in the fulfillment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

Have agreed as follows:

Obligations – Article 1

1. The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:
 - a. The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and
 - b. The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

2. The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

Definition of the Contracting Parties – Article 2

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

Definition of territory – Article 3

For the purposes of this Treaty, the term “territory” shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

Zone of Application – Article 4

1. The Zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

2. Upon fulfillment of the requirements of Article 29, paragraph 1, the Zone of Application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0° latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

Definition of nuclear weapons – Article 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

Meeting of Signatories – Article 6

At the request of any of the Signatory States or if the Agency established by Article 7 should so decide, a meeting of all the Signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the Secretary General.

Organization – Article 7

1. In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the “Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean”, hereinafter referred to as “the Agency”. Only the Contracting Parties shall be affected by its decisions.

2. The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising there from.

3. The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

4. The headquarters of the Agency shall be in Mexico City.

Organs – Article 8

1. **There are hereby established as principal organs of the Agency:** a General Conference, a Council and a Secretariat.

2. Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

The General Conference – Article 9

1. The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

2. The General Conference:

- a. May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty.
- b. Shall establish procedures for the Control System to ensure observance of this Treaty in accordance with its provisions.
- c. Shall elect the Members of the Council and the Secretary

General.

d. May remove the Secretary General from office if the proper functioning of the Agency so requires.

e. Shall receive and consider the biennial and special reports submitted by the Council and the Secretary General.

f. Shall initiate and consider studies designed to facilitate the optimum fulfillment of the aims of this Treaty, without prejudice to the power of the Secretary General independently to carry out similar studies for submission to and consideration by the Conference.

g. Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

3. The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

4. The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

5. Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the Control System and measures referred to in Article 20, the admission of new Members, the election or removal of the Secretary General, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

6. The General Conference shall adopt its own Rules of Procedure.

The Council – Article 10

1. The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

2. The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

3. Each Member of the Council shall have one representative.

4. The Council shall be so organized as to be able to function continuously.

5. In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the Secretary General, ensure the proper operation of the Control System in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

6. The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

7. The Council shall elect its officers for each session.

8. The decisions of the Council shall be taken by a simple majority of its Members present and voting.

9. The Council shall adopt its own Rules of Procedure.

The Secretariat – Article 11

1. The Secretariat shall consist of a Secretary General, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the Secretary General shall be four years and he may be re-elected for a single additional term. The Secretary General may not be a national of the country in which the Agency has its headquarters. In case the office of Secretary General becomes vacant, a new election shall be held to fill the office for the remainder of the term.

2. The staff of the Secretariat shall be appointed by the Secretary General, in accordance with rules laid down by the General

Conference.

3. In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference, the Secretary General shall ensure, as provided by Article 10, paragraph 5, the proper operation of the Control System established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

4. The Secretary General shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the Secretary General may deem desirable.

5. The Secretary General shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

6. In the performance of their duties the Secretary General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

7. Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the Secretary General and the staff and not to seek to influence them in the discharge of their responsibilities.

Control System – Article 12

1. For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with Article 1, a Control System shall be established which shall be put into effect in accordance with the provisions of Articles 13-18 of this Treaty.

2. The Control System shall be used in particular for the purpose of verifying:

- a. That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons,
- b. That none of the activities prohibited in Article I of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and
- c. That explosions for peaceful purposes are compatible with Article 18 of this Treaty.

IAEA Safeguards – Article 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or *force majeure*.

Reports of the Contracting Parties – Article 14

1. The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

2. The Contracting Parties to the Treaty shall simultaneously transmit to the Agency a copy of the reports submitted to the International Atomic Energy Agency which relate to matters subject of this Treaty that are relevant to the work of the Agency.

3. The information furnished by the Contracting Parties shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when the Contracting Parties give their express consent.

Complementary or supplementary information – Article 15

1. At the request of any of the Contracting Parties and with the

authorization of the Council, the Secretary General may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any extraordinary event or circumstance which affects the compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the Secretary General.

2. The Secretary General shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

Special inspections – Article 16

1. The International Atomic Energy Agency has the power of carrying out special inspections in accordance with Article 12 and with the agreements referred to in Article 13 of this Treaty.

2. At the request of any of the Contracting Parties and in accordance with the procedures established in Article 15 of this Treaty, the Council may submit for the consideration of the International Atomic Energy Agency a request that the necessary mechanisms be put into operation to carry out a special inspection.

3. The Secretary General shall request the Director General of the International Atomic Energy Agency to transmit to him in a timely manner the information forwarded to the Board of Governors of the IAEA relating to the conclusion of the special inspection. The Secretary General shall make this information available to the Council promptly.

4. The Council, through the Secretary General shall transmit this information to all the Contracting Parties.

Use of nuclear energy for peaceful purposes – Article 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

Explosions for peaceful purposes – Article 18

1. The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes -including explosions which involve devices similar to those used in nuclear weapons- or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this Article and the other articles of the Treaty, particularly Articles 1 and 5.

2. Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

- a. The nature of the nuclear device and the source from which it was obtained,
- b. The place and purpose of the planned explosion,
- c. The procedures which will be followed in order to comply with paragraph 3 of this Article,
- d. The expected force of the device, and
- e. The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

The Secretary General and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this Article and the other provisions of this Treaty.

3. The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present Article, in accordance with paragraphs 2 and 3 thereof.

Relations with the International Atomic Energy Agency – Article 19

The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General

Conference and as it considers likely to facilitate the efficient operation of the Control System established by this Treaty.

Relations with other international organizations – Article 20

1. The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.
2. The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

Measures in the event of violation of the Treaty – Article 21

1. The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.
2. If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

United Nations and Organization of American States – Article 22

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of State Members of the Organization of American States, under existing regional treaties.

Privileges and immunities – Article 23

1. The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its purposes.
2. Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.
3. The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this Article.

Notification of other agreements – Article 24

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

Settlement of disputes – Article 25

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

Signature – Article 26

1. This Treaty shall be open indefinitely for signature by:
 - a. All the Latin American Republics, and the Caribbean.
 - b. All other sovereign States in the western hemisphere situated in their entirety south of parallel 35° north latitude; and, except as provided in paragraph 2 of this Article, all such States when they have been admitted by the General Conference.
2. The condition of State Party to the Treaty of Tlatelolco shall be restricted to Independent States which are situated within the Zone of application of the Treaty in accordance with Article 4 of same, and with paragraph 1 of the present Article, and which were Members of the United Nations as of December 10, 1985 as well

as to the non-autonomous territories mentioned in document OEA/CER.P, AG/doc. 1939/ 85 of November 5, 1985, once they attain their independence.

Ratification and deposit – Article 27

1. This Treaty shall be subject to ratification by Signatory States in accordance with their respective constitutional procedures.
2. This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.
3. The Depositary Government shall send certified copies of this Treaty to the Governments of Signatory States and shall notify them of the deposit of each instrument of ratification.

Reservations – Article 28

This Treaty shall not be subject to reservations.

Entry into force – Article 29

1. Subject to the provisions of paragraph 2 of this Article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:
 - a. Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in Article 26 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of Article 26, paragraph 2;
 - b. Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having de jure or de facto international responsibility for territories situated in the Zone of Application of the Treaty;
 - c. Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;
 - d. Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with Article 13 of this Treaty.
2. All Signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.
3. As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.
4. After the entry into force of this Treaty for all the countries of the Zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, subparagraph c) of this Article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

Amendments – Article 30

1. Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the Secretary General, who shall transmit them to all the other Contracting Parties and, in addition, to all other Signatories in accordance with Article 6. The Council through the Secretary General, shall immediately following the meeting of Signatories convene a Special Session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.
2. Amendments adopted shall enter into force as soon as the requirements set forth in Article 29 of this Treaty have been complied with.

Duration and denunciation – Article 31

1. This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the Secretary General of the Agency if, in the opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

2. The denunciation shall take effect three months after the delivery to the Secretary General of the Agency of the notification by the Government of the Signatory State concerned. The Secretary General shall immediately communicate such notification to the other Contracting Parties and to the Secretary General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary General of the Organization of American States.

Authentic texts and registration – Article 32

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary Government in accordance with Article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary General of the Organization of American States for its information.

Transitional Article

Denunciation of the declaration referred to in Article 29, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

Done at Mexico, Distrito Federal, on the fourteenth day of February, one thousand nine hundred and sixty-seven.

ADDITIONAL PROTOCOL I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVII I) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1

To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in Articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean in territories for which, *de jure* or *de facto*, they are internationally responsible and which lie within the limits of the geographical Zone established in that Treaty.

Article 2

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

Article 3

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

ADDITIONAL PROTOCOL II

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

Convinced that the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVII I) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

Aware that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

Desiring to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

Have agreed as follows:

Article 1

The statute of denuclearization of Latin America and the Caribbean in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2

The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of Article 1 of the Treaty in the territories to which the Treaty applies in accordance with Article 4 thereof.

Article 3

The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

Article 4

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean of which this Protocol is an annex, and the definitions of territory and nuclear weapons set forth in Articles 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in Articles 27, 28, 31 and 32 of the Treaty.

Article 5

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

In witness whereof the undersigned Plenipotentiaries, having deposited their full powers found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

Status of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and its Additional Protocols I and II and its Amendments [Treaty of Tlatelolco]

(Status 01 April 2016)

Opened for Signature in Mexico City on 14 February 1967
Enter into force: 25 April 1969

The Ministry of Foreign Relations of Mexico, in the capacity of Depository of the Treaty of Tlatelolco, sent the following information to the Secretariat General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean.

Country	Signature	Ratification	Waiver (Art.28)
Antigua and Barbuda	11 Oct 1983	11 Oct 1983	11 Oct 1983
Argentina	27 Sep 1967	18 Jan 1994	18 Jan 1994
Bahamas	29 Nov 1976	26 Apr 1977	26 Apr 1977
Barbados	18 Oct 1968	25 Apr 1969	25 Apr 1969
Belize	14 Feb 1992	09 Nov 1994	09 Nov 1994
Bolivia	14 Feb 1967	18 Feb 1969	18 Feb 1969
Brazil	09 May 1967	29 Jan 1968	30 May 1994
Chile	14 Feb 1967	09 Oct 1974	30 May 1994
Colombia	14 Feb 1967	04 Aug 1972	06 Sept 1972
Costa Rica	14 Feb 1967	25 Aug 1969	25 Aug 1969
Cuba	25 Mar 1995	23 Oct 2002	23 Oct 2002
Dominica	02 May 1989	04 Jun 1993	25 Aug 1993
Dominican Republic	28 Jul 1967	14 Jun 1968	14 Jun 1968
Ecuador	14 Feb 1967	11 Feb 1969	11 Feb 1969
El Salvador	14 Feb 1967	22 Apr 1968	22 Apr 1968
Granada	29 Apr 1975	20 Jun 1975	20 June 1975
Guatemala	14 Feb 1967	06 Feb 1970	06 Feb 1970
Guyana	16 Jan 1995	16 Jan 1995	14 May 1997
Haiti	14 Feb 1967	23 May 1969	23 May 1969
Honduras	14 Feb 1967	23 Sep 1968	23 Sept 1968
Jamaica	26 Oct 1967	26 Jun 1969	26 Jun 1969
Mexico	14 Feb 1967	20 Sep 1967	20 Sep 1967
Nicaragua	15 Feb 1967	24 Oct 1968	24 Oct 1968
Panama	14 Feb 1967	11 Jun 1971	11 Jun 1971
Paraguay	26 Apr 1967	19 Mar 1969	19 Mar 1969
Peru	14 Feb 1967	04 Mar 1969	04 Mar 1969
Saint Kitts and Nevis	18 Feb 1994	18 Apr 1995	14 Feb 1997
Saint Lucia	25 Aug 1992	02 Jun 1995	02 Jun 1995
Saint Vincent and Gren.	14 Feb 1992	14 Feb 1992	11 May 1992
Suriname	13 Feb 1976	10 Jun 1997	10 Jun 1977
Trinidad and Tobago	27 Jun 1967	03 Dec 1970	27 Jun 1975
Uruguay	14 Feb 1967	20 Aug 1968	20 Aug 1968
Venezuela	14 Feb 1967	23 Mar 1970	23 Mar 1970

ADDITIONAL PROTOCOL I

Country	Signature	Ratification
France	02 Mar 1979	24 Aug 1992
Netherlands	15 Mar 1968	26 Jul 1971
United Kingdom	20 Dec 1967	11 Dec 1969
United States	26 May 1977	23 Nov 1981

ADDITIONAL PROTOCOL II

Country	Signature	Ratification
France	18 Jul 1973	22 Mar 1974
People's Rep of China	21 Aug 1973	2 Jun 1974
United Kingdom	20 Dec 1967	11 Dec 1969
United States	01 Apr 1968	12 May 1971
Russia Federation	18 May 1978	8 Jan 1979

Amendments of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean

(Treaty of Tlatelolco)

Regarding the signature and ratification of the first amendment of the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) pursuant to Resolution 267 (E-V), of the General Conference of OPANAL approved in Mexico City on July 30, 1990, which resolved to add to the legal name of the Treaty for the Prohibition of Nuclear Weapons in Latin America the words "and the Caribbean," and consequently amend Article 7 of the Treaty, the countries that have signed and ratified the first amendment until now are:

Country	Signature	Ratification
Antigua and Barbuda		13 June 2013
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 emplantation 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 communiqué 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

(Status 01 April 2017)

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

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

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, emplant, install, stockpile or store;

(e) 'radioactive material' means material that contains radionuclides above clearance or exemption levels recommended by the International Atomic Energy Agency (IAEA);

(f) 'radioactive wastes' means material that contains or is contaminated with radionuclides at concentrations or activities greater than clearance levels recommended by the IAEA and for which no use is foreseen; and

(g) 'dumping' means

- (i) any deliberate disposal at sea, including seabed, and subsoil insertion of radioactive wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, and
- (ii) any deliberate disposal at sea, including seabed and subsoil insertion, of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures.

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

(Status 01 April 2017)

Signed at Bangkok, on 15 December 1995

Entering into Force on 27 March 1997

Depositary: Thailand

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			

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, or possession of any nuclear explosive device.

Article 4 – Prevention of stationing of nuclear explosive devices

1. Each Party undertakes to prohibit, in its territory, the stationing of any nuclear explosive device.
2. Without prejudice to the purposes and objectives of the treaty, each party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea of archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 5 – Prohibition of testing of nuclear explosive devices

Each Party undertakes:

- (a) Not to test any nuclear explosive device;
- (b) To prohibit in its territory the testing of any nuclear explosive device;
- (c) Not to assist or encourage the testing of any nuclear explosive device by any State anywhere.

Article 6 – Declaration, dismantling, destruction or conversion of nuclear explosive devices and the facilities for their manufacture

Each Party undertakes:

- (a) To declare any capability for the manufacture of nuclear explosive devices;
- (b) To dismantle and destroy any nuclear explosive devices that it has manufactured prior to the coming into force of this treaty;
- (c) To destroy facilities for the manufacture of nuclear explosive devices or, where possible, to convert them to peaceful uses;
- (d) To permit the International Atomic Energy Agency (hereinafter referred to as IAEA) and the Commission established in article 12 to verify the processes of dismantling and destruction of the nuclear explosive devices, as well as the destruction or conversion of the facilities for their production.

Article 7 – Prohibition of dumping of radioactive wastes

Each Party undertakes:

- (a) To effectively implement or to use as guidelines the measures contained in the Bamako Convention on the Ban of the Import into Africa and Control of Transboundary Movement and Management of Hazardous Wastes within Africa in so far as it is relevant to radioactive waste;
- (b) Not to take any action to assist or encourage the dumping of radioactive wastes and other radioactive matter anywhere within the African nuclear-weapon-free zone.

Article 8 – Peaceful nuclear activities

1. Nothing in this treaty shall be interpreted as to prevent the use of nuclear science and technology for peaceful purposes.
2. As part of their efforts to strengthen their security, stability and development, the Parties undertake to promote individually and collectively the use of nuclear science and technology for economic and social development. To this end they undertake to establish and strengthen mechanisms for cooperation at the bilateral, subregional and regional levels.
3. Parties are encouraged to make use of the programme of assistance available in IAEA and, in this connection, to strengthen cooperation under the African Regional Cooperation Agreement for Research, Training and Development related to Nuclear Science and Technology (hereinafter referred to as AFRA).

Article 9 – Verification of Peaceful Uses

Each Party undertakes:

- (a) To conduct all activities for the peaceful use of nuclear energy under strict non-proliferation measures to provide assurance of exclusively peaceful uses;
- (b) To conclude a comprehensive safeguards agreement with IAEA for the purpose of verifying compliance with the undertakings in subparagraph (a) of this article;
- (c) Not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable

material for peaceful purposes to any non-nuclear-weapon State unless subject to a comprehensive safeguards agreement concluded with IAEA.

Article 10 – Physical protection of nuclear materials and facilities

Each Party undertakes to maintain the highest standards of security and effective physical protection of nuclear materials, facilities and equipment to prevent theft or unauthorized use and handling. To that end each Party, *inter alia*, undertakes to apply measures of physical protection equivalent to those provided for in the Convention on Physical Protection of Nuclear Material and in recommendations and guidelines developed by IAEA for that purpose.

Article 11 – Prohibition of armed attack on nuclear installations

Each Party undertakes not to take, or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear installations in the African nuclear-weapon-free zone.

Article 12 – Mechanism for compliance

1. For the purpose of ensuring compliance with their undertakings under this Treaty, the Parties agree to establish the African Commission of Nuclear Energy (hereafter referred to as the Commission) as set out in annex III.
2. The Commission shall be responsible *inter alia* for:
 - (a) Collating the reports and the exchange of information as provided for in article 13;
 - (b) Arranging consultations as provided for in annex IV, as well as convening conferences of Parties on the concurrence of simple majority of State Parties on any matter arising from the implementation of the Treaty;
 - (c) Reviewing the application to peaceful nuclear activities of safeguards by IAEA as elaborated in annex II;
 - (d) Bringing into effect the complaints procedure elaborated in annex IV;
 - (e) Encouraging regional and sub-regional programs for cooperation in the peaceful uses of nuclear science and technology;
 - (f) Promoting international cooperation with extra-zonal States for the peaceful uses of nuclear science and technology.
3. The Commission shall meet in ordinary session once a year, and may meet in extraordinary session as may be required by the complaints and settlement of disputes procedure in annex IV.

Article 13 – Report and exchanges of information

1. Each Party shall submit an annual report to the Commission on its nuclear activities as well as other matters relating to the Treaty, in accordance with the format for reporting to be developed by the Commission.
2. Each Party shall promptly report to the Commission any significant event affecting the implementation of the Treaty.
3. The Commission shall request the IAEA to provide it with an annual report on the activities of AFRA.

Article 14 – Conference of Parties

1. A Conference of all Parties to the Treaty shall be convened by the Depositary as soon as possible after the entry into force of the Treaty to, *inter alia*, elect members of the Commission and determine its headquarters. Further conferences of State Parties shall be held as necessary and at least every two years, and convened in accordance with paragraph 2 (b) of article 12.
2. The Conference of all Parties to the Treaty shall adopt the Commission's budget and a scale of assessment to be paid by the State Parties.

Article 15 – Interpretation of the Treaty

Any dispute arising out of the interpretation of the Treaty shall be settled by negotiation, by recourse to the Commission or another procedure agreed to by the Parties, which may include recourse to an arbitral panel or to the International Court of Justice.

Article 16 – Reservations

This Treaty shall not be subject to reservations.

Article 17 – Duration

This Treaty shall be of unlimited duration and shall remain in force indefinitely.

Article 18 – Signature, ratification and entry into force

1. This Treaty shall be open for signature by any state in the African nuclear-weapon-free zone. It shall be subject to ratification.
2. It shall enter into force on the date of deposit of the twenty-eighth instrument of ratification.
3. For a signatory that ratifies this Treaty after the date of the deposit of the twenty-eighth instrument of ratification, it shall enter into force for that signatory on the date of deposit of its instrument of ratification.

Article 19 – Amendments

1. Any amendments to the Treaty proposed by a Party shall be submitted to the Commission, which shall circulate it to all Parties.
2. Decision on the adoption of such an amendment shall be taken by a two-thirds majority of the Parties either through written communication to the Commission or through a conference of Parties convened upon the concurrence of a simple majority.
3. An amendment so adopted shall enter into force for all parties after receipt by the Depositary of the instrument of ratification by the majority of Parties.

Article 20 – Withdrawal

1. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme interests.
2. Withdrawal shall be effected by a Party giving notice, which includes a statement of the extraordinary events it regards as having jeopardized its supreme interest, twelve months in advance to the Depositary. The Depositary shall circulate such notice to all other parties.

Article 21 – Depositary functions

1. This Treaty, of which the Arabic, English, French and Portuguese texts are equally authentic, shall be deposited with the Secretary-General of OAU, who is hereby designated as Depositary of the Treaty.
2. The Depositary shall:
 - (a) Receive instruments of ratification;
 - (b) Register this Treaty and its Protocols pursuant to article 102 of the Charter of the United Nations;
 - (c) Transmit certified copies of the Treaty and its Protocols to all states in the African nuclear-weapon-free zone and to all states eligible to become party to the Protocols to the Treaty, and shall notify them of signatures and ratification of the Treaty and its Protocols.

Article 22 – Status of the annexes

The annexes form an integral part of this Treaty. Any reference to this Treaty includes the annexes.

Annex I – Map of an African Nuclear-weapon-Free Zone

[not reproduced]

Annex II – Safeguards of the International Atomic Energy Agency

1. The safeguards referred to in subparagraph (b) of the article 9 shall in respect of each Party be applied by the International Atomic Energy Agency as set forth in an agreement negotiated and concluded with the Agency on all source or special fissionable material in all nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.
2. The Agreement referred to in paragraph 1 above shall be, or shall be equivalent in its scope and effect to, the agreement required in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/153 corrected). A party that has already entered into a safeguards agreement with the IAEA is deemed to have already complied with the requirement. Each Party shall take all appropriate steps to ensure that the Agreement referred to in paragraph 1 is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.
3. For the purpose of this Treaty, the safeguards referred to in paragraph 1 above shall have as their purpose the verification of

the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices or for purposes unknown.

4. Each Party shall include in its annual report to the Commission, in conformity with art. 13, for its information and review, a copy of the overall conclusions of the most recent report by the International Atomic Energy Agency on its inspection activities in the territory of the Party concerned, and advise the Commission promptly of any change in those conclusions. The information furnished by a Party shall not be, totally or partially, disclosed or transmitted to third parties, by the addressees of the reports, except when that Party gives its express consent.

Annex III – African Commission on Nuclear Energy

1. The Commission established in article 12 shall be composed of twelve Members elected by Parties to the Treaty for a three-year period, bearing in mind the need for equitable geographical distribution as well as to included Members with advanced nuclear programmes. Each Member shall have one representative nominated with particular regard for his/her expertise in the subject of the Treaty.
2. The Commission shall have a Bureau consisting of the Chairman, the Vice-Chairman and the Executive Secretary. It shall elect its Chairman and Vice-Chairman. The Secretary-General of the Organization of African Unity, at the request of Parties to the Treaty and in consultation with the Chairman, shall designate the Executive Secretary of the Commission. For the first meeting a quorum shall be constituted by representatives of two thirds of the Members of the Commission. For that meeting decisions of the Commission shall be taken as far as possible by consensus or otherwise by a two-thirds majority of the Members of the Commission. The Commission shall adopt its rules of procedure at that meeting.
3. The Commission shall develop a format for reporting by States as required under articles 12 and 13.
4.
 - (a) The budget of the Commission, including the costs of inspections pursuant to annex IV to this Treaty, shall be borne by the Parties to the Treaty in accordance with a scale of assessment to be determined by the Parties;
 - (b) The Commission may also accept additional funds from other sources provided such donations are consistent with the purposes and objectives of the Treaty;

Annex IV – Complaints procedure and settlement of disputes

1. A Party which considers that there are grounds for a complaint that another Party or a Party to Protocol III is in breach of its obligations under this Treaty shall bring the subject-matter of the complaint to the attention of the Party complained of and shall allow the latter thirty days to provide it with an explanation and to resolve the matter. This may include technical visits agreed upon between the Parties.
2. If the matter is not so resolved, the complainant Party may bring this complaint to the Commission.
3. The Commission, taking account of efforts made under paragraph 1 above, shall afford the Party complained of forty-five days to provide it with an explanation of the matter.
4. If, after considering any explanation given to it by the representatives of the Party complained of, the Commission considers that there is sufficient substance in the complaint to warrant an inspection in the territory of that Party or territory of a party to Protocol III, the Commission may request the I International Atomic Energy Agency to conduct such inspection as soon as possible. The Commission may also designate its representatives to accompany the Agency's inspection team.
 - (a) The request shall indicate the tasks and objectives of such inspection, as well as any confidentiality requirements;
 - (b) If the Party complained of so requests, the inspection team shall be accompanied by representatives of that Party provided that the inspectors shall not be thereby delayed or otherwise impeded in the exercise of their functions;
 - (c) Each Party shall give the inspection team full and free access to all information and places within each territory that may be deemed relevant by the inspectors to the implementation of the inspection;
 - (d) The Party complained of shall take all appropriate steps to facilitate the work of the inspection team, and shall accord them the same privileges and immunities as those set

forth in the relevant provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency;

- (e) The International Atomic Energy Agency shall report its findings in writing as quickly as possible to the Commission, outlining its activities, setting out relevant facts and information as ascertained by it, with supporting evidence and documentation as appropriate, and stating its conclusions. The Commission shall report fully to all States Parties to the Treaty giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty;
 - (f) If the Commission considers that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, States Parties to the Treaty shall meet in extraordinary session to discuss the matter;
 - (g) The States Parties convened in extraordinary session may as necessary, make recommendations to the Party held to be in breach of its obligations and to the Organization of African Unity. The Organization of African Unity may, if necessary, refer the matter to the United Nations Security Council;
 - (h) The costs involved in the procedure outlined above shall be borne by the Commission. In the case of abuse, the Commission shall decide whether the requesting State Party should bear any of the financial implications.
5. The Commission may also establish its own inspection mechanisms.

Protocol I

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev. 1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly Resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to use or threaten to use a nuclear explosive device against:

- (a) Any Party to the Treaty; or
- (b) Any territory within the African nuclear-weapon-free zone for which a State that has become a Party to Protocol III is internationally responsible as defined in annex I.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each party shall, in exercising its national sovereignty, have the right to withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, whichever is later.

In witness whereof the undersigned, being duly authorised by their Governments, have signed this Protocol.

Protocol II

The Parties to this Protocol,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons as well as the obligations of all States to contribute to this end,

Convinced also that the African Nuclear-Weapon-Free Zone Treaty, negotiated and signed in accordance with the Declaration on the Denuclearization of Africa (AHG/Res.11(1)) of 1964, resolutions CM/Res.1342(LIV) of 1991 and CM/Res.1395(LVI) Rev.1 of 1992 of the Council of Ministers of the Organization of African Unity and United Nations General Assembly resolution 48/86 of 16 December 1993, constitutes an important measure towards ensuring the non-proliferation of nuclear weapons, promoting cooperation in the peaceful uses of nuclear energy, promoting general and complete disarmament, and enhancing regional and international peace and security,

Desirous of contributing in all appropriate manners to the effectiveness of the Treaty,

Bearing in mind the objective of concluding a treaty banning all nuclear tests,

Have agreed as follows:

Article 1

Each Protocol Party undertakes not to test or assist or encourage the testing of any nuclear explosive device anywhere within the African nuclear-weapon-free zone.

Article 2

Each Protocol Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol.

Article 3

Each Protocol Party undertakes, by written notification to the Depository, to indicate its acceptance or otherwise of any alteration to its obligation under this Protocol that may be brought about by the entry into force of an amendment to the Treaty pursuant to article 20 of the Treaty.

Article 4

This Protocol shall be open for signature by China, France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol is of a permanent nature and shall remain in force indefinitely, provided that each Party shall, in exercising its national sovereignty, have the right to withdrawal from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme interests. It shall give notice of such withdrawal to the Depository twelve months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

Article 7

This Protocol shall enter into force for each State on the date of its

deposit with the Depository of its instrument of ratification or the date of entry into force of the Treaty, which ever 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

(Status 01 April 2017)

Signed at Cairo, Egypt: 11 April 1996

Entered into force: 15 July 2009

Depositary: African Union

Country	Signature	Deposit
Algeria	April 11, 1996	February 11, 1998
Angola	April 11, 1996	June 20 2014
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	28 June 2016
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	May 23, 2014
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			

Central Asian Nuclear-Weapon-Free Zone in (CANWFZ)

[Opened for signature 8 September 2006, entered into force 21 March 2009]

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

Status of Nuclear-Weapon-Free Zone in Central Asia (CANWFZ) and Protocols

(Status 01 April 2017)

Signed at: Semipalatinsk on 8 September 2006

Entered into force: 21 March 2009

Status of Protocol: Signed 6 May 2014

Country	Signature	Ratification
Kazakhstan	8 Sep 2006	19 Feb 2009
Tajikistan	8 Sep 2006	13 Jan 2009
Turkmenistan	8 Sep 2006	17 Jan 2009
Uzbekistan	8 Sep 2006	10 May 2007
Kyrgyzstan	8 Sep 2006	27 Jul 2007

Protocol

Country	Signature	Ratification
China	6 May 2014	17 August 2015
France	6 May 2014	17 November 2014
Russia	6 May 2014	22 June 2015
United Kingdom	6 May 2014	30 January 2015
United States	6 May 2014	

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

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.

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.

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.

N – The International Atomic Energy Agency: Statutes, Resolutions and Decisions

Statute of the International Atomic Energy Agency

[Approved 23 October 1956, entered into force 29 July 1957]

Article I — Establishment of the Agency

The Parties hereto establish an International Atomic Energy Agency (hereinafter referred to as 'the Agency') upon the terms and conditions hereinafter set forth.

Article II — Objectives

The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

Article III — Functions

A. The Agency is authorized:

1. To encourage and assist research on, and development and practical application of, atomic energy for peaceful uses throughout the world; and, if requested to do so, to act as an intermediary for the purposes of securing the performance of services or the supplying of materials, equipment, or facilities by one member of the Agency for another: and to perform any operation or service useful in research on, or development or practical application of, atomic energy for peaceful purposes;
2. To make provision, in accordance with this Statute, for materials, services, equipment and facilities to meet the needs of research on, and development and practical application of, atomic energy for peaceful purposes, including the production of electric power, with due consideration for the needs of the under-developed areas of the world;
3. To foster the exchange of scientific and technical information on peaceful uses of atomic energy;
4. To encourage the exchange and training of scientists and experts in the field of peaceful uses of atomic energy;
5. To establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose; and to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy;
6. To establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labour conditions), and to provide for the application of these standards to its own operations as well as to the operations making use of materials, services, equipment, facilities, and information made available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of the parties, to operations under any bilateral or multilateral arrangement, or, at the request of a State, to any of that State's activities in the field of atomic energy;
7. To acquire or establish any facilities, plant and equipment useful in carrying out its authorized functions, whenever the facilities, plant, and equipment otherwise available to it in the area concerned are inadequate or available only on terms it deems unsatisfactory.

B. In carrying out its functions, the Agency shall:

1. Conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation, and in conformity with policies of the United Nations furthering the establishment of safeguarded worldwide disarmament and in conformity with any international agreements entered into pursuant to such policies;
2. Establish control over the use of special fissionable materials received by the Agency, in order to ensure that these materials are used only for peaceful purposes;

3. Allocate its resources in such a manner as to secure efficient utilization and the greatest possible general benefit in all areas of the world, bearing in mind the special needs of the under-developed areas of the world;

4. Submit reports on its activities annually to the General Assembly of the United Nations and, when appropriate, to the Security Council: if in connexion with the activities of the Agency there should arise questions that are within the competence of the Security Council, the Agency shall notify the Security Council, as the organ bearing the main responsibility for the maintenance of international peace and security, and may also take the measures open to it under this Statute, including those provided in paragraph C or article XII;

5. Submit reports to the Economic and Social Council and other organs of the United Nations on matters within the competence of these organs.

C. In carrying out its functions, the Agency shall not make assistance to members subject to any political, economic, military, or other conditions incompatible with the provisions of this Statute.

D. Subject to the provisions of this Statute and to the terms of agreements concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States.

Article IV — Membership

A. The initial members of the Agency shall be those States Members of the United Nations or of any of the specialized agencies which shall have signed this Statute within ninety days after it is opened for signature and shall have deposited an instrument of ratification.

B. Other members of the Agency shall be those States, whether or not Members of the United Nations or of any of the specialized agencies, which deposit an instrument of acceptance of this Statute after their membership has been approved by the General Conference upon the recommendation of the Board of Governors. In recommending and approving a State for membership, the Board of Governors and the General Conference shall determine that the State is able and willing to carry out the obligations of membership in the Agency, giving due consideration to its ability and willingness to act in accordance with the purposes and principles of the Charter of the United Nations.

C. The Agency is based on the principle of the sovereign equality of all its members, and all members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligation assumed by them in accordance with this Statute.

Article V — General Conference

A. A General Conference consisting of representatives of all members shall meet in regular annual session and in such special sessions as shall be convened by the Director General at the request of the Board of Governors or of a majority of members. The sessions shall take place at the headquarters of the Agency unless otherwise determined by the General Conference.

B. At such sessions, each member shall be represented by one delegate who may be accompanied by alternates and by advisers. The cost of attendance of any delegation shall be borne by the member concerned.

C. The General Conference shall elect a President and such other officers as may be required at the beginning of each session. They shall hold office for the duration of the session. The General Conference, subject to the provisions of this Statute, shall adopt its own rules of procedure. Each member shall have one vote. Decisions pursuant to paragraph H of article XIV, paragraph C of article XVIII and paragraph B or article XIX shall be made by a two-thirds majority of the members present and voting. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting. A majority of members shall constitute of quorum.

D. The General Conference may discuss any questions or any matters within the scope of this Statute or relating to the powers and functions of any organs provided for in this Statute and may make recommendations to the membership of the Agency or to the Board of Governors or to both on any such questions or matters.

E. The General Conference shall:

1. Elect members of the Board of Governors in accordance with article VI;
2. Approve States for membership in accordance with article IV;
3. Suspend a member from the privileges and rights of membership in accordance with article XIX;
4. Consider the annual report of the Board;
5. In accordance with article XIV, approve the budget of the Agency recommended by the Board or return it with recommendations as to its entirety or parts to the Board for resubmission to the General Conference;
6. Approve reports to be submitted to the United Nations as required by the relationship agreement between the Agency and the United Nations, except reports referred to in paragraph C of article XI I, or return them to the Board with its recommendations;
7. Approve any agreement or agreements between the Agency and the United Nations and other organizations as provided in article XVI or return such agreements with its recommendations to the Board, for resubmission to the General Conference;
8. Approve rules and limitations regarding the exercise of borrowing powers by the Board, in accordance with paragraph G of article XIV; approve rules regarding the acceptance of voluntary contributions to the Agency; and approve, in accordance with paragraph F or article XIV, the manner in which the general fund referred to in that paragraph may be used;
9. Approve amendments to this Statute in accordance with paragraph C of article XVIII;
10. Approve the appointment of the Director General in accordance with paragraph A of article VII.

F. The General Conference shall have the authority:

1. To take decisions on any matter specifically referred to the General Conference for this purpose by the Board;
2. To propose matters for consideration by the Board and request from the Board reports on any matter relating to the functions of the Agency.

Article VI — Board of Governors

A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the ten members most advanced in the technology of atomic energy including the production of source materials, and the member most advanced in the technology of atomic energy including the production of source materials in each of the following areas in which none of the aforesaid ten is located:

- (1) North America
- (2) Latin America
- (3) Western Europe
- (4) Eastern Europe
- (5) Africa
- (6) Middle East and South Asia
- (7) South East Asia and the Pacific
- (8) Far East

2. The General Conference shall elect to membership of the Board of Governors:

(a) Twenty members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category five representatives of the area of Latin America, four representatives of the area of Western Europe, three representatives of the area of Eastern Europe, four representatives of the area of Africa, two representatives of the area of the Middle East and South Asia, one representative of the area of South East Asia and the Pacific, and one representative of the area of the Far East. No member in this category in any one term of office will be eligible for re-election in the same category for the following term of office: and

(b) One further member from among the members in the following areas:

- Middle East and South Asia
- South East Asia and the Pacific
- Far East

(c) One further member from among the members in the

following areas:

- Africa
- Middle East and South Asia
- South East Asia and the Pacific

B. The designations provided for in sub-paragraph A-1 of this article shall take place not less than sixty days before each regular annual session of the General Conference. The elections provided for in sub-paragraph A-2 of this article shall take place at regular annual sessions of the General Conference.

C. Members represented on the Board of Governors in accordance with sub-paragraph A-1 of this article shall hold office from the end of the next regular annual session of the General Conference after their designation until the end of the following regular annual session of the General Conference.

D. Members represented on the Board of Governors in accordance with sub-paragraph A-2 of this article shall hold office from the end of the regular annual session of the General Conference at which they are elected until the end of the second regular annual session of the General Conference thereafter.

E. Each member of the Board of Governors shall have one vote. Decisions on the amount of the Agency's budget shall be made by a two-thirds majority of those present and voting, as provided in paragraph H of article XIV. Decisions on other questions, including the determination of additional questions or categories of questions to be decided by a two-thirds majority, shall be made by a majority of those present and voting. Two-thirds of all members of the Board shall constitute a quorum.

F. The Board of Governors shall have authority to carry out the functions of the Agency in accordance with this Statute, subject to its responsibilities to the General Conference as provided in this Statute.

G. The Board of Governors shall meet at such times as it may determine. The meetings shall take place at the headquarters of the Agency unless otherwise determined by the Board.

H. The Board of Governors shall elect a Chairman and other officers from among its members and, subject to the provisions of this Statute, shall adopt its own rules of procedure.

I. The Board of Governors may establish such committees as it deems advisable. The Board may appoint persons to represent it in its relations with other organizations.

J. The Board of Governors shall prepare an annual report to the General Conference concerning the affairs of the Agency and any projects approved by the Agency. The Board shall also prepare for submission to the General Conference such reports as the Agency is or may be required to make to the United Nations or to any other organization the work of which is related to that of the Agency. These reports, along with the annual reports, shall be submitted to members of the Agency at least one month before the regular annual session of the General Conference.

Article VII — Staff

A. The staff of the Agency shall be headed by a Director General. The Director General shall be appointed by the Board of Governors with the approval of the General Conference for a term of four years. He shall be the chief administrative officer of the Agency.

B. The Director General shall be responsible for the appointment, organization and functioning of the staff and shall be under the authority of and subject to the control of the Board of Governors. He shall perform his duties in accordance with regulations adopted by the Board.

C. The staff shall include such qualified scientific and technical and other personnel as may be required to fulfil the objectives and functions of the Agency. The Agency shall be guided by the principle that its permanent staff shall be kept to a minimum.

D. The paramount consideration in the recruitment and employment of the staff and in the determination of the conditions of service shall be to secure employees of the highest standards of efficiency, technical competence, and integrity. Subject to this consideration, due regard shall be paid to the contributions of members to the Agency and to the importance of recruiting the

staff on as wide a geographical basis as possible.

E. The terms and conditions on which the staff shall be appointed, remunerated, and dismissed shall be in accordance with regulations made by the Board of Governors, subject to the provisions of this Statute and to general rules approved by the General Conference on the recommendation of the Board.

F. In the performance of their duties, the Director General and the staff shall not seek or receive instructions from any source external to the Agency. They shall refrain from any action which might reflect on their position as officials of the Agency; subject to their responsibilities to the Agency, they shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency. Each member undertakes to respect the international character of the responsibilities of the Director General and the staff and shall not seek to influence them in the discharge of their duties.

G. In this article the term 'staff' includes guards.

Article VIII — Exchange of information

A. Each member should make available such information as would, in the judgement of the member, be helpful to the Agency.

B. Each member shall make available to the Agency all scientific information developed as a result of assistance extended by the Agency pursuant to article XI.

C. The Agency shall assemble and make available in an accessible form the information made available to it under paragraphs A and B of this article. It shall take positive steps to encourage the exchange among its members of information relating to the nature and peaceful uses of atomic energy and shall serve as an intermediary among its members for this purpose.

Article IX — Supplying of materials

A. Members may make available to the Agency such quantities of special fissionable materials as they deem advisable and on such terms as shall be agreed with the Agency. The materials made available to the Agency may, at the discretion of the member making them available, be stored either by the member concerned or, with the agreement of the Agency, in the Agency's depots.

B. Members may also make available to the Agency source materials as defined in article XX and other materials. The Board of Governors shall determine the quantities of such materials which the Agency will accept under agreements provided for in article XIII.

C. Each member shall notify the Agency of the quantities, form, and composition of special fissionable materials, source materials, and other materials which that member is prepared, in conformity with its laws, to make available immediately or during a period specified by the Board of Governors.

D. On request of the Agency a member shall, from the materials which it has made available, without delay deliver to another member or group of members such quantities of such materials as the Agency may specify, and shall without delay deliver to the Agency itself such quantities of such materials as are really necessary for operations and scientific research in the facilities of the Agency.

E. The quantities, form and composition of materials made available by any member may be changed at any time by the member with the approval of the Board of Governors.

F. An initial notification in accordance with paragraph C of this article shall be made within three months of the entry into force of this Statute with respect to the member concerned. In the absence of a contrary decision of the Board of Governors, the materials initially made available shall be for the period of the calendar year succeeding the year when this Statute takes effect with respect to the member concerned. Subsequent notifications shall likewise, in the absence of a contrary action by the Board, relate to the period of the calendar year following the notification and shall be made no later than the first day of November of each year.

G. The Agency shall specify the place and method of delivery and, where appropriate, the form and composition, of materials which it has requested a member to deliver from the amounts which that member has notified the Agency it is prepared to make

available. The Agency shall also verify the quantities of materials delivered and shall report those quantities periodically to the members.

H. The Agency shall be responsible for storing and protecting materials in its possession. The Agency shall ensure that these materials shall be safeguarded against (1) hazards of the weather, (2) unauthorized removal or diversion, (3) damage or destruction, including sabotage, and (4) forcible seizure. In storing special fissionable materials in its possession, the Agency shall ensure the geographical distribution of these materials in such a way as not to allow concentration of large amounts of such materials in any one country or region of the world.

I. The Agency shall as soon as practicable establish or acquire such of the following as may be necessary:

1. Plant, equipment, and facilities for the receipt, storage, and issue of materials;
2. Physical safeguards;
3. Adequate health and safety measures;
4. Control laboratories for the analysis and verification of materials received;
5. Housing and administrative facilities for any staff required for the foregoing.

J. The materials made available pursuant to this article shall be used as determined by the Board of Governors in accordance with the provisions of this Statute. No member shall have the right to require that the materials it makes available to the Agency be kept separately by the Agency or to designate the specific project in which they must be used.

Article X — Services, equipment, and facilities

Members may make available to the Agency services, equipment, and facilities which may be of assistance in fulfilling the Agency's objectives and functions.

Article XI — Agency projects

A. Any member or group of members of the Agency desiring to set up any project for research on, or development or practical application of, atomic energy for peaceful purposes may request the assistance of the Agency in securing special fissionable and other materials, services, equipment, and facilities necessary for this purpose. Any such request shall be accompanied by an explanation of the purpose and extent of the project and shall be considered by the Board of Governors.

B. Upon request, the Agency may also assist any member or group of members to make arrangements to secure necessary financing from outside sources to carry out such projects. In extending this assistance, the Agency will not be required to provide any guarantees or to assume any financial responsibility for the project.

C. The Agency may arrange for the supplying of any materials, services, equipment, and facilities necessary for the project by one or more members or may itself undertake to provide any or all of these directly, taking into consideration the wishes of the member or members making the request.

D. For the purpose of considering the request, the Agency may send into the territory of the member or group of members making the request a person or persons qualified to examine the project. For this purpose the Agency may, with the approval of the member or group of members making the request, use members of its own staff or employ suitably qualified nationals of any member.

E. Before approving a project under this article, the Board of Governors shall give due consideration to:

1. The usefulness of the project, including its scientific and technical feasibility;
2. The adequacy of plans, funds, and technical personnel to assure the effective execution of the project;
3. The adequacy of proposed health and safety standards for handling and storing materials and for operating facilities;
4. The inability of the member or group of members making the request to secure the necessary finances, materials, facilities, equipment, and services;
5. The equitable distribution of materials and other resources available to the Agency;
6. The special needs of the under-developed areas of the world;

and

7. Such other matters as may be relevant.

F. Upon approving a project, the Agency shall enter into an agreement with the member or group of members submitting the project, which agreement shall:

1. Provide for allocation to the project of any required special fissionable or other materials;
2. Provide for transfer of special fissionable materials from their then place of custody, whether the materials be in the custody of the Agency or of the member making them available for use in Agency projects, to the member or group of members submitting the project, under conditions which ensure the safety of any shipment required and meet applicable health and safety standards;
3. Set forth the terms and conditions, including charges, on which any materials, services, equipment, and facilities are to be provided by the Agency itself, and, if any such materials, services, equipment, and facilities are to be provided by a member, the terms and conditions as arranged for by the member or group of members submitting the project and the supplying member;
4. Include undertakings by the member or group of members submitting the project: (a) that the assistance provided shall not be used in such a way as to further any military purpose; and (b) that the project shall be subject to the safeguards provided for in article XII, the relevant safeguards being specified in the agreement;
5. Make appropriate provision regarding the rights and interests of the Agency and the member or members concerned in any inventions or discoveries, or any patents therein, arising from the project;
6. Make appropriate provision regarding settlement of disputes;
7. Include such other provisions as may be appropriate.

G. The provisions of this article shall also apply where appropriate to a request for materials, services, facilities, or equipment in connexion with an existing project.

Article XII — Agency safeguards

A. With respect to any Agency project, or other arrangement where the Agency is requested by the parties concerned to apply safeguards, the Agency shall have the following rights and responsibilities to the extent relevant to the project or arrangement:

1. To examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only from the viewpoint of assuring that it will not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards provided for in this article.
2. To require the observance of any health and safety measures prescribed by the Agency;
3. To require maintenance and production of operating records to assist in ensuring accountability for source and special fissionable materials used or produced in the project or arrangement;
4. To call for and receive progress reports;
5. To approve the means to be used for the chemical processing of irradiated materials solely to ensure that this chemical processing will not lend itself to diversion of materials for military purposes and will comply with applicable health and safety standards; to require that special fissionable materials recovered or produced as a by-product be used for peaceful purposes under continuing Agency safeguards for research or in reactors, existing or under construction, specified by the member or members concerned; and to require deposit with the Agency of any excess of any special fissionable materials recovered or produced as a by-product over what is needed for the above-stated uses in order to prevent stockpiling of these materials, provided that thereafter at the request of the member or members concerned special fissionable materials so deposited with the Agency shall be returned promptly to the member or members concerned for use under the same provisions as stated above.
6. To send into the territory of the recipient State or States inspectors, designated by the Agency after consultation with the State or States concerned, who shall have access at all times to all places and data and to any person who by reason of his occupation deals with materials, equipment, or facilities which are required by this Statute to be safeguarded, as necessary to account for source and special fissionable materials supplied and fissionable products and to determine whether there is compliance with the undertaking against use in furtherance of any military

purpose referred to in sub-paragraph F-4 of article XI, with the health and safety measures referred to in sub-paragraph A-2 of this article, and with any other conditions prescribed in the agreement between the Agency and the State or States concerned. Inspectors designated by the Agency shall be accompanied by representatives of the authorities of the States concerned if that State so requests, provided that the inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions;

7. In the event of non-compliance and failure by the recipient State or States to take requested corrective steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.

B. The Agency shall, as necessary, establish a staff of inspectors. The Staff of inspectors shall have the responsibility of examining all operations conducted by the Agency itself to determine whether the Agency is complying with the health and safety measures prescribed by it for application to projects subject to its approval, supervision or control, and whether the Agency is taking adequate measures to present the source and special fissionable materials in its custody or used or produced in its own operations from being used in furtherance of any military purpose. The Agency shall take remedial action forthwith to correct any non-compliance or failure to take adequate measures.

C. The staff of inspectors shall also have the responsibility of obtaining and verifying the accounting referred to in sub-paragraph A-6 of this article and of determining whether there is compliance with the undertaking referred to in sub-paragraph F-4 of article XI, with the measures referred to in sub-paragraph A-2 of this article, and with all other conditions of the project prescribed in the agreement between the Agency and the State or States concerned. The inspectors shall report any non-compliance to the Director General who shall thereupon transmit the report to the Board of Governors. The Board shall call upon the recipient State or States to remedy forthwith any non-compliance which it finds to have occurred. The Board shall report the non-compliance to all members and to the Security Council and General Assembly of the United Nations. In the event of failure of the recipient State or States to take fully corrective action within a reasonable time, the Board may take one or both of the following measures: direct curtailment or suspension of assistance being provided by the Agency or by a member, and call for the return of materials and equipment made available to the recipient member or group of members. The Agency may also, in accordance with article XIX, suspend any non-complying member from the exercise of the privileges and rights of membership.

Article XIII — Reimbursement of members

Unless otherwise agreed upon between the Board of Governors and the member furnishing to the Agency materials, services, equipment, or facilities, the Board shall enter into an agreement with such member providing for reimbursement for the items furnished.

Article XIV — Finance

A. The Board of Governors shall submit to the General Conference the annual budget estimates for the expenses of the Agency. To facilitate the work of the Board in this regard, the Director General shall initially prepare the budget estimates. If the General Conference does not approve the estimates, it shall return them together with its recommendations to the Board. The Board shall then submit further estimates to the General Conference for its approval.

B. Expenditures of the Agency shall be classified under the following categories:

1. Administrative expenses: these shall include:

(a) Costs of the staff of the Agency other than the staff employed in connexion with materials, services, equipment, and facilities referred to in sub-paragraph B-2 below; costs of meetings; and expenditures required for the preparation of Agency projects and for the distribution of information;

(b) Costs of implementing the safeguards referred to in article XII in relation to Agency projects or, under sub-paragraph A-5 of article III, in relation to any bilateral or multilateral arrangement, together with the costs of handling and storage of special fissionable material by the Agency other than the storage and

handling charges referred to in paragraph E below;

2. Expenses, other than those included in sub-paragraph 1 of this paragraph, in connexion with any materials, facilities, plant, and equipment acquired or established by the Agency in carrying out its authorized functions, and the costs of materials, services, equipment, and facilities provided by it under agreements with one or more members.

C. In fixing the expenditures under sub-paragraph B-1(b) above, the Board of Governors shall deduct such amounts as are recoverable under agreements regarding the application of safeguards between the Agency and parties to bilateral or multilateral arrangements.

D. The Board of Governors shall apportion the expenses referred to in sub-paragraph B-1 above, among members in accordance with a scale to be fixed by the General Conference. In fixing the scale the General Conference shall be guided by the principles adopted by the United Nations in assessing contributions of Member States to the regular budget of the United Nations.

E. The Board of Governors shall establish periodically a scale of charges, including reasonable uniform storage and handling charges, for materials, services, equipment, and facilities furnished to members by the Agency. The scale shall be designed to produce revenues for the Agency adequate to meet the expenses and costs referred to in sub-paragraph B-2 above, less any voluntary contributions which the Board of Governors may, in accordance with paragraph F, apply for this purpose. The proceeds of such charges shall be placed in a separate fund which shall be used to pay members for any materials, services, equipment, or facilities furnished by them and to meet other expenses referred to in sub-paragraph B-2 above which may be incurred by the Agency itself.

F. Any excess of revenues referred to in paragraph E over there referred to, and any voluntary contributions to the Agency, shall be placed in a general fund which may be used as the Board of Governors, with the approval of the General Conference, may determine.

G. Subject to rules and limitations approved by the General Conference, the Board of Governors shall have the authority to exercise borrowing powers on behalf of the Agency without, however, imposing on members of the Agency any liability in respect of loans entered into pursuant to this authority, and to accept voluntary contributions made to the Agency.

H. Decisions of the General Conference on financial questions and of the Board of Governors on the amount of the Agency's budget shall require a two-thirds majority of those present and voting.

Article XV — Privileges and immunities

A. The Agency shall enjoy in the territory of each member such legal capacity and such privileges and immunities as are necessary for the exercise of its functions.

B. Delegates of members together with their alternates and advisers, Governors appointed to the Board together with their alternates and advisers, and the Director General and the staff of the Agency, shall enjoy such privileges and immunities as are necessary in the independent exercise of their functions in connexion with the Agency.

C. The legal capacity, privileges, and immunities referred to in this article shall be defined in a separate agreement or agreements between the Agency, represented for this purpose by the Director General acting under instructions of the Board of Governors, and the members.

Article XVI — Relationship with other organizations

A. The Board of Governors, with the approval of the General Conference, is authorized to enter into an agreement or agreements establishing an appropriate relationship between the Agency and the United Nations and any other organizations the work of which is related to that of the Agency.

B. The agreement or agreements establishing the relationship of the Agency and the United Nations shall provide for:

1. Submission by the Agency of reports as provided for in sub-paragraphs B-4 and B-5 of Article I II;

2. Consideration by the Agency of resolutions relating to it adopted by the General Assembly or any of the Councils of the United Nations and the submission of reports, when requested, to the appropriate organ of the United Nations on the action taken by the Agency or by its members in accordance with this Statute as a result of such consideration.

Article XVII — Settlement of disputes

A. Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement.

B. The General Conference and the Board of Governors are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Agency's activities.

Article XVIII — Amendments and withdrawals

A. Amendments to this Statute may be proposed by any member. Certified copies of the text of any amendment proposed shall be prepared by the Director General and communicated by him to all members at least ninety days in advance of its consideration by the General Conference.

B. At the fifth annual session of the General Conference following the coming into force of this Statute, the question of a general review of the provisions of this Statute shall be placed on the agenda of that session. On approval by a majority of the members present and voting, the review will take place at the following General Conference. Thereafter, proposals on the question of a general review of this Statute may be submitted for decision by the General Conference under the same procedure.

C. Amendments shall come into force for all members when:

- (i) Approved by the General Conference by a two-thirds majority of those present and voting after consideration of observations submitted by the Board of Governors on each proposed amendment, and
- (ii) Accepted by two-thirds of all the members in accordance with their respective constitutional processes. Acceptance by a member shall be effected by the deposit of an instrument of acceptance with the depositary Government referred to in paragraph C of article XXI.

D. At any time after five years from the date when this Statute shall take effect in accordance with paragraph E of article XXI or whenever a member is unwilling to accept an amendment to this Statute, it may withdraw from the Agency by notice in writing to that effect given to the depositary Government referred to in paragraph C of article XXI, which shall promptly inform the Board of Governors and all members.

E. Withdrawal by a member from the Agency shall not affect its contractual obligations entered into pursuant to article XI or its budgetary obligations for the year in which it withdraws.

Article XIX — Suspension of privileges

A. A member of the Agency which is in arrears in the payment of its financial contributions to the Agency shall have no vote in the Agency if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two years. The General Conference may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

B. A member which has persistently violated the provisions of this Statute or of any agreement entered into by it pursuant to this Statute may be suspended from the exercise of the privileges and rights of membership by the General Conference acting by a two-thirds majority of the members present and voting upon recommendation by the Board of Governors.

Article XX — Definitions

As used in this Statute:

1. The term 'special fissionable materials' means plutonium-239; uranium-233; uranium enriched in the isotopes 235 or 233; any material containing one or more of the foregoing; and such other

fissionable material as the Board of Governors shall from time to time determine; but the term 'special fissionable materials' does not include source material.

2. The term 'uranium enriched in the isotopes 235 or 233' means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. The term 'source material' means uranium containing the mixture of isotopes occurring in nature; uranium depleted in the isotope 235; thorium; any of the foregoing in the form of metal, alloy, chemical compound, or concentrate; any other material containing one or more of the foregoing in such concentration as the Board of Governors shall from time to time determine; and such other material as the Board of Governors shall from time to time determine.

Article XXI — Signature, acceptance, and entry into force

A. This Statute shall be open for signature on 26 October 1956 by all States Members of the United Nations or of any of the specialized agencies and shall remain open for signature by those States for a period of ninety days.

B. The signatory States shall become parties to this Statute by deposit of an instrument of ratification.

C. Instruments of ratification by signatory States and instruments of acceptance by States whose membership has been approved under paragraph C or article IV of this Statute shall be deposited with the Government of the United States of America, hereby designated as depositary Government.

D. Ratification or acceptance of this Statute shall be effected by States in accordance with their respective constitutional processes.

E. This Statute, apart from the Annex, shall come into force when eighteen States have deposited instruments of ratification in accordance with paragraph B of this article, provided that such eighteen States shall include at least three of the following States: Canada, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. Instruments of ratification and instruments of acceptance deposited thereafter shall take effect on the date of their receipt.

F. The depositary Government shall promptly inform all States signatory to this Statute of the date of each deposit of ratification and the date of entry into force of the Statute. The depositary Government shall promptly inform all signatories and members of the dates on which States subsequently become parties thereto.

G. The Annex to this Statute shall come into force on the first day this Statute is open for signature.

Article XXII — Registration with the United Nations

A. This Statute shall be registered by the depositary Government pursuant to Article 102 of the Charter of the United Nations.

B. Agreements between the Agency and any member or members, agreements between the Agency and any other organization or organizations, and agreements between members subject to approval of the Agency, shall be registered with the Agency. Such agreements shall be registered by the agency with the United Nations if registration is required under Article 102 of the Charter of the United Nations.

Article XXIII — Authentic texts and certified copies

This Statute, done in the Chinese, English, French, Russian and Spanish languages, each being equally authentic, shall be deposited in the archives of the depositary Government. Duly certified copies of this Statute shall be transmitted by the depositary Government to the Governments of the other signatory States and to the Governments of States admitted to membership under paragraph B of article IV.

In witness whereof the undersigned, duly authorized, have signed this Statute.

DONE at the Headquarters of the United Nations, this twenty-sixth day of October, one thousand nine hundred and fifty-six.

ANNEX

PREPARATORY COMMISSION

A. A Preparatory Commission shall come into existence on the first day this Statute is open for signature. It shall be composed of one representative each of Australia, Belgium, Brazil, Canada, Czechoslovakia, France, India, Portugal, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, and United States of America, and one representative each of six other States to be chosen by the International Conference on the Statute of the International Atomic Energy Agency. The Preparatory Commission shall remain in existence until this Statute comes into force and thereafter until the General Conference has convened and a Board of Governors has been selected in accordance with Article VI.

B. The expenses of the Preparatory Commission may be met by a loan provided by the United Nations and for this purpose the Preparatory Commission shall make the necessary arrangements with the appropriate authorities of the United Nations, including arrangements for repayment of the loan by the Agency. Should these funds be insufficient, the Preparatory Commission may accept advances from Governments. Such advances may be set off against the contributions of the Governments concerned to the Agency.

C. The Preparatory Commission shall:

1. Elect its own officers, adopt its own rules of procedure, meet as often as necessary, determine its own place of meeting and establish such committees as it deems necessary;
2. Appoint an executive secretary and staff as shall be necessary, who shall exercise such powers and perform such duties as the Commission may determine;
3. Make arrangements for the first session of the General Conference, including the preparation of a provisional agenda and draft rules of procedure, such session to be held as soon as possible after the entry into force of this Statute;
4. Make designations for membership on the first Board of Governors in accordance with sub-paragraph A-1 and A-2 and paragraph B of article VI;
5. Make studies, reports, and recommendations for the first session of the General Conference and for the first meeting of the Board of Governors on subjects of concern to the Agency requiring immediate attention, including (a) the financing of the Agency; (b) the programmes and budget for the first year of the Agency; (c) technical problems relevant to advance planning of Agency operations; (d) the establishment of a permanent Agency staff; and (e) the location of the permanent headquarters of the Agency;
6. Make recommendations for the first meeting of the Board of Governors concerning the provisions of a headquarters agreement defining the status of the Agency and the rights and obligations which will exist in the relationship between the Agency and host Government;
7. (a) Enter into negotiations with the United Nations with a view to the preparation of a draft agreement in accordance with article XVI of this Statute, such draft agreement to be submitted to the first session of the General Conference and to the first meeting of the Board of Governors; and
(b) make recommendations to the first session of the Conference and to the first meeting of the Board of Governors concerning the relationship of the Agency to other international organizations as contemplated in article XVI of this Statute.

Amendment to Article VI of the Statute

[Resolution GC(43)/RES/19/Corr.1, adopted by the IAEA General Conference, September 1999]

The General Conference,

- a. *Recalling* its decision GC(42)/DEC/10 which requested the Board of Governors, inter alia, to submit its report on a finalized formula on amending Article VI of the Statute and all previous resolutions and decisions on the subject,
- b. *Having examined* the proposal for amendment of Article VI of the Statute submitted by Japan in accordance with Article XVIII.A of the Statute, contained in Annex 1 to document GC(42)/19,
- c. *Having also examined* the proposal for the modification of the Japanese amendment submitted by Slovenia in

accordance with Article XVIII.A of the Statute, contained in document GC(43)/12,

d. *Having also considered the report and recommendations of the Board of Governors contained in document GC(43)/12, which constitute the Board's observations on the aforesaid modification to the Japanese proposal proposed by Slovenia,*

e. *Having also considered the Board's observations on the aforesaid Japanese proposal to amend Article VI,*

1. *Approves the aforesaid modification proposed by Slovenia to the amendment of Article VI proposed by Japan;*

2. *Approves the amendment proposed by Japan, as modified in operative paragraph (1) and as further modified, by which Article VI of the Agency's Statute is amended as follows:*

i. Replace paragraph A of Article VI of the Agency's Statute by the following:

"A. The Board of Governors shall be composed as follows:

1. The outgoing Board of Governors shall designate for membership on the Board the eighteen members most advanced in the technology of atomic energy including the production of source materials, the designated seats to be distributed among the areas mentioned below as follows:

North America	2
Latin America	2
Western Europe	4
Eastern Europe	2
Africa	2
Middle East and South Asia	2
South East Asia and the Pacific	1
Far East	3

2. The General Conference shall elect to membership of the Board of Governors:

- a. Twenty-two members, with due regard to equitable representation on the Board as a whole of the members in the areas listed in sub-paragraph A.1 of this article, so that the Board shall at all times include in this category:

four representatives of the area of Latin America,
four representatives of the area of Western Europe,
three representatives of the area of Eastern Europe,
five representatives of the area of Africa,
three representatives of the area of the Middle East and South Asia,
two representatives of the area of South East Asia and the Pacific, and
one representative of the area of Far East.

- b. Two further members from among the members in the following areas:

Western Europe
Eastern Europe
Middle East and South Asia

- c. One further member from among the members in the following areas:

Latin America
Eastern Europe"

and

- II. Add at the end of Article VI the following new paragraph:

"K. The provisions of paragraph A of this Article as approved by the General Conference on 1 October 1999, shall enter into force when the requirements of Article XVIII.C are met and the General Conference confirms a list of all Member States of the Agency which has been adopted by the Board, in both cases by ninety per cent of those present and voting, whereby each Member State is allocated to one of the areas referred to in sub-paragraph 1 of paragraph A of this Article. Any change to the list

thereafter may be made by the Board with the confirmation of the General Conference, in both cases by ninety per cent of those present and voting and only after a consensus on the proposed change is reached within any area affected by the change".

3. *Urges all Member States of the Agency to accept this amendment as soon as possible in accordance with their respective constitutional processes, as provided for in Article XVIII.C(ii) of the Statute;*

4. *Requests the Director General to report to the General Conference, at its 45th regular session on the progress made towards the entry into force of this amendment.*

Amendment to Article VI of the Statute. Decision. 57th General Conference.

[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. Decision. 60th General Conference of the IAEA

[GC(60)/DEC/10, September 2016]

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, GC(56)/DEC/9, GC(57)/DEC/10, GC(58)/DEC/9 and GC(59)/DEC/10.

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(60)/10 that as of 5 July 2016 only 57 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 United Nations 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 sixty-first (2017) 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>]

Nuclear Security. Resolution. 60th General Conference of IAEA.

[GC(60)/RES/10, September 2016]

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;

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

3. Calls upon the Secretariat to continue to implement the Nuclear Security Plan 2014-2017 (GC(57)/19 and Corr.1) in a comprehensive manner and calls upon the Agency to develop the Nuclear Security Plan 2018-2021 in a close consultation process between the Secretariat and Member States;

4. Encourages the Agency to enhance its technical capabilities and keep abreast of scientific and technological innovations with a view to confronting current and evolving challenges and risks to nuclear security;

5. Calls upon the Secretariat to continue to organize International Conferences on Nuclear Security every three years and encourages all Member States to participate at ministerial level;

6. Calls upon Member States that have not yet done so to establish or designate, and sustain a competent authority or authorities responsible for the implementation of the legislative and regulatory framework, which is or are functionally independent in its or their regulatory decision-making from any other bodies that deal with the promotion or utilization of nuclear or other radioactive material, and which has or have the legal authority and the human, financial and technical resources necessary for fulfilling its or their responsibilities;

7. 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;

8. Calls upon all Member States to consider providing the necessary political, technical and financial support to the Agency's 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;

9. Encourages all Parties to the CPPNM and its 2005 Amendment to fully implement their obligations thereunder, encourages States that have not yet done so to become party to this Convention and its Amendment, further encourages the Agency to continue efforts to promote further adherence to the Amendment with the aim of its universalization, welcomes the organization by the Secretariat of

CPPNM meetings and encourages all States Parties to the Convention to participate in relevant meetings;

10. 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;

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

12. 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 Nuclear Security Fundamentals (IAEA Nuclear Security Series No. 20) and Recommendations, and encourages further efforts of the Secretariat to enable representatives of all Member States to participate in the work of the NSGC;

13. Encourages the Secretariat, while recognizing the distinction between nuclear safety and nuclear security, to continue facilitating, in close cooperation with Member States, a coordination process relating to their interfaces, and encourages the Agency to develop safety and security publications accordingly;

14. Calls upon all Member States to take into account information security, considering the balance between security and transparency as provided for in IAEA Nuclear Security Series No. 23-G with a view to further strengthening and improving relevant mechanisms that handle information pertaining to nuclear or other radioactive material encountered outside of regulatory control;

15. Encourages all Member States to take into account, as appropriate, the Nuclear Security Series publications, including the Nuclear Security Fundamentals, and to make use of them at their national discretion in their efforts to strengthen nuclear security;

16. Encourages the Agency to continue, in coordination with Member States, to play its central and coordinating role in nuclear security activities among international organizations and initiatives, taking into account their respective mandates and memberships, and to work jointly, as appropriate, with relevant international and regional organizations and institutions, welcomes regular IAEA Information Exchange Meetings and requests the Secretariat to keep Member States informed in this regard;

17. Encourages the Secretariat to promote international exchanges of experience, knowledge and good practices as regards ways to develop, foster and maintain a robust nuclear security culture compatible with States' nuclear security regimes, and encourages the Secretariat to organize an international workshop on nuclear security culture;

18. Encourages the Secretariat, in consultation with Member States, to increase its assistance to States, upon request, on the development and consolidation of a nuclear security culture, including through publishing guidance, provision of training and related self-assessment and training materials and tools;

19. Encourages the Secretariat, in cooperation with Member States, to continue its training and train-the-trainers programmes taking account of the IAEA Nuclear Security Series, and to adapt the courses as appropriate, within its mandate, to meet the needs of Member States;

20. Encourages ongoing initiatives of Member States, in cooperation with the Secretariat, to further enhance nuclear security culture, as well as skills and knowledge of personnel through nuclear security education and training, and through dialogue with the nuclear industry and collaborative international and regional networks, as appropriate, including through centres of excellence, Nuclear Security Support Centres (NSSCs) and the International Nuclear Security Education Network (INSEN), and taking into account and promoting relevant Nuclear Security Series publications, and requests the Secretariat to continue to report to the Board of Governors on its activities in this respect;

21. Recognizes and supports the Agency's continuing work to assist, upon request, States' efforts to

establish effective and sustainable national nuclear security regimes, to fulfil their obligations under United Nations Security Council resolution 1540, provided that the requests are within the scope of the Agency's statutory responsibilities;

22. Recognizes and supports the Agency's continuing work to assist, upon request, States' efforts to ensure the security of their nuclear and other radioactive material, including through the offer of assistance in the implementation of Agency Nuclear Security Fundamentals and Recommendations when radioactive material is supplied by the Agency, and through the provision of such assistance when requested;

23. Encourages States to make further use of assistance in the field of nuclear security, 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;

24. Encourages the Secretariat to assist Member States, upon request, in the development of implementation strategies of their INSSPs in close consultation with the concerned Member State;

25. 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, and highlighting, in cooperation with the recipient State, the most urgent needs for assistance, with due regard to the confidentiality of information relevant to nuclear security;

26. Calls upon the Agency to support continued dialogue on the security of radioactive sources and disused radioactive sources, and to promote research and development in this field;

27. Invites States that have not yet done so to make political commitments to implement the non-legally-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 further implement these instruments to maintain effective security of radioactive sources throughout their life cycle;

28. Notes the discussion on the development of supplementary guidance of the Code of Conduct on the Safety and Security of Radioactive Sources regarding the management of disused sealed sources;

29. 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 or consider other options including the reuse or recycling of sources whenever possible;

30. Calls upon all States to improve and sustain, based on national security threat assessments, their national capabilities to prevent, detect, deter and respond to 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;

31. Encourages Member States to organize exercises to strengthen national capacities to prepare and respond to a nuclear security event involving nuclear or other radioactive material;

32. Notes the utility of the Incident and Trafficking Database (ITDB) as a voluntary mechanism for the international exchange of information on incidents and illicit trafficking of nuclear and other radioactive material, encourages the Agency to further facilitate, including through designated Points of Contact, the timely exchange of information including through secured electronic access to information contained in the ITDB, and encourages all States to join and participate actively in the ITDB programme in support of their national efforts to prevent, detect and respond to radioactive and nuclear materials that may have fallen out of regulatory control;

33. Encourages States to continue efforts on their territory to recover and secure nuclear and other

radioactive material that has fallen out of regulatory control;

34. Calls upon all Member States to continue to take appropriate steps, consistent with the national legislation and regulation, to prevent, detect, and protect against insider threats at nuclear facilities, and calls upon the Secretariat to advise Member States, upon request, on taking further preventive and protective measures against insider threats to enhance nuclear security, including through the use of Nuclear Material Accounting and Control for Nuclear Security Purposes at Facilities (IAEA Nuclear Security Series No. 25-G);

35. Calls upon all Member States to continue to take appropriate steps, consistent with the national legislation and regulation, to prevent, detect, and protect against insider threats at facilities using radioactive sources, and during transport;

36. Notes the Agency's efforts to raise awareness of the threat of cyber-attacks, and their potential impact on nuclear security, encourages States to take effective security measures against such attacks, and encourages the Agency to continue its efforts to strengthen computer security, to improve international cooperation, to bring together experts and policy-makers to promote the exchange of information and experiences, to develop appropriate guidance and to assist Member States, upon request, in this area by providing training courses and hosting further expert meetings specific to the computer security of nuclear facilities;

37. Welcomes the Agency's work of promotion and support in the field of nuclear forensics, including through the development of guidance, further requests the Secretariat to assist interested Member States, upon their request, through the provision of education and training, and encourages Member States to make available experts, to share experiences, knowledge and good practices, in nuclear forensics with due regard of the principle of protection of sensitive information, and, if they have not yet done so, to consider establishing, where practical, national nuclear material databases or national nuclear forensics libraries;

38. Encourages the Member States concerned, on a voluntary basis, to further minimize highly enriched uranium (HEU) in civilian stocks and use low enriched uranium (LEU) where technically and economically feasible;

39. Encourages Member States to voluntarily use, and make available experts to the Agency to carry out, 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) and INSServ (International Nuclear Security Advisory Service), missions by Member States, and notes with appreciation the organization by the Agency of meetings, including the forthcoming IPPAS 20th anniversary meeting in London, to allow interested Member States to share experience and lessons learned, with due regard of the principle of confidentiality, and to make recommendations for improvements of IPPAS and INSServ missions;

40. 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;

41. Encourages Member States to make use of the IAEA Nuclear Security Information Management System (NUSIMS), on a voluntary basis;

42. 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;

43. Requests the Director General to submit an annual Nuclear Security Report to the General Conference at its sixty-first (2017) regular session on activities undertaken by the Agency in the area

of nuclear security, and on external users of 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; and

44. 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. 60th General Conference of IAEA.

[GC(60)/RES/11, September 2016]

1. General

The General Conference.

[Eds ...]

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 Agency's 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 Agency and implement its provisions.

2. Strengthening Technical Cooperation Activities

[Eds ...]

1. Requests the Secretariat to continue to facilitate and to enhance the development of nuclear technology and know-how and its transfer to and 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, and encourages Member States to contribute in sharing knowledge and technology in the field of peaceful uses of nuclear energy;

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. 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 by ensuring that staff are adequately and appropriately assigned at all levels;

3. Welcomes and further encourages the continuing efforts of the Secretariat to optimize the quality, the number and the impact of TC projects and to create synergies among them, whenever feasible, and in coordination with the Member States concerned;

4. Requests the Secretariat to continue to provide Member States with adequate information and training on project development according to the LFA 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, welcomes the progress achieved and encourages further progress by Member States in the submission of their Project Progress Assessment Reports (PPARs). In this regard, requests the Secretariat to continue to provide necessary guidance to Member States on improving their reporting, as appropriate;

6. Requests the Secretariat to keep Member States informed of the results of the efforts to implement outcome monitoring in the TC programme, and of the financial and human resource implications of its expansion;

7. 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;

8. 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;

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

10. 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 instalment 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 further consult with Member States, in a timely manner, regarding specific guidelines for its application, and its approval by the Policy Making Organs of the Agency;

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. Requests the Secretariat, when presenting the Programme and Budget Proposal 2018–2019, to inform Member States on how it intends to give effect to the Board's decision to place appropriate emphasis on the activities directly related to the implementation of the SDGs;

7. While cognizant of the diverse nature of export control regimes, urges Member States to work in close cooperation with the Agency 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 Agency's Peaceful Uses Initiative, which is designed to raise extrabudgetary contributions to Agency 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. Welcomes the completion of the mechanism to allow Member States to share voluntarily their Country Programme Frameworks (CPFs) and footnote-a/ project details, via the electronic search engine, and encourages Member States to make full use of these tools;

12. 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

13. Welcomes the Progress Reports on the Secretariat's Implementation of the Recommendations of the Working Group on Financing the Agency's Activities (WGFAA), including to examine the ways and means to render resources for the Technical Cooperation Fund sufficient, assured and predictable, as contained in GOV/INF/2015/4 and GOV/INF/2016/7 and calls upon Member States and the Secretariat to continue to take the necessary actions on the recommendations made by the Working Group.

5. Partnerships and Cooperation

[Eds ...]

1. Requests the Director General to continue consultations and interactions with interested States, the competent organizations of the UN 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, in close consultation with Member States, 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) strengthening guidance for partnership mechanisms; and in this regard to keep Member States informed of the Agency's activities; and

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 for these partnerships, to ensure that their objectives are Specific, Measurable, Achievable, Realistic and Timely (SMART).

[Eds ...]

Strengthening the Effectiveness and Improving the Efficiency of Agency Safeguards. Resolution. 60th General Conference of the IAEA

[GC(60)/RES/13, September 2016]

[Eds – footnotes not included]

The General Conference.

[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. Recognizes the importance of the Agency continuing to implement safeguards in accordance with the rights and obligations under the respective safeguards agreements between States and the Agency;

6. Regrets that not all State parties to the NPT obligated to do so have concluded comprehensive safeguards agreements with the Agency;

7. 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;

8. 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 and rigorously reviewed and validated information, including other information to be assessed for accuracy, credibility and safeguards relevance, as described in GOV/2014/41;

9. 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;

10. 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);

11. Welcomes the fact that, as of 30 September 2016, 64 States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors;

12. Welcomes the fact that, as of 30 September 2016, 147 States and other parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for 129 of those States and other parties;

13. 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;

14. 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;

15. 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;

16. 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;

17. 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 2016), 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;

18. 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 GC(60)/RES/13 safeguards agreements with the Agency and which should contain all of the measures in the Model Additional Protocol;

19. Invites the nuclear-weapon States to keep the scope of their additional protocols under review;

20. Notes that the Agency must remain ready to assist, in accordance with its Statute, with verification tasks under nuclear disarmament or arms control agreements that it may be requested to carry out by the States parties to such agreements;

21. Notes that for 2015 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 67 States that have both a comprehensive safeguards agreement and additional protocol in force;

22. 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;

23. Welcomes the clarifications and additional information provided by the Director General in the Supplementary Document to the Report on The Conceptualization and Development of Safeguards Implementation at the State Level (GOV/2014/41, and its Corrigenda), taken note of by the Board of Governors in September 2014, following the intensive consultation process undertaken over the preceding year;

24. Welcomes the important assurances contained in GOV/2014/41 and its Corrigenda, and in the statements by the Director General and the Secretariat as noted by the Board of Governors in its September 2014 session, including inter alia:

- The State-level concept (SLC) does not, and will not, entail the introduction of any additional rights or obligations on the part of either States or the Agency, nor does it involve any modification in the interpretation of existing rights and obligations;
- The SLC is applicable to all States, but strictly within the scope of each individual State's safeguards agreement(s);
- The SLC is not a substitute for the Additional Protocol and is not designed as a means for

the Agency to obtain from a State without an Additional Protocol the information and access provided for in the Additional Protocol;

- The development and implementation of State-level approaches requires close consultation with the State and/or regional authority, particularly in the implementation of in-field safeguards measures;

- Safeguards-relevant information is only used for the purpose of safeguards implementation pursuant to the safeguards agreement in force with a particular State – and not beyond it;

25. Notes the Secretariat's intention to continue to concentrate its verification effort on the sensitive

stages of the nuclear fuel cycle;

26. Notes that the development and implementation of State-level approaches requires close consultation and coordination with the State and/or regional authority, and agreement by the State concerned on practical arrangements for effective implementation of all safeguards measures identified for use in the field if not already in place;

27. Notes that, on the basis of GOV/2014/41 and its Corrigenda, the Secretariat will continue to keep the Board of Governors informed of progress made in the development and implementation of safeguards in the context of the SLC and requests the Director General to report to the Board on progress made in the development and implementation of safeguards in the context of the SLC, including in the annual Safeguards Implementation Report;

28. Welcomes the Secretariat's ongoing open dialogue with States on safeguards matters and its intention to maintain the enhanced dialogue and to issue periodic update reports, as further experience is gained;

29. Notes the statement of the Director General that the focus of the Agency for the immediate future is on updating existing State-level approaches for States under integrated safeguards and that State-level approaches will be progressively developed and implemented for other States;

30. Requests the Director General to report to the Board of Governors about lessons learned and experience gained in State-level approaches for States under integrated safeguards after State-level approaches have been updated and are being implemented for all such States, including a cost-benefit analysis;

31. Encourages the Secretariat to continue to implement State-level approaches, making every effort to ensure optimal efficiency in the economical use of its resources without compromising effectiveness and with a view to optimizing safeguards implementation for States concerned;

32. 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;

33. 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;

34. Welcomes continued cooperation between the Secretariat and State and Regional Systems of Accounting for and Control of Nuclear Material (SSAC and RSAC), and encourages them to increase their cooperation, taking into account their respective responsibilities and competencies;

35. Encourages States to maintain and, as appropriate, to continue to strengthen their SSAC or RSAC, recognizing the important role SSACs and RSACs play in safeguards implementation;

36. 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;

37. Encourages States to support the Agency's efforts to strengthen the Safeguards Analytical Laboratories and the

Network of Analytical Laboratories, especially in developing countries;

38. Welcomes the steps taken by the Director General to protect classified safeguards information as described in document GC(60)/13, and 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 periodically to the Board about the implementation of the regime for the protection of classified safeguards information;

39. 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; 40. 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

41. Requests the Director General to report on the implementation of this resolution to the General Conference at its sixty-first (2017) regular session.

Implementation of the NPT safeguards agreement between the Agency and the Democratic People's Republic of Korea. 60th General Conference of IAEA.

[GC(60)/RES/14 September 2016]

The General Conference,

[Eds...]

1. Condemns in the strongest terms the five nuclear tests conducted by the DPRK, including on 6 January 2016 and 9 September 2016, in violation and flagrant disregard of the relevant United Nations Security Council resolutions;

2. Calls upon the DPRK to refrain from conducting any further nuclear test, pursuant to the relevant United Nations Security Council resolutions;

3. Strongly deplores all the DPRK's ongoing nuclear activities, as outlined in the Director General's report, including the restart and operation of the 5 MW(e) reactor and the Radiochemical Laboratory (Reprocessing Facility), the extension and operation of the uranium enrichment facility, and ongoing construction activities at the light water reactor site and other locations at Yongbyon; and urges the DPRK to halt all such activities, and any efforts to readjust or expand its nuclear facilities, aimed at the production of fissile material;

4. 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;

5. 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 the favourable conditions for the resumption of the Six-Party Talks aimed at achieving substantive progress towards the complete, verifiable, and irreversible denuclearization of the Korean Peninsula, and maintaining peace and security in the Korean Peninsula and North East Asia;

6. Strongly urges the DPRK to renounce its policy of building its nuclear forces, and to honour its commitment to denuclearization and the 19 September 2005 Joint Statement of the Six-Party Talks;

7. Strongly urges the DPRK to fully comply with all its obligations under United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) and other relevant resolutions, and to take concrete steps to fulfill 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;

8. Stresses the importance of all Member States fully implementing their obligations pursuant to United Nations Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), and 2270 (2016), including the DPRK's non-proliferation obligations;

9. Reaffirms that the DPRK cannot have the status of a nuclear-weapon State in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons (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 NPT;

10. 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;

11. 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;

12. Supports and encourages the international community's peaceful efforts in all available and appropriate forums to address the challenge posed by the DPRK; and

13. 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 sixty-first (2017) regular session.

Application of IAEA safeguards in the Middle East. 60th General Conference of IAEA.

[GC(60)/RES/15, September 2016]

The General Conference,

[Eds...]

1. Takes note of the Director General's report in document GC(60)/14;

2. Calls upon all States in the region to accede to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT);

3. Calls upon all States in the region, to accede to and implement, all relevant nuclear disarmament and non-proliferation conventions, to fulfil in good faith international obligations and commitments relating to safeguards, and to cooperate fully with the IAEA within the framework of their respective obligations;

4. Affirms the urgent need for all States in the Middle East to forthwith accept the application of full-scope Agency safeguards to all their nuclear activities as an important confidence-building measure among all States in the region and as a step in enhancing peace and security in the context of the establishment of a 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 a 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 sixty-first (2017) 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".

O – Safeguards Agreements with the International Atomic Energy Agency

The Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968)

[Reproduced from IAEA Information Circular 66/Rev.2, (INFCIRC/66/Rev.2), 16 September 1968]

I. GENERAL CONSIDERATIONS

A. The purpose of this document

1. Pursuant to Article II of the Statute the Agency has the task of seeking 'to accelerate and enlarge the contribution of atomic energy and peace, health and prosperity throughout the world'. Inasmuch as the technology of nuclear energy for peaceful purposes is closely coupled with that for the production of materials for nuclear weapons, the same Article of the Statute provides that the Agency 'shall ensure so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose'.

2. The principal purpose of the present document is to establish a system of controls to enable the Agency to comply with this statutory obligation with respect to the activities of Member States in the field of the peaceful uses of nuclear energy, as provided in the Statute. The authority to establish such a system is provided by Article III.A.5 of the Statute, which authorizes the Agency to 'establish and administer safeguards designed to ensure that special fissionable and other materials, services, equipment, facilities, and information made available by the Agency or at its request or under its supervision or control are not used in such a way as to further any military purpose'. This Article further authorizes the Agency to 'apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement, or at the request of a State, to any of that State's activities in the field of atomic energy'. Article XII.A sets forth the rights and responsibilities that the Agency is to have, to the extent relevant, with respect to any project or arrangement which it is to safeguard.

3. The principles set forth in this document and the procedures for which it provides are established for the information of Member States, to enable them to determine in advance the circumstances and manner in which the Agency would administer safeguards, and for the guidance of the organs of the Agency itself, to enable the Board and the Director General to determine readily what provisions should be included in agreements relating to safeguards and how to interpret such provisions.

4. Provisions of this document that are relevant to a particular project, arrangement or activity in the field of nuclear energy will only become legally binding upon the entry into force of a *safeguards agreement* and to the extent that they are incorporated therein. Such incorporation may be made by reference.

5. Appropriate provisions of this document may also be incorporated in bilateral or multilateral arrangements between Member States, including all those that provide for the transfer to the Agency of responsibility for administering safeguards. The Agency will not assume such responsibility unless the principles of the safeguards and the procedures to be used are essentially consistent with those set forth in this document.

6. Agreements incorporating provisions from the earlier version of the Agency's safeguards system will continue to be administered in accordance with such provisions, unless all States parties thereto request the Agency to substitute the provisions of the present document.

7. Provisions relating to types of *principal nuclear facilities*, other than *reactors*, which may produce, process or use safeguarded *nuclear material* will be developed as necessary.

8. The principles and procedures set forth in this document shall be subject to periodic review in the light of the further experience gained by the Agency as well as of technological developments.

B. General principles of the Agency's safeguards The Agency's obligations

9. Bearing in mind Article II of the Statute, the Agency shall implement safeguards in a manner designed to avoid hampering a State's economic or technological development.

10. The safeguards procedures set forth in this document shall

be implemented in a manner designed to be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

11. In no case shall the Agency request a State to stop the construction or operation of any *principal nuclear facility* to which the Agency's safeguards procedures extend, except by explicit decision of the Board.

12. The State or States concerned and the Director General shall hold consultations regarding the application of the provisions of the present document.

13. In implementing safeguards, the Agency shall take every precaution to protect commercial and industrial secrets. No member of the Agency's staff shall disclose, except to the Director General and to such other members of the staff as the Director General may authorize to have such information by reason of their official duties in connection with safeguards, any commercial or industrial secret or any other confidential information coming to his knowledge by reason of the implementation of safeguards by the Agency.

14. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of safeguards, except that:

- (a) Specific information relating to such implementation in a State may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its safeguards responsibilities;
- (b) Summarized lists of items being safeguarded by the Agency may be published upon decision of the Board; and
- (c) Additional information may be published upon decision of the Board and if all States directly concerned agree.

Principles of implementation

15. The Agency shall implement safeguards in a State if:

- (a) The Agency has concluded with the State a *project agreement* under which materials, services, equipment, facilities or information are supplied, and such agreement provides for the application of safeguards; or
- (b) The State is a party to a bilateral or multilateral arrangement under which materials, services, equipment, facilities or information are supplied or otherwise transferred, and:
 - (i) All the parties to the arrangement have requested the Agency to administer safeguards; and
 - (ii) The Agency has concluded the necessary *safeguards agreement* with the State; or
- (c) The Agency has been requested by the State to safeguard certain nuclear activities under the latter's jurisdiction, and the Agency has concluded the necessary *safeguards agreement* with the State.

16. In the light of Article XI I.A.5 of the Statute, it is desirable that *safeguards agreements* should provide for the continuation of safeguards, subject to the provisions of this document, with respect to produced special fissionable material and to any materials substituted therefor.

17. The principal factors to be considered by the Board in determining the relevance of particular provisions of this document to various types of materials and facilities shall be the form, scope and amount of the assistance supplied, the character of each individual project and the degree to which such assistance could further any military purpose. The related *safeguards agreement* shall take account of all pertinent circumstances at the time of its conclusion.

18. In the event of any non-compliance by a State with a *safeguards agreement*, the Agency may take the measures set forth in Articles XI I.A.7 and XI I.C of the Statute.

II. CIRCUMSTANCES REQUIRING SAFEGUARDS

A. Nuclear materials subject to safeguards

19. Except as provided in paragraphs 21-28, *nuclear material* shall be subject to the Agency's safeguards if it is being or has been:

- (a) Supplied under a *project agreement*; or
- (b) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or
- (c) *Unilaterally submitted* to safeguards under a *safeguards*

agreement; or

(d) Produced, processed or used in a *principal nuclear facility* which has been:

- (i) Supplied wholly or substantially under a *project agreement*; or
- (ii) Submitted to safeguards under a *safeguards agreement* by the parties to a bilateral or multilateral arrangement; or
- (iii) *Unilaterally submitted* to safeguards under a *safeguards agreement*; or

(e) Produced in or by the use of safeguarded *nuclear material*; or

(f) Substituted, pursuant to paragraph 26(d), for safeguarded *nuclear material*.

20. A *principal nuclear facility* shall be considered as substantially supplied under a *project agreement* if the Board has so determined.

B. Exemption from Safeguards

General Exemptions

21. *Nuclear material* that would otherwise be subject to safeguards shall be exempted from safeguards at the request so exempted in that State may not at any time exceed:

(a) 1 kilogram in total of special fissionable material, which may consist of one or more of the following:

- (i) Plutonium;
- (ii) Uranium with an *enrichment* of 0.2 (20%) above, taken account of by multiplying its weight by its *enrichment*.
- (iii) Uranium with an *enrichment* below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its *enrichment*.

(b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);

(c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and

(d) 20 metric tons of thorium.

Exemptions related to reactors

22. Produced or used *nuclear material* that would otherwise be subject to safeguards pursuant to paragraph 19(d) or (e) shall be exempted from safeguards if:

(a) It is plutonium produced in the fuel of a *reactor* whose rate of production does not exceed 100 grams of plutonium per year; or

(b) It is produced in a *reactor* determined by the Agency to have a maximum calculated power for continuous operation of less than 3 thermal megawatts, or is used in such a *reactor* and would not be subject to safeguards except for such use, provided that the total power of the *reactors* with respect to which these exemptions apply in any State may not exceed 6 thermal megawatts.

23. Produced special fissionable material that would otherwise be subject to safeguards pursuant only to paragraph 19(e) shall in part be exempted from safeguards if it is produced in a *reactor* in which the ratio of fissionable isotopes within safeguarded *nuclear material* to all fissionable isotopes is less than 0.3 (calculated each time any change is made in the loading of the *reactor* and assumed to be maintained until the next such change). Such fraction of the produced material as corresponds to the calculated ratio shall be subject to safeguards.

C. Suspension of safeguards

24. Safeguards with respect to *nuclear material* may be suspended while the material is transferred, under an arrangement or agreement approved by the Agency, for the purpose of processing, reprocessing, testing, research or development within the State concerned or to any other member State or to an international organization, provided that the quantities of *nuclear material* with respect to which safeguards are thus suspended in a State may not at any time exceed:

- (a) 1 *effective kilogram* of special fissionable material;
- (b) 10 metric tons in total of natural uranium and depleted uranium with an *enrichment* above 0.005 (0.5%);
- (c) 20 metric tons of depleted uranium with an *enrichment* of 0.005 (0.5%) or below; and
- (d) 20 metric tons of thorium.

25. Safeguards with respect to *nuclear material* in irradiated fuel which is transferred for the purpose of reprocessing may also be suspended if the State or States concerned have, with the agreement of the Agency, placed under safeguards substitute *nuclear material* in accordance with paragraph 26(d) for the period of suspension. In addition, safeguards with respect to plutonium

contained in irradiated fuel which is transferred for the purpose of reprocessing may be suspended for a period not to exceed six months if the State or States concerned have, with the agreement of the Agency, placed under safeguards a quantity of uranium whose *enrichment* in the isotope uranium-235 is not less than 0.9 (90%) and the uranium-235 content of which is equal weight to such plutonium. Upon expiration of the said six months or the completion of reprocessing, whichever is earlier, safeguards shall, with the agreement of the Agency, be applied to such plutonium and shall cease to apply to the uranium substituted therefor.

D. Termination of Safeguards

26. *Nuclear material* shall no longer be subject to safeguards after:

(a) It has been returned to the State that originally supplied it (whether directly or through the Agency), if it was subject to safeguards only by reason of such supply and if:

(i) It was not *improved* while under safeguards; or

(ii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or

(b) The Agency has determined that:

(i) It was subject to safeguards only by reason of its use in a *principal nuclear facility* specified in paragraph 19(d);

(ii) It has been removed from such facility; and

(iii) Any special fissionable material that was produced in it under safeguards has been separated out, or safeguards with respect to such produced material have been terminated; or

(c) The Agency has determined that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practicably irrecoverable; or

(d) The State or States concerned have, with the agreement of the Agency, placed under safeguards, as a substitute, such amount of the same element, not otherwise subject to safeguards, as the Agency has determined contains fissionable isotopes:

(i) Whose weight (with due allowance for processing losses) is equal to or greater than the weight of the fissionable isotopes of the material with respect to which safeguards are to terminate; and

(ii) Whose ratio by weight to the total substituted element is similar to or greater than the ratio by weight of the fissionable isotopes of the material with respect to which safeguards are to terminate to the total weight of such material; provided that the Agency may agree to the substitution of plutonium for uranium-235 contained in uranium whose *enrichment* is not greater than 0.05 (5%); or

(e) It has been transferred out of the State under paragraph 28(d), provided that such material shall again be subject to safeguards if it is returned to the State in which the Agency had safeguarded it; or

(f) The conditions specified in the *safeguards agreement* pursuant to which it was subject to Agency safeguards, no longer apply, by expiration of the agreement or otherwise.

27. If a State wishes to use safeguarded source material for non-nuclear purposes, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such material may be terminated.

E. Transfer of safeguarded nuclear material out of the State

28. No safeguarded *nuclear material* shall be transferred outside the jurisdiction of the State in which it is being safeguarded until the Agency has satisfied itself that one or more of the following conditions apply:

(a) The material is being returned, under the conditions specified in paragraph 26(a), to the State that originally supplied it; or

(b) The material is being transferred subject to the provisions of paragraph 24 or 24; or

(c) Arrangements have been made by the Agency to safeguard the material in accordance with this document in the State to which it is being transferred; or

(d) The material was not subject to safeguards pursuant to a *project agreement* and will be subject, in the State to which it is being transferred, to safeguards other than those of the Agency but generally consistent with such safeguards and accepted by the Agency.

III. SAFEGUARDS PROCEDURES

A. General procedures

Introduction

29. The safeguards procedures, set forth below shall be followed, as far as relevant with respect to safeguarded *nuclear materials*, whether they are being produced, processed or used in any *principal nuclear facility* or are outside any such facility. These procedures also extend to facilities containing or to contain such materials, including *principal nuclear facilities* to which the criteria in paragraph 19(d) apply.

Design review

30. The Agency shall review the design of *principal nuclear facilities*, for the sole purpose of satisfying itself that a facility will permit the effective application of safeguards.

31. The design review of a *principal nuclear facility* shall take place at as early a stage as possible. In particular, such review shall be carried out in the case of:

- (a) An Agency project, before the project is approved;
- (b) A bilateral or multilateral arrangement under which the responsibility for administering safeguards is to be transferred to the Agency, or an activity *unilaterally submitted* by a State, before the Agency assumes safeguards responsibilities with respect to the facility;
- (c) A transfer of safeguarded *nuclear material* to a *principal nuclear facility* whose design has not previously been reviewed, before such transfer takes place; and
- (d) A significant modification of a *principal nuclear facility* whose design has previously been reviewed, before such modification is undertaken.

32. To enable the Agency to perform the required design review, the State shall submit to it relevant design information sufficient for the purpose, including information on such basic characteristics of the *principal nuclear facility* as may bear on the Agency's safeguards procedures. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibility under this section. It shall complete the review promptly after the submission of this information by the State and shall notify the latter of its conclusions without delay.

Records

33. The State shall arrange for the keeping of records with respect to *principal nuclear facilities* and also with respect to all safeguarded *nuclear material* outside such facilities. For this purpose the State and the Agency shall agree on a system of records with respect to each facility and also with respect to such material, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the records need to be kept.

34. If the records are not kept in one of the working languages of the Board, the State shall make arrangements to facilitate their examination by inspectors.

35. The records shall consist, as appropriate, of:

- (a) Accounting records of all safeguarded *nuclear material*; and
- (b) Operating records for *principal nuclear facilities*.

36. All records shall be retained for at least two years.

Reports

General Requirements

37. The State shall submit to the Agency reports with respect to the production, processing and use of safeguarded *nuclear material* in or outside *principal nuclear facilities*. For this purpose the State and the Agency shall agree on a system of reports with respect to each facility and also with respect to safeguarded *nuclear material* outside such facilities, on the basis of proposals to be submitted by the State in sufficient time to allow the Agency to review them before the reports need to be submitted. The reports need include only such information as is relevant for the purpose of safeguards.

38. Unless otherwise provided in the applicable *safeguards agreement*, reports shall be submitted in one of the working languages of the Board.

Routine reports

39. Routine reports shall be based on the records compiled in accordance with paragraphs 33-36 and shall consist, as

appropriate, of:

- (a) Accounting reports showing the receipt, transfer out, inventory and use of all safeguarded *nuclear material*. The inventory shall indicate the nuclear and chemical composition and physical form of all material and its location on the date of the report; and
- (b) Operating reports showing the use that has been made of each *principal nuclear facility* since the last report and, as far as possible, the programme of future work in the period until the next routine report is expected to reach the Agency.

40. The first routine report shall be submitted as soon as:

- (a) There is any safeguarded *nuclear material* to be accounted for; or
- (b) The *principal nuclear facility* to which it relates is in a condition to operate.

Progress in construction

41. The Agency may, if so provided in a *safeguards agreement*, request information as to when particular stages in the construction of a *principal nuclear facility* have been or are to be reached.

Special reports

42. The State shall report to the Agency without delay:

- (a) If any unusual incident occurs involving actual or potential loss or destruction of, or damage to, any safeguarded *nuclear material* or *principal nuclear facility*; or
- (b) If there is good reason to believe that safeguarded *nuclear material* is lost or unaccounted for in quantities that exceed the normal operating and handling losses that have been accepted by the Agency as characteristic of the facility.

43. The State shall report to the Agency, as soon as possible, and in any case within two weeks, any transfer not requiring advance notification that will result in a significant change (to be defined by the Agency in agreement with the State) in the quantity of safeguarded *nuclear material* in a facility, or in a complex of facilities considered as a unit for this purpose by agreement with the Agency. Such report shall indicate the amount and nature of the material and its intended use.

Amplification of reports

44. At the Agency's request, the State shall submit amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

Inspections

General procedures

45. The Agency may inspect safeguarded *nuclear materials* and *principal nuclear facilities*.

46. The purpose of safeguards inspections shall be to verify compliance with *safeguards agreements* and to assist States in complying with such agreements and in resolving any questions arising out of the implementation of safeguards.

47. The number, duration and intensity of inspections actually carried out shall be kept to the minimum consistent with the effective implementation of safeguards, and if the Agency considers that the authorized inspections are not all required, fewer shall be carried out.

48. Inspectors shall neither operate any facility themselves nor direct the staff of a facility to carry out any particular operation.

Routine inspections

49. Routine inspections may include, as appropriate:

- (a) Audit of records and reports;
- (b) Verification of the amount of safeguarded *nuclear material* by physical inspection, measurement and sampling;
- (c) Examination of *principal nuclear facilities*, including a check of their measuring instruments and operating characteristics; and
- (d) Check of the operations carried out at *principal nuclear facilities* and at *research and development facilities* containing safeguarded *nuclear material*.

50. Whenever the Agency has the right of access to a *principal nuclear facility* at all times, it may perform inspections of which notice as required by paragraph 4 of the *Inspectors Document* need not be given, in so far as this is necessary for the effective application of safeguards. The actual procedures to implement these provisions shall be agreed upon between the parties concerned in the *safeguards agreement*.

Initial inspections

51. To verify that the construction of a *principal nuclear facility* is in accordance with the design reviewed by the Agency, an initial inspection or inspections of the facility may be carried out, if so provided in a *safeguards agreement*:

- (a) As soon as possible after the facility has come under Agency safeguards, in the case of a facility already in operation; or
- (b) Before the facility starts to operate, in other cases.

52. The measuring instruments and operating characteristics of the facility shall be reviewed to the extent necessary for the purpose of implementing safeguards. Instruments that will be used to obtain data on the *nuclear materials* in the facility may be tested to determine their satisfactory functioning. Such testing may include the observation by inspectors of commissioning or routine tests by the staff of the facility, but shall not hamper or delay the construction, commissioning or normal operation of the facility.

Special inspections

53. The Agency may carry out special inspections if:

- (a) The study of a report indicates that such inspection is desirable; or
- (b) Any unforeseen circumstance requires immediate action. The Board shall subsequently be informed of the reasons for and the results of each such inspection.

54. The Agency may also carry out special inspections of substantial amounts of safeguarded *nuclear material* that are to be transferred outside the jurisdiction of the State in which it is being safeguarded, for which purpose the State shall give the Agency sufficient advance notice of any such proposed transfer.

B. Special procedures for reactors Reports

55. The frequency of submission of routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections. However, at least two such reports shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Inspections

56. One of the initial inspections of a *reactor* shall if possible be made just before the reactor first reaches criticality.

57. The maximum frequency of routine inspections of a *reactor* and of the safeguarded *nuclear material* in it shall be determined from the following table:

Whichever is the largest of: (a) Facility inventory (including loading); (b) Annual throughput; (c) Maximum potential annual production of special fissionable material (<i>Effective kilograms of nuclear material</i>)	Maximum number of routine inspections annually
Up to 1	0
More than 1 and up to 5	1
More than 5 and up to 10	2
More than 10 and up to 15	3
More than 15 and up to 20	4
More than 20 and up to 25	5
More than 25 and up to 30	6
More than 30 and up to 35	7
More than 35 and up to 40	8
More than 40 and up to 45	9
More than 45 and up to 50	10
More than 50 and up to 55	11
More than 55 and up to 60	12
More than 60	Right of access at all times

58. The actual frequency of inspection of a *reactor* shall take account of:

- (a) Whether the State possesses irradiated-fuel reprocessing facilities;
- (b) The nature of the *reactor*; and
- (c) The nature and amount of the *nuclear material* produced or used in the *reactor*.

C. Special procedures relating to safeguarded nuclear material outside principal nuclear facilities Nuclear material in research and development facilities

Routine reports

59. Only accounting reports need be submitted in respect of *nuclear material* in *research and development facilities*. The frequency of submission of such routine reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

60. The maximum frequency of routine inspections of safeguarded *nuclear material* in a *research and development facility* shall be that specified in the table in paragraph 57 for the total amount of material in the facility.

Source materials in sealed storage

61. The following simplified procedures for safeguarding stockpiled source material shall be applied if a State undertakes to store such material in a sealed storage facility and not to remove it therefrom without previously informing the Agency.

Design of storage facilities

62. The State shall submit to the Agency information on the design of each sealed storage facility and agree with the Agency on the method and procedure for sealing it.

Routine reports

63. Two routine accounting reports in respect of source material in sealed storage shall be submitted each year.

Routine inspections

64. The Agency may perform one routine inspection of each sealed storage facility annually.

Removal of material

65. The State may remove safeguarded source material from a sealed storage facility after informing the Agency of the amount, type and intended use of the material to be removed, and providing sufficient other data in time to enable the Agency to continue safeguarding the material after it has been removed.

Nuclear material in other locations

66. Except to the extent that safeguarded *nuclear material* outside of *principal nuclear facilities* is covered by any of the provisions set forth in paragraphs 59-65, the following procedures shall be applied with respect to such material (for example, source material stored elsewhere than in a sealed storage facility, or special fissionable material used in a sealed neutron source in the field).

Routine reports

67. Routine accounting reports in respect of all safeguarded *nuclear material* in this category shall be submitted periodically. The frequency of submission of such reports shall be agreed between the Agency and the State, taking into account the frequency established for routine inspections; however, at least one such report shall be submitted each year and in no case shall more than 12 such reports be required in any year.

Routine inspections

68. The maximum frequency of routine inspections of safeguarded *nuclear material* in this category shall be one inspection annually if the total amount of such material does not exceed five *effective kilograms*, and shall be determined from the table in paragraph 57 if the amount is greater.

IV. DEFINITIONS

69. 'Agency' means the International Atomic Energy Agency.

70. 'Board' means the Board of Governors of the Agency.

71. 'Director General' means the Director General of the Agency.

72. 'Effective kilograms' means:

- (a) In the case of plutonium, its weight in kilograms;

- (b) In the case of uranium with an *enrichment* of 0.01 (1 %) and above, its weight in kilograms multiplied by the square of its *enrichment*;
- (c) In the case of uranium with an *enrichment* below 0.01 (1 %) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
- (d) In the case of depleted uranium with an *enrichment* of 0.005 (0.5%) or below, and in the case of thorium, its weight in kilograms multiplied by 0.00005.

73. 'Enrichment' means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

74. 'Improved' means, with respect to *nuclear material*, that either:

- (a) The concentration of fissionable isotopes in it has been increased; or
- (b) The amount of chemically separable fissionable isotopes in it has been increased; or
- (c) Its chemical or physical form has been changed so as to facilitate further use or processing.

75. 'Inspector' means an Agency official designated in accordance with the *Inspectors Document*.

76. 'Inspectors Document' means the Annex to the Agency's document GC(V)/INF/39.

77. 'Nuclear material' means any source or special fissionable material as defined in Article XX of the Statute.

78. 'Principal nuclear facility' means a *reactor*, a plant for processing *nuclear material* irradiated in a *reactor*, a plant for separating the isotopes of a *nuclear material*, a plant for processing or fabricating *nuclear material* (excepting a mine or ore-processing plant) or a facility or plant of such other type as may be designated by the Board from time to time, including associated storage facilities.

79. 'Project agreement' means a *safeguards agreement* relating to an Agency project and containing provisions as foreseen in Article XI.F4(b) of the Statute.

80. 'Reactor' means any device in which a controlled, self-sustaining fission chain-reaction can be maintained.

81. 'Research and development facility' means a facility, other than a *principal nuclear facility*, used for research or development in the field of nuclear energy.

82. 'Safeguards agreement' means an agreement between the Agency and one or more Member States which contains an undertaking by one or more of those States not to use certain items in such a way as to further any military purpose and which gives the Agency the right to observe compliance with such undertaking. Such an agreement may concern:

- (a) An Agency project;
- (b) A bilateral or multilateral arrangement in the field of nuclear energy under which the Agency may be asked to administer safeguards; or
- (c) Any of a State's nuclear activities *unilaterally submitted* to Agency safeguards.

83. 'Statute' means the Statute of the Agency.

84. 'Throughput' means the rate at which *nuclear material* is introduced into a facility operating at full capacity.

85. 'Unilaterally submitted' means submitted by a State to Agency safeguards, pursuant to a *safeguards agreement*.

ANNEX I. PROVISIONS FOR REPROCESSING PLANTS

Introduction

1. The Agency's Safeguards System (1965) is so formulated as to permit application to *principal nuclear facilities* other than *reactors* as foreseen in paragraph 7. This Annex lays down the additional procedures which are applicable to the safeguarding of *reprocessing plants*. However, because of the possible need to revise these procedures in the light of experience, they shall be subject to review at any time and shall in any case be reviewed after two 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/Infocircs/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 practically 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* $30 \times E$ 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 in effectiveness 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.

(viii) Information regarding the location or further processing of intermediate or high-level waste containing plutonium, *high enriched uranium* or uranium-233 on which safeguards have been terminated pursuant to [paragraph 11 of INFCIRC/153]². 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.(x)(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 07 October 2016]

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	Approved 8 June 2016	Approved 8 June 2016
Micronesia, Fed States	Signed: 1 June 2015	
Palestine		

³ The choice of alternative depends on the preference of the State concerned according to its internal legal requirements.

Sao Tome & Principe		
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.

States with IAEA Additional Protocols

[as at 07 October 2016]

States with Additional Protocol in Force: 129

States that signed the Protocol but has yet to bring it into force: 17

State	Date of Signature of Additional Protocol	Date Additional Protocol in Force
Afghanistan	19-Jul-05	19-Jul-05
Albania	02-Dec-04	03-Nov-10
Algeria		
Andorra	09-Jan-01	19-Dec-11
Angola	28-Apr-10	28-Apr-10
Antigua and Barbuda	15-Nov-13	15-Nov-13
Armenia	29-Sep-97	28-Jun-04
Australia	23-Sep-97	12-Dec-97
Austria	22-Sep-98	30-Apr-04
Azerbaijan	05-Jul-00	29-Nov-00
Bahrain	21-Sep-10	20-Jul-11
Bangladesh	30-Mar-01	30-Mar-01
Belarus	15-Nov-05	
Belgium	22-Sep-98	30-Apr-04
Benin	07-Jun-05	
Bosnia and Herzegovina	06-Jun-12	03-Jul-13
Botswana	24-Aug-06	24-Aug-06
Bulgaria		01-May-09 ¹
Burkina Faso	17-Apr-03	17-Apr-03
Burundi	27-Sep-07	27-Sep-07
Cambodia	03-Feb-15	24-Apr-15
Cameroon	16-Dec-04	29-Sep-16
Canada	24-Sep-98	08-Sep-00
Cabo Verde	28-Jun-05	
Central African Republic	07-Sep-09	07-Sep-09
Chad	15-Sep-09	13-May-10
Chile	19-Sep-02	03-Nov-03
China	31-Dec-98	28-Mar-02
Colombia	11-May-05	05-Mar-09
Comoros	13-Dec-05	20-Jan-09
Congo, Republic of the	13-Apr-10	28-Oct-11
Costa Rica	12-Dec-01	17-Jun-11
Côte d'Ivoire	22-Oct-08	05-May-16
Croatia	22-Sep-98	06-Jul-00
Cuba	18-Sep-03	03-Jun-04
Cyprus		01-May-08 ¹
Czech Republic		01-Oct-09 ¹
D.R. Congo	09-Apr-03	09-Apr-03
Denmark	22-Sep-98	30-Apr-04
Djibouti	27-May-10	26-May-15
Dominican Republic	20-Sep-07	05-May-10
Ecuador	01-Oct-99	24-Oct-01
El Salvador	05-Sep-03	24-May-04
Estonia		01-Dec-05 ¹
Fiji	14-Jul-06	14-Jul-06

Finland	22-Sep-98	30-Apr-04
France	22-Sep-98	30-Apr-04
Gabon	08-Jun-05	25-Mar-10
Gambia	18-Oct-11	18-Oct-11
Georgia	29-Sep-97	03-Jun-03
Germany	22-Sep-98	30-Apr-04
Ghana	12-Jun-98	11-Jun-04
Greece	22-Sep-98	30-Apr-04
Guatemala	14-Dec-01	28-May-08
Guinea	13-Dec-11	
Guinea-Bissau	21-Jun-13	
Haiti	10-Jul-02	09-Mar-06
Holy See	24-Sep-98	24-Sep-98
Honduras	07-Jul-05	
Hungary		01-Jul-07 ¹
Iceland	12-Sep-03	12-Sep-03
India	15-May-09	25-Jul-14
Indonesia	29-Sep-99	29-Sep-99
Iran, Islamic Rep of	18-Dec-03	
Iraq	09-Oct-08	10-Oct-12
Ireland	22-Sep-98	30-Apr-04
Italy	22-Sep-98	30-Apr-04
Jamaica	19-Mar-03	19-Mar-03
Japan	04-Dec-98	16-Dec-99
Jordan	28-Jul-98	28-Jul-98
Kazakhstan	06-Feb-04	09-May-07
Kenya	18-Sep-09	18-Sep-09
Kiribati	09-Nov-04	
Korea, Republic of	21-Jun-99	19-Feb-04
Kuwait	19-Jun-02	02-Jun-03
Kyrgyzstan	29-Jan-07	10-Nov-11
Lao P.D.R.	05-Nov-14	
Latvia		01-Oct-08 ¹
Lesotho	26-Apr-10	26-Apr-10
Liberia		
Libya	10-Mar-04	11-Aug-06
Liechtenstein	14-Jul-06	25-Nov-15
Lithuania		01-Jan-08 ¹
Luxembourg	22-Sep-98	30-Apr-04
Madagascar	18-Sep-03	18-Sep-03
Malawi	26-Jul-07	26-Jul-07
Malaysia	22-Nov-05	
Mali	12-Sep-02	12-Sep-02
Malta		01-Jul-07 ¹
Marshall Islands	03-May-05	03-May-05
Mauritania	02-Jun-03	10-Dec-09
Mauritius	09-Dec-04	17-Dec-07
Mexico	29-Mar-04	04-Mar-11
Monaco	30-Sep-99	30-Sep-99
Mongolia	05-Dec-01	12-May-03
Montenegro	26-May-08	04-Mar-11
Morocco	22-Sep-04	21-Apr-11
Mozambique	08-Jul-10	01-Mar-11
Myanmar	17-Sep-13	
Namibia	22-Mar-00	20-Feb-12
Netherlands	22-Sep-98	30-Apr-04
New Zealand	24-Sep-98	24-Sep-98
Nicaragua	18-Jul-02	18-Feb-05
Niger	11-Jun-04	02-May-07
Nigeria	20-Sep-01	04-Apr-07
Norway	29-Sep-99	16-May-00
Palau	13-May-05	13-May-05
Panama	11-Dec-01	11-Dec-01
Paraguay	24-Mar-03	15-Sep-04
Peru	22-Mar-00	23-Jul-01
Philippines	30-Sep-97	26-Feb-10
Poland		01-Mar-07 ¹

Portugal	22-Sep-98	30-Apr-04
Republic of Moldova	14-Dec-11	01-Jun-12
Romania		01-May-101
Russian Federation	22-Mar-00	16-Oct-07
Rwanda	18-Nov-09	17-May-10
Senegal	15-Dec-06	
Serbia	03-Jul-09	
Seychelles	07-Apr-04	13-Oct-04
Singapore	22-Sep-05	31-Mar-08
Slovakia		01-Dec-051
Slovenia		01-Sep-061
South Africa	13-Sep-02	13-Sep-02
Spain	22-Sep-98	30-Apr-04
St. Kitts and Nevis	19-May-14	19-May-14
Swaziland	23-Jul-10	08-Sep-10
Sweden	22-Sep-98	30-Apr-04
Switzerland	16-Jun-00	01-Feb-05
Tajikistan	07-Jul-03	14-Dec-04
Thailand	22-Sep-05	
Timor-Leste	06-Oct-09	
The FYROM	12-Jul-05	11-May-07
Togo	26-Sep-03	18-Jul-12
Tunisia	24-May-05	
Turkey	06-Jul-00	17-Jul-01
Turkmenistan	17-May-05	03-Jan-06
Uganda	14-Jun-05	14-Feb-06
Ukraine	15-Aug-00	24-Jan-06

United Arab Emirates	08-Apr-09	20-Dec-10
United Kingdom	22-Sep-98	30-Apr-04
United Republic of Tanzania	23-Sep-04	07-Feb-05
United States of America	12-Jun-98	06-Jan-09
Uruguay	29-Sep-97	30-Apr-04
Uzbekistan	22-Sep-98	21-Dec-98
Vanuatu	21-May-13	21-May-13
Viet Nam	10-Aug-07	17-Sep-12
Zambia	13-May-09	
Total	146	129

**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.

P – 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.

Report of the Conference on Disarmament to the General Assembly of the United Nations [CD/2080, 22 September 2016]

1. Report of the Conference on Disarmament to the General Assembly of the United Nations
[Eds . . .]

II. Organisation of the work of the Conference [Eds...]

D. Agenda and programme of work for the 2016 session

12. At its 1371st plenary meeting on 26 January 2016, following a debate in which the content of the draft agenda presented by the President of the Conference, Mr. Peters Emuze, Chargé d'affaires and Permanent Representative of Nigeria to the Conference on Disarmament, was reviewed in accordance with rule 29 of the rules of procedure, the Conference on Disarmament adopted its agenda for the 2016 session (CD/PV.1371). The agenda (CD/2052) read 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 2016 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 rules 27 and 30 of the rules of procedure of the Conference."

14. Pursuant to paragraph 65 of the 2015 report of the Conference (CD/2046), the last President of the 2015 session (New Zealand) and the first President of the 2016 session (Nigeria), conducted informal consultations during the intersessional period with a view to commencing early substantive work during the 2016 session of the Conference.

15. At the 1374th plenary meeting on 16 February 2016, the President of the Conference, Mr. Peters Emuze, Chargé d'affaires and Permanent Representative of Nigeria to the Conference on Disarmament, circulated a draft decision on a programme of work for the 2016 session (CD/WP.594).

16. At the 1376th plenary meeting on 23 February 2016, the United Kingdom presented a proposal for a programme of work for the 2016 session as contained in CD/2055.

17. Following the announcement by Mr. Sergey Lavrov, Minister of Foreign Affairs of the Russian Federation at the 1378th plenary meeting on 1 March 2016, the Russian Federation presented a proposal for a programme of work, as contained in CD/2057, at the 1381st plenary meeting, on 8 March 2016,

(CD/PV.1378 and CD/PV.1381). At the 1396th plenary meeting on 4 August 2016, the Russian Federation presented a new proposal for a programme of work, as contained in CD/2070 (CD/PV.1396), following on a proposal for a programme of work orally presented by the Russian Federation at the 1386th plenary meeting on 19 May 2016 (CD/PV.1386).

18. Ideas for a proposal for a programme of work and other ideas to the respect were shared at the Conference (CD/PV.1371, CD/PV.1376, CD/PV.1381 and CD/PV.1386).

19. The Conference held four informal plenary meetings on a programme of work: on 4 February 2016 under the presidency of Mr. Peters Emuze, Chargé d'affaires and Permanent Representative of Nigeria to the Conference on Disarmament, on 8 March 2016 under the presidency of Mr. Steffen Kongstad, Ambassador and Permanent Representative of Norway to the United Nations Office and other International Organizations in Geneva, and on 24 and 31 March 2016 under the presidency of Ms. Tehmina Janjua, Ambassador and Permanent Representative of Pakistan to the United Nations Office and other International Organizations in Geneva.

20. At the 1393rd plenary meeting on 28 June 2016, the President of the Conference, Mr. Piotr Stachanzyck, Ambassador and Permanent Representative of Poland to the United Nations Office and other International Organizations in Geneva, submitted for adoption a draft decision for the establishment of a programme of work for the 2016 session (CD/WP.595). The draft decision did not achieve consensus.

21. Throughout the 2016 session, successive Presidents of the Conference conducted intensive consultations with a view to reaching consensus on a programme of work on the basis of the relevant proposals. Delegations expressed their views on the issue of a programme of work, taking account of 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 2016. [Eds.]

III. Substantive work of the Conference during its 2016 session

29. 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.

30. On the initiative of the President of the Conference, Ms. Tehmina Janjua, Ambassador and Permanent Representative of Pakistan to the United Nations and other International Organizations in Geneva, and with the agreement of the Conference, an informal meeting was held on "women and disarmament" on 19 May 2016. On the initiative of the President of the Conference, Mr. Piotr Stachanzyck, Ambassador and Permanent Representative of Poland to the United Nations and other International Organizations in Geneva, and with the agreement of the Conference, an informal meeting was held on "main international challenges for disarmament" on 9 August 2016.

31. 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 2016 and the verbatim records of the formal plenary meetings of the Conference, is attached as Appendix II to this report.

32. The Conference had before it a letter dated 4 January 2016 from the Secretary-General of the United Nations transmitting the resolutions and decisions on disarmament and international security matters adopted by the General Assembly at its seventieth session in 2015, including those making specific reference to the Conference on Disarmament (CD/2049). The latter are listed below:

- | | |
|-------|---|
| 70/25 | Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons. (10th, 12th, 13th and 16th preambular paragraphs and operative paragraphs 2, 4 and 5) |
| 70/26 | Prevention of an arms race in outer space. (6th, 11th, 17th, 18th, 19th and 20th preambular paragraphs and operative paragraphs 5, 6 and 8) |

- | | |
|-------|--|
| 70/27 | No first placement of weapons in outer space. (7th preambular paragraph and operative paragraphs 2 and 3) |
| 70/33 | Taking forward multilateral nuclear disarmament negotiations. (4th preambular paragraph and operative paragraph 8) |
| 70/34 | Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament. (13th preambular paragraph and operative paragraphs 4, 7 and 14) |
| 70/39 | Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. (3rd preambular paragraph and operative paragraphs 1 and 4) |
| 70/40 | United action with renewed determination towards the total elimination of nuclear weapons. (Operative paragraph 15) |
| 70/43 | Regional disarmament. (Operative paragraph 1) |
| 70/44 | Conventional arms control at the regional and subregional levels. (Operative paragraph 2) |
| 70/50 | Ethical imperatives for a nuclear-weapon-free world. (9th preambular paragraph) |
| 70/51 | Towards a nuclear-weapon-free world: accelerating the implementation of nuclear disarmament commitments. (20th preambular paragraph and operative paragraph 15) |
| 70/52 | Nuclear disarmament. (16th, 18th, 19th, 20th, 21st, 22nd and 23rd preambular paragraphs and operative paragraphs 16, 17 and 20) |
| 70/53 | Transparency and confidence-building measures in outer space activities. (6th and 7th preambular paragraphs and operative paragraph 3) |
| 70/56 | Follow-up to the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons. (12th and 13th preambular paragraphs) |
| 70/57 | Universal Declaration on the Achievement of a Nuclear-Weapon-Free World. (Annex and operative paragraph 9) |
| 70/59 | Prohibition of the dumping of radioactive wastes. (Operative paragraphs 1, 5 and 6) |
| 70/62 | Convention on the Prohibition of the Use of Nuclear Weapons. (9th preambular paragraph and operative paragraphs 1 and 2) |
| 70/67 | Report of the Conference on Disarmament. (1st, 2nd, 3rd, 5th, 6th, 7th, 8th, 9th, 11th and 12th preambular paragraphs and operative paragraphs 1 to 11) |
| 70/68 | Report of the Disarmament Commission. (Operative paragraphs 2 and 10) |

33. The following document was submitted to the Conference: CD/2069, dated 3 August 2016, entitled "Mongolia on behalf of Member States of G-21. Working paper. Work of the Conference on Disarmament".

A. Cessation of the nuclear arms race and nuclear disarmament

34. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

35. On the proposal of the President of the Conference, Mr. Luis Enrique Chávez Basagoitia, Ambassador and Permanent Representative of Peru to the United Nations Office and other International Organizations in Geneva, one plenary meeting on agenda item 1 entitled "Cessation of the nuclear arms race and nuclear disarmament" was held on 14 June 2016 (CD/PV.1390).

36. The following documents were submitted to the Conference under this agenda item:

- (a) CD/2047, dated 12 October 2015, entitled "Note verbale dated 12 October 2015 to the Secretary-General of the Conference on Disarmament from the Permanent Mission of Cuba, transmitting a declaration of the

People's National Assembly of the Republic of Cuba regarding the International Day for the Total Elimination of Nuclear Weapons";

(b) CD/2050, dated 11 January 2016, entitled "Note verbale dated 7 January 2016 from the Permanent Mission of the Republic of Korea addressed to the Secretary-General of the Conference on Disarmament transmitting the statement by the Government of the Republic of Korea on the nuclear test conducted by the Democratic People's Republic of Korea";

(c) CD/2056, dated 3 March 2016, entitled "Note verbale dated 26 February 2016 addressed to the Secretary-General of the Conference on Disarmament by the Permanent Mission of Argentina in its capacity as coordinator of the work of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean transmitting the communiqué issued on 14 February 2016 concerning the forty-ninth anniversary of the signing of the Treaty of Tlatelolco";

(d) CD/2061, dated 14 April 2016, entitled "Letter dated 13 April 2016 from the Permanent Representative of the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting the statement made by the President of the Russian Federation on the occasion of the twentieth anniversary of the opening for signature of the Comprehensive Nuclear-Test-Ban Treaty";

(e) CD/2063, dated 3 June 2016, entitled "Malaysia on behalf of Member States of G-21. Working paper. Nuclear disarmament";

(f) CD/2067, dated 3 August 2016, entitled "Mongolia on behalf of Member States of G-21. Working Paper. Follow-up to the 2013 High-Level Meeting of the General Assembly on Nuclear Disarmament";

(g) CD/2072, dated 26 August 2016, entitled "Note verbale dated 22 August 2016 from the Permanent Mission of the Republic of Korea addressed to the Secretary-General of the Conference on Disarmament transmitting the commentary by the Spokesperson of the Ministry of Foreign Affairs of the Republic of Korea on the IAEA Director-General's Report regarding the Democratic People's Republic of Korea's reprocessing activities";

(h) CD/2075, dated 14 September 2016, entitled "Note Verbale dated 13 September 2016 from the Permanent Mission of the Republic of Kazakhstan to the Secretariat of the Conference on Disarmament transmitting the text of the Declaration 'The Astana Vision: From a Radioactive Haze to a Nuclear-Weapon-Free-World'".

B. Prevention of nuclear war, including all related matters

37. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

38. On the proposal of the President of the Conference, Mr. Luis Enrique Chávez Basagoitia, Ambassador and Permanent Representative of Peru to the United Nations Office and other International Organizations in Geneva, one plenary meeting on agenda item 2 entitled "Prevention of nuclear war, including all related matters" was held on 14 June 2016 (CD/PV.1390).

39. The following documents were submitted to the Conference under this agenda item:

(a) CD/2047, dated 12 October 2015, entitled "Note verbale dated 12 October 2015 to the Secretary-General of the Conference on Disarmament from the Permanent Mission of Cuba, transmitting a declaration of the People's National Assembly of the Republic of Cuba regarding the International Day for the Total Elimination of Nuclear Weapons";

(b) CD/2050, dated 11 January 2016, entitled "Note verbale dated 7 January 2016 from the Permanent Mission of the Republic of Korea addressed to the Secretary-General of the Conference on Disarmament transmitting the statement by the Government of the Republic of Korea on the nuclear test conducted by the Democratic People's Republic of Korea";

(c) CD/2056, dated 3 March 2016, entitled "Note verbale dated 26 February 2016 addressed to the Secretary-General of the Conference on Disarmament by the Permanent Mission of Argentina in its capacity as coordinator of the work of

the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean transmitting the communiqué issued on 14 February 2016 concerning the forty-ninth anniversary of the signing of the Treaty of Tlatelolco";

(d) CD/2061, dated 14 April 2016, entitled "Letter dated 13 April 2016 from the Permanent Representative of the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting the statement made by the President of the Russian Federation on the occasion of the twentieth anniversary of the opening for signature of the Comprehensive Nuclear-Test-Ban Treaty";

(e) CD/2063, dated 3 June 2016, entitled "Malaysia on behalf of Member States of G-21. Working paper. Nuclear disarmament";

(f) CD/2067, dated 3 August 2016, entitled "Mongolia on behalf of Member States of G-21. Working Paper. Follow-up to the 2013 High-Level Meeting of the General Assembly on Nuclear Disarmament";

(g) CD/2072, dated 26 August 2016, entitled "Note verbale dated 22 August 2016 from the Permanent Mission of the Republic of Korea addressed to the Secretary-General of the Conference on Disarmament transmitting the commentary by the Spokesperson of the Ministry of Foreign Affairs of the Republic of Korea on the IAEA Director-General's Report regarding the Democratic People's Republic of Korea's reprocessing activities";

(h) CD/2075, dated 14 September 2016, entitled "Note Verbale dated 13 September 2016 from the Permanent Mission of the Republic of Kazakhstan to the Secretariat of the Conference on Disarmament transmitting the text of the Declaration 'The Astana Vision: From a Radioactive Haze to a Nuclear-Weapon-Free-World'".

C. Prevention of an arms race in outer space

40. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

41. On the proposal of the President of the Conference, Mr. Luis Enrique Chávez Basagoitia, Ambassador and Permanent Representative of Peru to the United Nations Office and other International Organizations in Geneva, one plenary meeting on agenda item 3 entitled "Prevention of an arms race in outer space" was held on 14 June 2016 (CD/PV.1390).

42. The following documents were submitted to the Conference under this agenda item:

(a) CD/2060, dated 4 April 2016, entitled "Letter dated 23 March 2016 from the Permanent Representatives of the Bolivarian Republic of Venezuela and the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting the text of the joint statement by the Minister of the People's Power for Foreign Affairs of the Bolivarian Republic of Venezuela and the Minister of Foreign Affairs of the Russian Federation to declare that they will not be the first to place weapons of any kind in outer space, signed in New York on 26 September 2015";

(b) CD/2062, dated 3 June 2016, entitled "Malaysia on behalf of Member States of G-21. Working paper. Prevention of an Arms Race in Outer Space (PAROS)";

(c) CD/2078, dated 16 September 2016, entitled "Note verbale dated 29 August 2016 from the Delegation of the United States of America addressed to the Secretary-General of the Conference on Disarmament transmitting the submission of the United States to the Conference on Disarmament: 'Implementing the Recommendations of the Report (A/68/189*) of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities to Enhance Stability in Outer Space'".

D. Effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

43. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

44. On the proposal of the President of the Conference, Mr. Luis Enrique Chávez Basagoitia, Ambassador and Permanent Representative of Peru to the United Nations Office and other International Organizations in Geneva, 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 14 June 2016 (CD/PV.1390).

45. The following document was submitted to the Conference under this agenda item: CD/2068, dated 3 August 2016, entitled "Mongolia 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

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. Luis Enrique Chávez Basagoitia, Ambassador and Permanent Representative of Peru to the United Nations Office and other International Organizations in Geneva, one plenary meeting on agenda item 5 entitled "New types of weapons of mass destruction and new systems of such weapons; radiological weapons" was held on 16 June 2016 (CD/PV.1391).

F. Comprehensive programme of disarmament

48. During the general debate of the Conference, delegations reaffirmed or further elaborated their respective positions on this agenda item. These positions are duly recorded in the plenary records of the session.

49. On the proposal of the President of the Conference, Mr. Luis Enrique Chávez Basagoitia, Ambassador and Permanent Representative of Peru to the United Nations Office and other International Organizations in Geneva, one plenary meeting on agenda item 6 entitled "Comprehensive programme of disarmament" was held on 16 June 2016 (CD/PV.1391).

50. The following documents were submitted to the Conference under this agenda item:

(a) CD/2058, dated 22 March 2016, entitled "Letter dated 16 March 2016 from the Permanent Representative of the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting a Russian initiative on an international convention for the suppression of acts of chemical terrorism";

(b) CD/2059, dated 29 March 2016, entitled "Letter dated 28 March 2016 from the Permanent Representative of the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting an explanatory note and the text of elements of the draft international convention for the suppression of acts of chemical terrorism";

(c) CD/2071, dated 18 August 2016, entitled "Letter dated 3 August 2016 from the Permanent Representative of the Russian Federation addressed to the Secretary-General of the Conference on Disarmament transmitting the text of elements of the draft international convention for the suppression of acts of chemical and biological terrorism and an Addendum".

G. Transparency in armaments

51. 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.

52. On the proposal of the President of the Conference, Mr. Luis Enrique Chávez Basagoitia, Ambassador and Permanent Representative of Peru to the United Nations Office and other International Organizations in Geneva, one plenary meeting on agenda item 7 entitled "Transparency in armaments" was held on 16 June 2016 (CD/PV.1391).

H. Consideration of other areas dealing with the cessation of

the arms race and disarmament and other relevant measures

53. The following documents were submitted to the conference:

(a) CD/2048, dated 23 November 2015, entitled "Note verbale dated 18 October 2015 from the Permanent Mission of the Democratic People's Republic of Korea addressed to the Secretary-General of the Conference on Disarmament transmitting the statement delivered by the Ministry of the Foreign Affairs of the Democratic People's Republic of Korea on 17 October 2015";

(b) CD/2053, dated 28 January 2016, entitled "Note verbale dated 25 January 2016 from the Permanent Mission of Colombia addressed to the Secretary-General of the Conference on Disarmament transmitting the instrument of ratification and a declaration dated 4 September 2015 in respect of the Convention on Cluster Munitions";

(c) CD/2066*, dated 13 July 2016, entitled "Letter dated 13 July 2016 from the Permanent Representative of the People's Republic of China and the Permanent Representative of the Russian Federation to the Conference on Disarmament addressed to the Secretary-General of the Conference transmitting the text of the joint statement delivered by Mr. Xi Jinping, President of the People's Republic of China, and by Mr. Vladimir V. Putin, President of the Russian Federation, on strengthening global strategic stability";

(d) CD/2073, dated 26 August 2016, entitled "Letter dated 23 August 2016 from the Permanent Representative of Pakistan addressed to the Secretary-General of the Conference on Disarmament transmitting the statement delivered by Mr. Sartaj Aziz, Advisor to the Prime Minister of Pakistan on Foreign Affairs, during a briefing to media representatives in Islamabad on 12 August 2016";

(e) CD/2074, dated 7 September, entitled "Note verbale dated 28 August 2016 from the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office and Other International Organizations in Geneva addressed to the Secretary-General of the Conference on Disarmament transmitting the texts of the statements made by the Ministry of the Foreign Affairs of the Democratic People's Republic of Korea on 26 and 28 August 2016";

(f) CD/2076, dated 7 September 2016, entitled "Note verbale dated 30 August 2016 from the Permanent Mission of the Republic of Korea to the United Nations Office and other International Organizations in Geneva addressed to the Secretary-General of the Conference on Disarmament transmitting the statement by the Spokesperson of the Ministry of Foreign Affairs of the Republic of Korea on the Democratic People's Republic of Korea's submarine-launched ballistic missile (SLBM) issued on 24 August 2016";

(g) CD/2077, dated 13 September 2016, entitled "Note verbale dated 11 September 2016 from the Permanent Mission of the Republic of Korea addressed to the Secretary-General of the Conference on Disarmament transmitting to the Secretariat the 'Statement by the Government of the Republic of Korea on the Democratic People's Republic of Korea's Fifth Nuclear Test'";

(h) CD/2079, dated 20 September 2016, entitled "Note verbale dated 9 September 2016 from the Permanent Mission of Ukraine to the Secretary-General of the Conference on Disarmament transmitting the Comment of the Ministry of Foreign Affairs of Ukraine dated 7 September 2016 on the Russian Federation's large scale military exercises 'Caucasus 2016'". [Eds . . .]

Agenda for the 2017 session. Conference on Disarmament Nations [CD/2085, 24 January 2017]

(Adopted at the 1402nd plenary meeting on 24 January 2017)

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 2016 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.

Decision on the establishment of a working group on the “way ahead” to identify common ground for a programme of work with a negotiating mandate. Conference on Disarmament

[CD/2090, 17 February 2017]

(Adopted at the 1406th plenary meeting on 17 February 2017)

The Conference on Disarmament,

In pursuance of its agenda contained in CD/2085,

Cognizant of its role as the single multilateral disarmament negotiating forum,

Stressing the importance of adoption and implementation of a balanced and comprehensive programme of work with a negotiation mandate at the earliest possible date in its 2017 session,

Reiterating the responsibilities entrusted to the President under the rules of procedure of the Conference on Disarmament, in particular rule 29 for drawing up the programme of work of the Conference,

Recognizing the need to conduct multilateral negotiations with the aim of reaching agreement on common issues to reinforce the international security environment and architecture,

Recalling, in this respect, that the Conference has a number of important issues on its agenda for negotiations to achieve disarmament goals,

Noting the conclusions contained in the adopted final report on the work of the Informal Working Group re-established 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 as contained in CD/2033,

Decides,

1. To establish a working group on the “way ahead”, pursuant to rule 23 of its rules of procedure, in support of the President of the Conference on Disarmament, with a mandate to:
 - Take stock of the progress on all agenda items of the Conference as contained in CD/2085,
 - Identify issues for substantive work under the agenda, taking into account the efforts and priorities of the international community,
 - Identify common ground for a programme of work with a negotiating mandate,
 - Consider steps for the way ahead;

2. That the Working Group may at any time establish sub-Groups when and as required to fulfil its mandate;
3. That Ambassador Htin Lynn of Myanmar shall chair the Working Group. Should sub-Groups be established, the facilitators of the sub-Groups shall be designated by the Working Group;
4. That the Working Group, and the sub-Groups, shall remain open to all member States of the Conference on Disarmament. Those interested non-member States that the Conference has invited to participate in its work during the 2017 session are invited to attend the meetings of the Working Group and the sub-Groups;
5. That the rules of procedure of the Conference, as contained in CD/8/Rev.9, shall apply to the work of the Working Group and the sub-Groups, *mutatis mutandis*;
6. That the Working Group, and the sub-Groups, shall hold meetings during the 2017 session as per timetable established by the Chair of the Working Group, in consultation with the President. The sub-Groups shall report to the Working Group on the progress of their work;
7. That the Chair shall report to the Conference through the President of the Conference on Disarmament on the progress of the work of the Working Group on a regular basis. The sub-Groups shall submit their reports, as agreed by the member States of the Conference, to the Chair of the Working Group. The Chair shall submit the final report of the Working Group to the President as early as possible for consideration and adoption by the Conference in accordance with the Conference's rules of procedure;
8. That, should the Conference on Disarmament agree upon a programme of work with a negotiating mandate, all activities mandated by the present decision shall conclude and the Chair shall report to the President of the Conference on Disarmament on the work of the Working Group and, at the President's request, to the plenary according to the rules of procedure.

Q– Security Assurances

Editorial Note: The last four documents of this section focus on documents related to security assurances provided to Former Soviet Republics

Security Council Resolution 225

[19 June 1968]

The Security Council,

Noting with appreciation the desire of a large number of States to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons, and thereby to undertake 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,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the Treaty on the Non-Proliferation of Nuclear Weapons, appropriate measures be undertaken to safe-guard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. *Recognizes* that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. *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 or an object of threat of aggression in which nuclear weapons are used;

3. *Reaffirms* in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense 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.

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.

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 weapon 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]

[Eds...]

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.

[Eds...]

Security Assurances to Former Soviet Republics

Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons

[Budapest, 5 December 1994]

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the accession of Ukraine to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of Ukraine to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the Cold War, which have brought about conditions for deep reductions in nuclear forces.

Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to respect the Independence and Sovereignty and the existing borders of Ukraine.

2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations.

3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by Ukraine of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to Ukraine, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if Ukraine should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the Ukraine, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature.

Signed in four copies having equal validity in the English, Russian and Ukrainian languages.

Memorandum on Security Assurances in connection with Belarus' accession to the Treaty on the Non-Proliferation of Nuclear Weapons

[5 December 1994]

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the accession of the Republic of Belarus to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of the Republic of Belarus to eliminate all nuclear weapons from its territory within a specified period of time, Noting the changes in the world-wide security situation, including the end of the cold war, which have brought about conditions for deep reductions in nuclear forces. Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to the Republic of Belarus, in accordance with the

principles of the CSCE Final Act, to respect the Independence and Sovereignty and the existing borders of the Republic of Belarus.

2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of the Republic of Belarus, and that none of their weapons will ever be used against the Republic of Belarus except in self-defense or otherwise in accordance with the Charter of the United Nations.

3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interest the exercise by the Republic of Belarus of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to the Republic of Belarus, as a non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if the Republic of Belarus should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the Republic of Belarus, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature. Signed in four copies having equal validity in the English, Belarusian, and Russian languages.

Memorandum on Security Assurances in connection with the Republic of Kazakhstan's accession to the Treaty on the Non-Proliferation of Nuclear Weapons

[5 December 1994]

The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland,

Welcoming the Accession of the Republic of Kazakhstan to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon State,

Taking into account the commitment of Republic of Kazakhstan to eliminate all nuclear weapons from its territory within a specified period of time,

Noting the changes in the world-wide security situation, including the end of the cold war, which have brought about conditions for deep reduction in nuclear forces,

Confirm the following:

1. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to the Republic of Kazakhstan, in accordance with the principles of the CSCE Final Act, to respect the independence and sovereignty and the existing borders of the Republic of Kazakhstan.

2. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of the Republic of Kazakhstan and that none of their weapons will ever be used against the Republic of Kazakhstan except in self-defence or otherwise in accordance with the Charter of the United Nations.

3. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to the Republic of Kazakhstan, in accordance with the principles of the CSCE Final Act, to refrain from economic coercion designed to subordinate to their own interests the exercise by the Republic of Kazakhstan of the rights inherent in its sovereignty and thus to secure advantages of any kind.

4. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern

Ireland reaffirm their commitment to seek immediate United Nations Security Council action to provide assistance to the Republic of Kazakhstan, as a non-nuclear weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, if the Republic of Kazakhstan should become a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

5. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland, reaffirm, in the case of the Republic of Kazakhstan, their commitment not to use nuclear weapons against any non-nuclear-weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, except in the case of an attack on themselves, their territories or dependent territories, their armed forces, or their allies, by such a state in association or alliance with a nuclear weapon state.

6. The United States of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland will consult in the event a situation arises which raises a question concerning these commitments.

This Memorandum will become applicable upon signature. Signed in four copies in the English, Kazakh, and Russian languages, the English and Russian texts having equal validity. The Kazakh-language text shall be deemed to be of equal validity when its conformity with the English language text is established.

Statement by France on Accession of Ukraine to the NPT

[le 5 décembre 1994]

La France réaffirme, à l'intention de l'Ukraine, en tant qu'Etat partie au TNP comme Etat non nucléaire, la déclaration faite à l'intention des Etats non dotés de l'arme nucléaire et qui se sont engagés à le rester, de ne pas utiliser d'armes nucléaires contre eux, excepté dans le cas d'une agression menée en association ou en alliance avec un Etat ou d'autres Etats dotés d'armes nucléaires contre la France ou contre un Etat envers qui elle a contracté un engagement de sécurité.

La France, en tant que membre permanent du Conseil de Sécurité, affirme son intention d'obtenir que le Conseil prenne des mesures immédiates en vue de fournir, conformément à la Charte, l'assistance nécessaire à l'Ukraine en tant qu'Etat non possesseur d'armes nucléaires partie au TNP, au cas où celle-ci serait victime d'un acte d'agression ou ferait l'objet d'une menace d'agression avec emploi d'armes nucléaires.

La France réaffirme son engagement de respecter l'indépendance et la souveraineté de l'Ukraine dans ses frontières actuelles, conformément aux principes de l'Acte final d'Helsinki et de la Charte de Paris pour une nouvelle Europe. Elle rappelle son attachement aux principes de la CSCE selon lesquels les frontières ne peuvent être modifiées que par des moyens pacifiques et par voie d'accord, et les Etats participants s'abstiennent de recourir à la menace ou à l'emploi de la force soit contre l'intégrité territoriale ou l'indépendance politique d'un Etat, soit de toute autre manière incompatible avec les buts des Nations Unies.

La France rappelle également, à l'intention de l'Ukraine, l'importance qu'elle attache au respect, par l'ensemble des pays de la CSCE, de l'obligation de s'abstenir de tout acte de contrainte militaire ou politique, économique ou autre, visant à subordonner à leur propre intérêt l'exercice par un autre Etat participant des droits inhérents à sa souveraineté et à obtenir ainsi un avantage quelconque.

R – 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. 2015 Review Conference

[Reproduced from NPT /CONF.2015/WP.20 6 April 2015]

Introduction

1. Previous Review Conferences of the Parties to the Nuclear Non-Proliferation Treaty, 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 Treaty Review Conferences from 1975, 1985, 1990 and 1995.

2. The purpose of the present 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 entitled “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 the present paper are the statements of previous Treaty Review Conferences referring to the Zangger Committee.

Zangger Committee

Article III, paragraph 2

4. Article III, paragraph 2, of the Treaty performs a vital function in helping to ensure the peaceful use of nuclear material and equipment. Specifically, it states:

Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.

5. The main significance of the 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 Treaty unless the export is subject to International Atomic Energy Agency (IAEA) safeguards as required by article III. This is an important provision because recipient countries not parties to the Treaty may not have accepted any other nuclear non-proliferation obligations. By interpreting and implementing article III, paragraph 2, the Zangger Committee helps to prevent the diversion of exported nuclear material and equipment or material from peaceful purposes to nuclear weapons or other nuclear explosive devices, which furthers the objectives of the Treaty and enhances the security of all States.

6. The Zangger Committee understandings, in line with article III, paragraph 2, also relate to exports to non-nuclear-weapon States parties to the Treaty insofar as

the recipient should recognize the items on the trigger list as a basis for its export control decisions in the case of re-exports.

Zangger Committee understandings

7. Between 1971 and 1974 a group of 15 States, some already parties to the Treaty, others prospective parties, held a series of informal meetings in Vienna chaired by Professor Claude Zangger of Switzerland. As suppliers or potential suppliers of nuclear material and equipment, their objective was to reach a common understanding on:

(a) The definition of what constituted “equipment or material especially designed or prepared for the processing, use or production of special fissionable material” (as it was not defined anywhere in the Treaty);

(b) The conditions and procedures that would govern exports of such equipment or material in order to meet the obligations of article III, paragraph 2, on a basis of fair commercial competition.

8. The group, which came to be known as the Zangger Committee, decided that its status was informal and that its decisions would not be legally binding upon its members.

9. In 1972, the Committee reached consensus on “understandings” contained in two separate memorandums. Together, these memorandums form the guidelines of the Zangger Committee today. Each memorandum defines and provides for procedures for the export of materials and equipment described in article III, paragraph 2; the first memorandum concerns source and special fissionable material (article III, paragraph 2 (a)), the second concerns 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 national 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 Treaty 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 therefore become increasingly detailed. To date, 10 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-taking and notification of changes to the Director General of IAEA, and also for facilitating the 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. All of the following changes to the list were included in the version of the Zangger Committee understandings published as IAEA document INFCIRC/209/Rev.2.

(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 into account 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 to date. Existing portions of the section were updated and detailed lists of equipment were added for the enrichment processes, including 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 and 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 on reprocessing.

17. In February 2008, INFCIRC/209/Rev.2 was modified to include expanded details on the 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.

18. In July 2009, a correction was issued to INFCIRC/209/Rev.2 eliminating several minor errors in both memorandums A and B.

19. In June 2014, an updated list was issued in order to more clearly define the standard of implementation that all States members of the Zangger Committee regard as essential for the fulfilment of the understandings. In addition, amendments previously approved by the Zangger Committee and published as INFCIRC/209/Rev.2/Mod.1 and INFCIRC/209/Rev.2/Corr.1 were incorporated into the actual text of the trigger list in memorandum B. All of the changes to the list were included in the version of the Zangger Committee understandings published as IAEA document INFCIRC/209/Rev.3.

Membership

20. All Zangger Committee members are parties to the Treaty that are capable of supplying items on the trigger list. Currently there are 39 members (Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, China, Croatia, Czech Republic, Denmark, France, Finland, Germany, Greece, Hungary, Ireland, Italy, Japan, Kazakhstan, the Republic of Korea, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, 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). 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 interests 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. States parties to the Treaty interested in doing so should visit the Committee’s website (www.zanggercommittee.org) and may contact the secretariat (the Mission of the United Kingdom in Vienna) or any State member of the Committee.

Outreach

21. 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 Zangger 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.

22. In conducting this exercise, the Zangger Committee wishes to underline that:

(a) The outreach programme reflects the fact that the Zangger 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;

(c) The programme is informal.

23. Subjects for discussion include:

(a) The role and purpose of the Zangger Committee;

(b) The trigger list and its clarification;

(c) Conditions of supply;

(d) Membership of the Zangger Committee;

(e) The Zangger Committee and the Treaty Review Conferences.

24. In November 2008, the Zangger Committee agreed to expand its outreach programme and the Chair wrote to a number of States parties to the Treaty, inviting each to participate in an outreach dialogue with the Zangger Committee.

Zangger Committee and Treaty Review Conferences

25. At the first Treaty Review Conference in 1975, a brief paragraph in the Final Document referenced the work of the Zangger Committee without naming it. Paraphrasing, this paragraph stated that, with regard to implementation of article III, paragraph 2, the Conference noted that a number of nuclear suppliers had adopted certain minimum requirements for IAEA safeguards in connection with their nuclear exports to non-Treaty non-nuclear-weapon States. The Review 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.

26. In 1980, the Review Conference produced no consensus final document. However, the Final Document of the 1985 Review Conference 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 into account advances in technology.

27. 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 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.

28. At the 1995 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 the IAEA document INFCIRC/482 for information purposes. The working group noted that a number of States parties engaged in the supply of nuclear material and equipment 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.

29. The Conference approved, inter alia, decision 2, which contained a set of principles and objectives, and decision 3, which provided the basis for the adopted enhanced review mechanism of the implementation of the Treaty.

30. 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, principles 9 to 13). In addition, 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.

31. 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 be transparent.

32. 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.

33. At the 2010 Review Conference, export control issues were discussed in Main Committee II. While the Zangger Committee was not mentioned by name, the Final Document highlighted the importance of effective and transparent export controls and encouraged States parties to make use of multilaterally negotiated and agreed guidelines in developing their own national export controls.

34. In the preparatory cycle for the 2015 Review Conference, the Zangger Committee issued a working paper on procedures in relation to exports of nuclear materials and certain categories of equipment and material in relation to article III, paragraph 2, of the Treaty (NPT/CONF.2015/PC.III/WP.37), and subsequently invited all States parties to the Treaty to become additional co-sponsors of this working paper.

35. The statements of Review Conferences on the Zangger Committee are attached to the present document (see annexes I and II).

Annex I

References to Zangger Committee activities in Treaty Review Conference documents

First Treaty Review Conference (1975)

1. 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 connexion with their exports of certain such items to non-nuclear-weapon States not Party to the Treaty (IAEA document INFCIRC/209 and addenda). The Conference attaches particular importance to the condition, established by those States, of an undertaking of non-diversion to nuclear weapons or other nuclear explosive devices, as included in the said requirements. (NPT/CONF/35/I, annex I, page 3)

Third Treaty Review Conference (1985)

2. The 1980 Treaty Review Conference produced no final document, but the 1985 Final Document contained a reference to the Committee without naming it:

13. 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)

Fourth Treaty Review Conference (1990)

3. 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:

27. 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 co-ordinate their implementation of Article III.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 co-operation 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))

Treaty Review and Extension Conference (1995)

4. 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:

5. 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.

7. 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)

5. The Conference adopted in decision 2 a number of principles and objectives related to safeguards and export controls, which are reproduced in annex II.

Sixth Treaty Review Conference (2000)

6. 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:

41. 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 co-ordinate 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....

69. The Conference invites all States to adopt the understandings of the Zangger Committee in connection with any nuclear co-operation with non-nuclear-weapon States not parties to the Treaty. (NPT/CONF.2000/ MC.II/1)

7. 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, paragraph 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. (NPT/CONF.2000/28 (Parts I and II))

Seventh Treaty Review Conference (2005)

8. Though the Zangger Committee and export controls were discussed in Main Committee II, no consensus was reached on a text for main Committee II, nor was a final document agreed.

Eighth Treaty Review Conference (2010)

9. In the Final Document, one paragraph referenced indirectly the work of the Zangger Committee without naming it:

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. (NPT/CONF.2010/50 (Vol. I))

10. Furthermore, three of the recommendations referenced export controls:

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. (NPT/CONF.2010/50 (Vol. I))

Annex II

Principles and objectives related to safeguards and export controls, as contained in decision 2 of the 1995 Treaty Review and Extension Conference

1. Decision 2 of the 1995 Treaty Review and Extension Conference contains the following paragraphs regarding safeguards:

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

mandate.

10. All States parties required by article III of the Treaty to sign and bring into force comprehensive safeguards agreements and which have not yet done so should do so without delay.

11. International Atomic Energy Agency safeguards should be regularly assessed and evaluated. Decisions adopted by its Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency's capability to detect undeclared nuclear activities should be increased. Also, States not party to the Treaty on the Non-Proliferation of Nuclear Weapons should be urged to enter into comprehensive safeguards agreements with the Agency.

12. New supply arrangements for the transfer of source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to non-nuclear-weapon States should require, as a necessary precondition, acceptance of the Agency's full-scope safeguards and internationally legally binding commitments not to acquire nuclear weapons or other nuclear explosive devices.

13. Nuclear fissile material transferred from military use to peaceful nuclear activities should, as soon as practicable, be placed under Agency safeguards in the framework of the voluntary safeguards agreements in place with the nuclear-weapon States. Safeguards should be universally applied once the complete elimination of nuclear weapons has been achieved.

The Nuclear Suppliers Group

The Nuclear Suppliers Group: Its Origins, Role and Activities

[INFCIRC/539/Rev.6: 22 January 2015]

[Eds...]

Overview

1. The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of Guidelines for nuclear exports and nuclear-related exports. NSG Participating Governments (hereinafter referred to as "NSG participants or PGs") are listed in the Annex. NSG participants pursue the aims of the NSG through adherence to the NSG Guidelines, which are adopted by consensus, and through an exchange of information, notably on developments of nuclear proliferation concern.

2. The first set of NSG Guidelines governs the export of items that are especially designed or prepared for nuclear use. These include: (i) nuclear material; (ii) nuclear reactors and equipment therefor; (iii) non-nuclear material for reactors; (iv) plants and equipment for the reprocessing, enrichment and conversion of nuclear material and for fuel fabrication and heavy water production; and (v) technology (including software) associated with each of the above items.

3. The second set of NSG Guidelines governs the export of nuclear-related dual-use items and technologies, that is, items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but that have non-nuclear uses as well, for example in industry.

4. The NSG Guidelines are consistent with, and complement, the various international, legally binding instruments in the field of nuclear non-proliferation. These include the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Treaty for the Prohibition of Nuclear Weapons in Latin America 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 an important element of the international nuclear non-proliferation regime.

Background to Present Paper

7. The purpose of this paper is to contribute to a broader understanding of the NSG and its activities as part of an overall effort to promote dialogue and cooperation between NSG

participants and non-NSG participants. This document provides information on actions taken by NSG participants to give effect to their commitment to improve transparency in nuclear-related export controls and to cooperate more closely with non-NSG participants to achieve this objective. In so doing, it aims to encourage wider adherence to the NSG Guidelines.

8. The paper's purpose is therefore consistent with Decision 2 on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament," agreed at the 1995 Review and Extension Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPTREC) where Paragraph 17 of that document states that "transparency in nuclear-related export controls should be promoted within the framework of dialogue and cooperation among all interested States party to the Treaty." In this connection, NSG participants also take into account Paragraph 16 of that document, which calls for preferential treatment to be accorded to non-nuclear weapon States party to the Treaty in the promotion of peaceful uses of nuclear energy, taking the needs of developing countries particularly into account. This paper is likewise consistent with Paragraph 9 of United Nations Security Council Resolution 1540 on the Non-proliferation of Weapons of Mass Destruction, which "calls upon all States to promote dialogue and cooperation on 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 action by the NSG 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.2 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 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 International Atomic Energy Agency (IAEA) safeguards requirement, and a re-transfer provision that requires the receiving State to apply the same conditions when re-exporting these items. The Zangger Trigger List and the Understandings are published as an IAEA Information Circular document INFCIRC/209, as amended. The Zangger Committee has continued to meet on a regular basis since 1974 to review and amend the list of items on the Trigger List.

The NSG

11. A series of meetings were held in London from 1975 to 1978 by Canada, France, Japan, Soviet Union, United Kingdom, United States and West Germany following the explosion in 1974 of a nuclear device by a non-nuclear-weapon State, an event which demonstrated that nuclear technology transferred for peaceful purposes could be misused. This group was known as the "London Club" and later as the Nuclear Suppliers Group. 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 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 United Nations (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 NPT Review and Extension Conference (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 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 (including software) 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 I 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.) The NSG Troika, composed of the past, current and future NSG Chairs, contributes to outreach activities.

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 Arrangement, 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 the standing bodies as well as on reports from the previous NSG Chair on outreach activities, and sharing of information as specified in the 2008 Statement on Civil Nuclear Cooperation with India (INFCIRC/734). Time is also allotted to review items of interest such as trends in nuclear proliferation and developments since the previous Plenary meeting, and to reflect on priorities for the coming year.

28. The NSG has two standing bodies that report to the Plenary. These are the Consultative Group (CO) and the Information Exchange Meeting (IEM) with Chairs that have a one-year renewable term of office. The CO 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 (LEEM), discusses issues relating to effective licensing and enforcement practices. The LEEM reports the results of its discussions through the IEM Chair at the Plenary meeting.

29. NSG participants review the Guidelines published in INFCIRC /254 from time to time to ensure that they are up to date to meet evolving nuclear proliferation challenges and technology developments. As appropriate, the NSG Chair notifies the IAEA of agreed amendments to Parts I and 2 of the NSG Guidelines and their associated lists and requests that the IAEA publishes revisions to INFCIRC/254 accordingly. Such amendments can be additions, deletions, clarifications or corrections.

30. At the conclusion of a 3-year fundamental review launched at the 2010 Christchurch Plenary meeting, the 2013 Prague Plenary agreed to establish a Technical Experts Group (TEG), which will, at the request of the CG, be tasked with ensuring that the NSG control lists are complete and up-to-date with technical advancements. The TEG will meet to discuss and make recommendations to the CG on all technical questions referred to it by the CG, on an as needed basis by the CG.

31. 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, maintains the official record, notifies meeting schedules and provides logistical and practical assistance to the NSG Plenary, the CG and IEM Chairs and the Chairs of the TEO, LEEM and any working groups that may have been established by the Plenary.

How the Guidelines Work

32. The NSG Guidelines introduce a degree of order and predictability among 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.

33. 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 111.2 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 they may impact 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 collective decisions on licence applications as a group.

34. 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.

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, nuclear 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, non-proliferation 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 I 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 United Nations Security Council Resolution (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, 1977 and 2055) and the continuing work of the UNSCR 1540 Committee.

43. To further strengthen Participating Government's national export controls, the 2004 Goteborg 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, NSG 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 the possibility of future NSG-India civilian nuclear cooperation. In September 2008, NSG PGs adopted a policy statement on civil nuclear cooperation with the IAEA- safeguarded Indian civil nuclear program in the 2008 Statement on Civil Nuclear Cooperation with India (INFCIRC/734). In so doing, NSG PGs took 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 a Fissile Material Cutoff Treaty (FMCT). 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 statement notes that NSG PGs will report approved transfers to India of INFCIRC/254 Part I, 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 I, Rev. 9, paragraph I6. 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 conducted regular interactions under the auspices of the Dedicated Meeting of Technical Experts (DMTE). The fundamental review of the NSG lists was completed at the 2013 Prague Plenary. The IAEA published all 54 agreed amendments in revised IAEA documents INFCIRC/254/Part 1 and INFCIRC/254/Part 2, and the NSG published the changes on its public website.

47. At the 2011 Noordwijk Plenary, PGs concluded a multi-year effort and agreed to strengthen the NSG Guidelines on the transfer of sensitive enrichment and reprocessing technologies. The 2012 Seattle Plenary agreed to include in the Guidelines a reference to support access to nuclear material for peaceful purposes.

48. The 2013 Prague Plenary agreed to amend Paragraph 3.a and Annex C of the Part I Guidelines to reference recognized IAEA recommendations for physical protection.

49. At each Plenary meeting, NSG PGs take stock of developments in the nuclear field since the last Plenary meeting, exchange information on positive and negative developments in the nuclear non-proliferation 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 website and other transparency measures the NSG has taken.

IV. NSG Action to Promote Openness and Transparency

50. 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.

51. 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.

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. 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. As one of the factors to be considered for participation, a Government must have adhered to the Guidelines for the Export of Nuclear Material, Equipment and Technology, and the Guidelines for Transfers of Nuclear Related Dual-Use Equipment, Materials, Software and Related Technology (respectively comprising IAEA publications INFCIRC /254/Part I as amended and INFCIRC/254/Part 2 as amended, including their Annexes). Such adherence is accomplished by sending an official communication to the Director-General of the IAEA stating that the government will act in accordance with the

Guidelines. This communication is to be intended for publication in the INFCIRC series (see the Annex). States may choose unilaterally to adhere to the Guidelines without taking the step of applying to become an NSG Participating Government. In response to the interest shown by individual States and groups of States, a series of contacts have taken place to inform interested States about the NSG's activities and to encourage them to adhere to the Guidelines. Visits, meetings and/or regular briefings are organised with non-NSG participants to this end. These also provide an opportunity for outreach partners to brief the NSG on their own export control systems and seek any advice or assistance from NSG PGs.

54. 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 Goteborg Plenary to strengthen contacts with non-partners through seminars and other joint activities with States outside of the NSG. These seminars and joint activities have provided an opportunity for States, both within and outside the NSG, and non-governmental organizations to pose questions, raise topics and exchange views on nuclear export controls. Below is a comprehensive list of all outreach seminars organized by, or in cooperation with the NSG Chair of the time, as well as a number of International Export Control Seminars attended by the NSG Chair.

The below three seminars were organized by the NSG Chair and a report of each can be found on the NSG website in the Documents Section:

- [Eds...]

The NSG Chair has made presentations on behalf of the NSG at the below listed export control seminars:

- [Eds...]

The NSG Troika, led by the NSG Chair of the time, has organized or co-hosted the below listed outreach seminars:

- [Eds...]

The NSG Chair also conducts regular outreach with the IAEA, and the Chairs of the UNSCR 1540 Committee, Zangger Committee, and has participated in coordination meetings with the Chairs of the Australia Group, Wassenaar Arrangement, Missile Technology Control Regime (MTCR), and the Organization for Security and Co-operation in Europe (OSCE).

55. At the 2001 Aspen Plenary, the NSG agreed upon the creation of a website in order to better inform the public of the role and activities of the NSG. The website, with the following URLs, was opened to the public at the 2002 Prague Plenary; the 2011 Noordwijk and 2012 Seattle Plenaries undertook to refine and restructure the website to keep it up to date. At the 2013 Prague Plenary it was agreed to launch the new, revised NSG website to facilitate information sharing with the public in multiple languages.

<http://www.nuclearsuppliersgroup.org> [Eds...]

56. In order to give a practical dimension to, and a reliable framework for ongoing transparency efforts, at the 2009 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.

57. The 2012 Seattle Plenary approved a guidance document to guide the NSG's outreach activities for use by future NSG Chairs and PGs in considering the annual outreach agenda.

58. At the 2012 Seattle Plenary, NSG participants agreed on the utility of engagement with industry, and agreed to post on the NSG website, as an example of good practices, a paper entitled "Good Practices for Corporate Standards to Support the Efforts of the International Community in the Non-Proliferation of Weapons of Mass Destruction" authored by the United Kingdom with the help and support of a number of PGs.

59. At the 2014 Buenos Aires Plenary, NSG participants discussed the issues of brokering and transit/transshipment and agreed to publish on the NSG website an example of good practices in this regard, authored by Germany with the help and the support of a number of PGs, and to inform the UN Security Council Resolution 1540 Committee accordingly.

Conclusions

60. 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.

61. 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.

62. Universal transparency of the NSG Guidelines and the Annexes will continue through their publication as IAEA Information Circulars.

63. 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.

64. The NSG is committed to the further promotion of openness and transparency in its practices and policy.

Good Practices for Corporate Standards to Support the Efforts of the International Community in the Non-Proliferation of Weapons of Mass Destruction

(June 2013, reproduced from
www.nuclearsuppliersgroup.com)

The following practices are authored by the Government of the United Kingdom of Great Britain and Northern Ireland with the help and support of the Governments of Australia, Canada, Finland, Germany, Japan and the United States of America. These practices recognise that proliferation of Weapons of Mass Destruction has the potential to seriously threaten international peace and security and undermine economic, commercial and social development; and recognise the important role that the diverse commercial sector (exporters, shippers, freight-forwarders, brokers and indeed all those involved in commercial or financial transactions) can play in assisting multilateral efforts in non-proliferation of Weapons of Mass Destruction. These practices are not legally binding - they are intended to provide a platform from which individual companies may adopt internal practices and are not exhaustive. These practices complement existing legal obligations to comply with national law.

PRACTICES

It is suggested that companies should seek to:

1.0 implement internal systems to ensure due-diligence checks are carried out on potential customers and business partners and the goods, software and technology that they wish to acquire, utilising public information such as early warning lists, red- flag checklists and questionnaires provided by the United Nations, States and other parties with an interest in supporting the multilateral non-proliferation effort, and to consult with the relevant government authorities as necessary;

2.0 monitor, collate and vet enquiries within the scope of due diligence, relating to the acquisition of proliferation sensitive goods, software and technology;

3.0 consult government export control authorities before having any dealings with entities identified as being of proliferation concern either from public sources, from corporate monitoring systems or from contact with relevant competent authorities in states themselves;

4.0 implement best efforts to share information about illicit attempts to procure items for Weapons of Mass Destruction programmes

with security and other relevant agencies in the State where they are established and with business partners and others in instances where the State judges that broader publicity would be appropriate;

5.0 promote the adoption of due diligence and information sharing within the supply chain and with other business partners within the boundaries of legitimate protection of business and company information;

6.0 incorporate non-proliferation measures and export control compliance into existing Corporate Social responsibility statements;

7.0 encourage relevant industry-wide trade and professional bodies to recognise the importance of supporting and encouraging the non-proliferation effort and the measures set out herein; and

8.0 foster an open and transparent relationship with appropriate government and regulatory authorities.

Adoption and promotion of these practices will enhance active commercial sector support for non-proliferation by reducing the risk of inadvertent supply of items to illicit programmes.

Brokering and Transit/Transshipment in the Context of the NSG

(Adopted at Buenos Aires, 26-27 June 2014)

At the 31st Consultative Group Meeting in June 2013, Participating Governments mandated Germany to draft a document presenting good practices on the implementation of brokering and transit/transshipment controls as they apply to nuclear transfers.

Therefore, the present paper contains the document entitled "Good Practices for the Implementation of Brokering and Transit/Transshipment Controls", which was adopted by the 2014 NSG Plenary.

A. Introduction and background

The following practices are authored by the Government of Germany with the help and support of the Governments of Australia, Austria, Canada, Czech Republic, Denmark, Estonia, France, Hungary, Japan, Republic of Korea, Mexico, Netherlands, Norway, Portugal, Romania, Spain, Sweden, United Kingdom, United States.

The document outlines good national practices to provide an information resource for interested Participating Governments. These practices are not legally binding – they are intended to assist interested Participating Governments in considering introduction or further development of national controls on brokering and transit/transshipment.

A. Introduction and background

The following practices are authored by the Government of Germany with the help and support of the Governments of Australia, Austria, Canada, Czech Republic, Denmark, Estonia, France, Hungary, Japan, Republic of Korea, Mexico, Netherlands, Norway, Portugal, Romania, Spain, Sweden, United Kingdom, United States.

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United Nations Security Council Resolution 1540 was adopted in 2004. It decides, among other things, *"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: ...*

(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;*"

In 2009, the United Nations General Assembly adopted Resolution A/RES/63/67 – tabled by the Republic of Korea and Australia – recognising that brokering activities covered "not only conventional arms but also materials, equipment and technology that could contribute to the proliferation of weapons of mass destruction and their means of delivery" and calling upon Member States to "establish appropriate national laws or measures to prevent and combat illicit brokering activities".

The purpose of the NSG Guidelines is to avert the proliferation of nuclear weapons and to limit the risk of proliferation of such weapons by controlling transfers that could make a contribution to nuclear weapons or other nuclear explosive devices. This includes controlling exports of nuclear as well as nuclear dual-use items. Potential loopholes could be taken advantage of to shift transfer arrangements and routes and thereby circumvent a strong comprehensive export control system as laid down in the NSG Guidelines for all NSG Participating Governments. The end result would be that transfers could take place which are not in line with the purpose of the NSG Guidelines and which the NSG Participating Governments would not have authorised as exports.

During discussions on the topic of brokering and transit/transshipment between the Participating Governments, some Participating Governments considered these activities as relevant in the context of the NSG and important to be monitored.

B. Implementation [Eds...]

I. Definitions [Eds...]

II. Controls [Eds...]

III. What do we gain?

By implementing brokering and transit/transshipment controls, we can close the identified loopholes with new accompanying rules that go beyond the requirements for exports to cover other activities.

Illegal exports remain illegal exports, but controlling brokering and transit/transshipment creates an opportunity to catch additional activities, regardless of whether or not there is an illegal export as such involved.

With both elements – brokering and transit/transshipment controls – we can supplement a reasonable and functioning export control system.

Public Statement Plenary Meeting Of The Nuclear Suppliers Group

(Seoul, Republic of Korea, 23–24 JUNE 2016)

The twenty-sixth Plenary Meeting of the Nuclear Suppliers Group (NSG), chaired by Ambassador Song Young-wan of the Republic of Korea, was held in Seoul, Korea, on 23 and 24 June 2016.

The Minister of Foreign Affairs of the Republic of Korea, H.E. Yun Byung-se, welcomed the Participating Governments on behalf of the Korean Government, reaffirmed his country's strong support for NSG activities and noted the significant contribution of the NSG to global efforts to counter ever evolving nuclear threats, thus substantially reinforcing the spirit and purposes of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT). The Foreign Minister also highlighted the importance of the thorough implementation of UNSCR 2270 (2016) for the resolution of the Democratic People's Republic of Korea (DPRK) nuclear issue and asked the NSG to continue its efforts to cut off the DPRK's access to its nuclear program's supply chain.

Within the framework of the NSG's mandate, the Group expressed its concerns regarding continued global proliferation activities and reaffirmed its determination to continue to cooperate closely in order to deter, hinder and prevent the transfer of controlled items or technology that could contribute to nuclear weapons or other nuclear explosive devices. Participating Governments reiterated their firm support for the full, complete and effective implementation of the NPT as the cornerstone of the international non-proliferation regime.

Deploing the nuclear test conducted on 6 January 2016 by the DPRK, the Participating Governments reconfirmed their commitment to UNSCRs 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016) which strongly condemned the DPRK's challenge to the nuclear non-proliferation regime and underlined that export of all controlled items within the NSG to the DPRK is prohibited according to the abovementioned resolutions.

The NSG welcomed the announcement on 16 January 2016 of the Implementation Day of the Joint Comprehensive Plan of Action (JCPOA). Following up on the Extraordinary Plenary held on 21 January and 26 April this year, the NSG expressed interest in continuing to be briefed by the Procurement Working Group coordinator on the procurement channel established under the JCPOA and UNSCR 2231 (2015) as appropriate. The NSG agreed to keep this under active consideration.

Participating Governments called upon all States to exercise vigilance and to ensure effective implementation of all UNSCRs relevant to the work and purposes of the NSG.

The NSG had discussions on the issue of "Technical, Legal and Political Aspects of the Participation of non-NPT States in the NSG" and decided to continue its discussion.

At the Plenary meeting, the NSG also maintained its focus on technical issues important to the implementation of the Control Lists by exchanging views and agreeing on a number of proposals to clarify and update the NSG Control Lists and Guidelines; discussed and reaffirmed the importance of balancing confidentiality with transparency in NSG activities; and the significance of updating the NSG Guidelines to keep pace with the evolving global security landscape and a fast-paced nuclear and nuclear-related industry.

Outreach welcomed the growing number of States that have harmonized their national export control systems with the NSG Guidelines and Control lists; discussed options for enhancing outreach such as dedicated briefings for and meetings with interested non-NSG partners on the work of the Group; increased visibility of the NSG at appropriate international meetings to improve public awareness about the work and mission of the Group; and a dedicated response to non-NSG partners seeking assistance and practical experience in developing, updating, strengthening and implementing national export control systems; and shared information on all aspects of the 2008 Statement on Civil Nuclear Cooperation with India and discussed the NSG relationship with India.

The NSG Plenary invited all nuclear supplier states to express their responsible approach to nuclear exports by adhering to the NSG Guidelines.

Finally, the NSG confirmed that Switzerland will assume the Chairmanship of the NSG from 2017 to 2018 and welcomed Switzerland's plans to host the next Plenary

S – 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 be protected during the international nuclear transport 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 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 23 September 2014, 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: 22 September 2014

Signatories: 44

Parties: 155 (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
* 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
Iraq		accession	07 Jul 2014	☐	☐	06 Aug 2014
*, ^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
Kyrgyzstan		accession	15 Sep 2015	☐	☐	15 Oct 2015
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
Myanmar		Accession	06 Dec 2016	☒	☐	05 Jan 2017
Namibia		accession	02 Oct 2002	☐	☐	01 Nov 2002
Nauru		accession	12 Aug 2005	☐	☐	11 Sep 2005
[*] , ^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 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
San Marino			19 Jan 2015	☐	☐	18 Feb 2015
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
Singapore		accession	22 Sep 2014	☒	☐	22 Oct 2014
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 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 Fmr. 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 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
Zambia		accession	07 Nov 2016	☐	☐	07 Dec 2016
^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;

(c) protecting nuclear material and nuclear facilities against sabotage; and

(d) mitigating or minimizing the radiological consequences of sabotage.

2. In implementing paragraph 1, each State Party shall:

(a) establish and maintain a legislative and regulatory framework to govern physical protection;

(b) establish or designate a competent authority or authorities responsible for the implementation of the legislative and regulatory framework; and

(c) take other appropriate measures necessary for the physical protection of nuclear material and nuclear facilities.

3. In implementing the obligations under paragraphs 1 and 2, each State Party shall, without prejudice to any other provisions of this Convention, apply insofar as is reasonable and practicable the following Fundamental Principles of Physical Protection of Nuclear Material and Nuclear Facilities.

FUNDAMENTAL PRINCIPLE A: Responsibility of the State

The responsibility for the establishment, implementation and maintenance of a physical protection regime within a State rests entirely with that State.

FUNDAMENTAL PRINCIPLE B: Responsibilities During International Transport

The responsibility of a State for ensuring that nuclear material is adequately protected extends to the international transport thereof, until that responsibility is properly transferred to another State, as appropriate.

FUNDAMENTAL PRINCIPLE C: Legislative and Regulatory Framework

The State is responsible for establishing and maintaining a legislative and regulatory framework to govern physical protection. This framework should provide for the establishment of applicable physical protection requirements and include a system of evaluation and licensing or other procedures to grant authorization. This framework should include a system of inspection of nuclear facilities and transport to verify compliance with applicable requirements and conditions of the license or other authorizing document, and to establish a means to enforce applicable requirements and conditions, including effective sanctions.

FUNDAMENTAL PRINCIPLE D: Competent Authority

The State should establish or designate a competent authority which is responsible for the implementation of the legislative and regulatory framework, and is provided with adequate authority, competence and financial and human resources to 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.

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 ^c of Annex II of the Convention is replaced by the following text:

^c 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...]

Key Nuclear Security Agreement to Enter into Force. IAEA Press Release.

[08 April 2016]

A nuclear security agreement that will take effect on 8 May will reduce the risk of a terrorist attack on a nuclear power plant and make it harder to smuggle nuclear material.

The entry into force of the Amendment to the Convention on the Physical Protection of Nuclear Material (CPPNM) was secured today with the deposit of the instrument of ratification by Nicaragua, which brought the number of adherences to 102 States Parties to the CPPNM, the threshold required for the agreement to come into effect in 30 days. The Amendment, adopted more than a decade ago, will make it legally binding on countries to protect nuclear facilities. It will also extend the CPPNM's application to nuclear material in domestic use, storage and transport.

"This is an important day for efforts to strengthen nuclear security around the world," said IAEA Director General Yukiya Amano in a statement. The Amendment "will help reduce the risk of a terrorist attack involving nuclear material, which could have catastrophic consequences."

The CPPNM, the only legally binding international undertaking in the area of physical protection of nuclear material, entered into force in 1987. It focuses on the physical protection of nuclear material used for peaceful purposes during international transport, but does not cover the protection of nuclear facilities or nuclear material in domestic use, storage and transport. In July 2005, the Parties to the CPPNM adopted the Amendment. The adherence of two-thirds of the States Parties to the CPPNM was required for entry into force of the Amendment. Currently, there are 152 States Parties to the Convention.

"The entry into force of the Amendment demonstrates the determination of the international community to act together to strengthen nuclear security globally," Mr Amano said. He urged States Parties that have not yet done so to adhere to the Amendment.

The Amendment makes it legally binding for States to establish, implement and maintain an appropriate physical protection regime applicable to nuclear material and nuclear facilities under their jurisdiction. It provides for the criminalization of new and extended specified acts, and requires countries to put in place measures to protect nuclear material and nuclear facilities against sabotage.

The Amendment expands the existing offences identified in the CPPNM, including the theft and robbery of nuclear material, and establishes new ones, such as the smuggling of nuclear material and the actual or threatened sabotage of nuclear facilities. A number of the offences were also expanded to include substantial damage to the environment.

Read the full text of the Amendment here and a consolidated version of the Amendment and the CPPNM here.

The Amendment also provides for expanded cooperation and information sharing between States regarding rapid measures to locate and recover stolen or smuggled nuclear material, to mitigate any radiological consequences of sabotage and to prevent and combat related offences. It also establishes channels for cooperation and consultation, directly among States via established points of contact or through the IAEA, to obtain guidance on the design, maintenance and improvement of national systems of physical protection.

"It is now important that practical and operational arrangements and improved information exchange mechanisms be established to enable us to be better placed to face emerging nuclear security challenges," said Peri Lynne Johnson, IAEA Legal Adviser and Director of the Office of Legal Affairs.

The IAEA held the first ever Technical Meeting of the Points of Contact and Central Authorities of States Parties to the CPPNM in December 2015. Mr Amano announced last week that the IAEA will host annual meetings of national points

of contacts as well as periodic conferences to review the implementation of the convention.

"I will bring the Parties together to work out ways of improving the mechanisms for sharing such information, while protecting confidentiality," Mr Arano said.

The Director General, as depositary for the Convention will convene a conference of States Parties five years after the Amendment's entry into force to review the implementation of the amended Convention as well as its adequacy.

Although States Parties will be responsible for implementing the Amendment, the IAEA will facilitate implementation by providing

legislative and technical assistance to Member States. This includes assistance in the drafting of national implementing legislation and in establishing, implementing, and maintaining a State's physical protection regime. In addition, the IAEA continues to stand ready to help, upon request, those countries which are not parties to either the Convention or the Amendment.

"The IAEA stands ready to further strengthen its cooperation with the States Parties on their national physical protection regime applicable to nuclear material and nuclear facilities under their jurisdiction in accordance the IAEA Nuclear Security Series," said Khammar Mrabit, Director of the IAEA Division of Nuclear Security.

Status of Amendment to the Convention on the Physical Protection of Nuclear Material

[As at 01 March 2015]

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: 108

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
Azerbaijan	ratification	31 Mar 2016
Bahrain	acceptance	9 Jun 2010
Belgium	ratification	22 Jan 2013
Bosnia and Herzegovina	ratification	21 Jun 2010
Botswana	ratification	15 Sep 2015
Bulgaria	ratification	17 Mar 2006
Burkina Faso	ratification	07 Aug 2014
Cameroon	ratification	01 Apr 2016
Canada	ratification	3 Dec 2013
Chile	acceptance	12 Mar 2009
China	ratification	14 Sep 2009
Colombia	ratification	18 Feb 2014
Cote d'Ivoire	approval	10 Feb 2016
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
Djibouti	ratification	22 Apr 2014
Dominican Republic	acceptance	22 Sep 2014
El Salvador	ratification	20 Dec 2016
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
Iceland	ratification	27 Oct 2015
India	ratification	19 Sep 2007
Indonesia	ratification	27 May 2010
Ireland	ratification	22 Sep 2014
Israel	ratification	16 Mar 2012
Italy	ratification	08 Jul 2015
Jamaica	acceptance	10 Jan 2014
Japan	acceptance	27 Jun 2014
Jordan	acceptance	7 Oct 2009

Kazakhstan	ratification	26 Apr 2011
Kenya	acceptance	1 Aug 2007
Korea, Republic of	ratification	29 May 2014
Kuwait	ratification	01 Apr 2016
Kyrgyzstan	ratification	26 Sep 2016
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
Madagascar	ratification	03 Mar 2017
Mali	acceptance	27 Jan 2010
Malta	acceptance	16 Sep 2013
Marshall Islands	ratification	30 Mar 2016
Mauritania	ratification	28 Feb 2008
Montenegro	ratification	01 Apr 2016
Morocco	ratification	10 Dec 2015
Myanmar	ratification	06 Dec 2016
Mexico	ratification	1 Aug 2012
Nauru	approval	14 Jun 2010
Netherlands	acceptance	17 Apr 2011
New Zealand	acceptance	18 Mar 2016
Nicaragua	acceptance	08 Apr 2016
Niger	ratification	28 May 2009
Nigeria	ratification	4 May 2007
Norway	approval	20 Aug 2009
Pakistan	ratification	24 Mar 2016
Paraguay	ratification	11 Mar 2016
Peru	ratification	27 Mar 2014
Poland	ratification	1 Jun 2007
Portugal	ratification	26 Nov 2010
Qatar	ratification	11 Nov 2014
Rep. Of Moldova	ratification	22 Dec 2008
Romania	ratification	6 Feb 2007
Russian Federation	acceptance	19 Sep 2008
Saint Lucia	acceptance	8 Nov 2012
San Marino	acceptance	18 Feb 2015
Serbia	ratification	30 Mar 2016
Saudi Arabia	acceptance	21 Jan 2011
Seychelles	acceptance	9 Jan 2006
Singapore	acceptance	22 Oct 2014
Slovakia	ratification	07 Mar 2013
Slovenia	acceptance	1 Sep 2009
Spain	acceptance	9 Nov 2007
Swaziland	acceptance	28 Sep 2016
Sweden	ratification	23 Mar 2012
Switzerland	ratification	15 Oct 2008
Tajikistan	acceptance	10 Jul 2014
Former Yug Rep of Macedonia	ratification	25 Nov 2011
Tunisia	acceptance	7 Jun 2010
Turkey	ratification	08 Jul 2015
Turkmenistan	acceptance	22 Sep 2005
Ukraine	ratification	24 Dec 2008
United Arab Emirates	acceptance	31 Jul 2009
United Kingdom	ratification	8 Apr 2010
United States of America	ratification	31 Jul 2015
Uruguay	ratification	08 Apr 2016
Uzbekistan	acceptance	07 Feb 2013
Vietnam	ratification	3 Nov 2012
Euratom	accession	16 Dec 2015

UN Security Council Resolution 1540

[Reproduced from S/RES/1540, adopted on 28 April 2004]

See Section K

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.

Nuclear Security Summit 2016 Communiqué

[Washington DC, 2016]

The threat of nuclear and radiological terrorism remains one of the greatest challenges to international security, and the threat is constantly evolving. We, the leaders, gathered in Washington,

D.C. on the first day of April, 2016 on the occasion of the fourth Nuclear Security Summit, are proud to observe that the Summits have since 2010 raised awareness of this threat and driven many tangible, meaningful and lasting improvements in nuclear security. The Summits have also strengthened the nuclear security architecture at national, regional and global levels, including through broadened ratification and implementation of international legal instruments regarding nuclear security. We underline the importance of the Convention on Physical Protection of Nuclear Material and its 2005 Amendment and the International Convention on the Suppression of Acts of Nuclear Terrorism and will continue to work toward their universalization and full implementation. We welcome the imminent entry into force of the 2005 Amendment to the Convention on Physical Protection of Nuclear Material and Facilities and encourage further ratifications.

We reaffirm our commitment to our shared goals of nuclear disarmament, nuclear non-proliferation and peaceful use of nuclear energy. We also reaffirm that measures to strengthen nuclear security will not hamper the rights of States to develop and use nuclear energy for peaceful purposes. We reaffirm the fundamental responsibility of States, in accordance with their respective obligations, to maintain at all times effective security of all nuclear and other radioactive material, including nuclear materials used in nuclear weapons, and nuclear facilities under their control.

More work remains to be done to prevent non-state actors from obtaining nuclear and other radioactive materials, which could be used for malicious purposes. We commit to fostering a peaceful and stable international environment by reducing the threat of nuclear terrorism and strengthening nuclear security.

Sustaining security improvements requires constant vigilance at all levels, and we pledge that our countries will continue to make nuclear security an enduring priority. We, as leaders, are conscious of our responsibility. Actions taken today can prevent tomorrow's nuclear security incidents. Where we choose to take such steps visibly, in light of national conditions and while protecting sensitive information, we contribute to strengthening and building confidence in the effectiveness of our national nuclear security regimes.

Countering nuclear and radiological terrorism demands international cooperation, including sharing of information in accordance with States' national laws and procedures. International cooperation can contribute to a more inclusive, coordinated, sustainable, and robust global nuclear security architecture for the common benefit and security of all.

We reaffirm the *essential responsibility and the central role* of the International Atomic Energy Agency in strengthening the global nuclear security architecture and in developing international guidance, and its leading role in facilitating and coordinating nuclear security activities among international organizations and initiatives and supporting the efforts of States to fulfill their nuclear security responsibilities. We welcome and support the Agency in convening regular high-level international conferences, such as the December 2016 international conference on nuclear security including its Ministerial segment, to maintain political momentum and continue to raise awareness of nuclear security among all stakeholders.

We seek to maintain the international network of officials and government experts who have supported the Summit process and to incorporate the broader community of States, as well as encourage the continued engagement of relevant partners in nuclear industry and civil society.

In our continued collective determination to ensure political momentum and to continuously strengthen nuclear security at national, regional, and global levels, we resolve to implement the attached Action Plans, in support of the international organizations and initiatives to which we respectively belong (the United Nations, the International Atomic Energy Agency, INTERPOL, the Global Initiative to Combat Nuclear Terrorism, and the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction), to be carried out on a voluntary basis and consistent with national laws and respective international obligations. These plans reflect the political will of participating States.

The 2016 Summit marks the end of the Nuclear Security Summit

process in this format. We affirm that the Communiqués from the 2010, 2012 and 2014 Summits and the Work Plan of the 2010 Summit will continue to guide our efforts as we endeavor to fully implement them.